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Honouring of obligations and commitments by Albania

Report
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
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Summary

The report welcomes the progress towards a functioning pluralist democracy and a state governed by the rule of law and respect for human rights, which was made by the Albanian authorities in the past three years. There have been improvements in the functioning of state institutions and notably in the increasing influence of parliament in Albanian political life.

However, the progress achieved is threatened by the potential for exercising illicit influence on public life by organised crime and a part of the legitimate business which wishes to profit from the lack of regulation and control. This threat is enhanced by a relatively weak and inefficient state administration, particularly in key sectors such as police, tax and custom authorities and an inability to effectively control financial transactions and prevent money laundering.

The monitoring procedure should remain open until the Albanian authorities achieve further progress in the compliance with general obligations and specific commitments resulting from Council of Europe membership, notably to demonstrate tangible achievements in preventing and fighting corruption and organised crime, to improve their record in the implementation of legislation and to carry out elections in full compliance with international standards.

I. Draft resolution

1. The Parliamentary Assembly welcomes the progress towards a functioning pluralist democracy and a state governed by the rule of law and respect for human rights which has been made by the Albanian authorities in the past three years. There have been improvements in the functioning of state institutions and notably in the increasing influence of parliament in Albanian political life. The last period has also seen an unprecedented attempt at inter-party dialogue and co-operation which – in spite of being fragile and short-lived - demonstrated that there was an alternative to perpetual confrontation and obstructionism which has so far dominated Albanian politics.

2. In the past eighteen months there has been a surge in legislative activity which produced new laws in all key areas of reform. The government has taken action against traffickers in human beings and succeeded to reduce the level of illegal traffic in human beings across the Adriatic sea.

3. Internationally, Albania has begun to negotiate a Stabilisation and Association Agreement with the European Union. It has steadily improved relations with all its neighbours and played a constructive role in helping the international community's effort in Kosovo.

4. However, the progress achieved is threatened by the potential for exercising illicit influence on public life by organised crime and a part of the legitimate business which wishes to profit from the lack of regulation and control. This threat is enhanced by a relatively weak and inefficient state administration, particularly in key sectors such as police, tax and custom authorities and an inability to effectively control financial transactions and prevent money laundering.

5. In spite of the serious efforts invested by the authorities, the fight against poverty and corruption remains a serious challenge for Albania.

6. The judiciary system, which should play the most critical role in the fight against corruption and organised crime, is weak and ineffective. Its personnel is poorly paid and trained and seems to be at least partially corrupt.

7. The inability of the Albanian police, prosecutors and judges to successfully find, arrest, prosecute and convict serious offenders, and in particular members of organised crime syndicates, fundamentally undermines democracy and the rule of law in the country. Impunity and freedom of operation for organised crime, which benefits from weak governance and the judiciary's failure to operate efficiently, is a threat not only to public order but to the economic prospects and the political stability of the country.

8. Financing of political parties remains unregulated and the body responsible for auditing assets of public officials has just been set up and has yet to prove its efficiency.

9. The government should make serious efforts to improve the implementation of key legislation. Piling up laws which are not properly implemented is counterproductive. The ultimate test of governmental action is not what it puts on paper but what it achieves in practice.

10. A more assertive role of the Parliament in the democratic scrutiny of governmental conduct is critically important. Both the majority and the opposition party – which should take a clear stand against violent anti-government protests - have responsibilities in this regard. The Assembly recalls that the two main political parties – the Democratic Party previously in power and the Socialist Party currently in power – share common responsibility for problems and shortcomings that Albania is facing and bear responsibility for improving the situation in the country.

11. The Assembly, while recognizing that improvements have been made, wishes to see further progress also in the organisation and administration of elections – notably with regard to civil registers and voters' lists and in the protection of human rights, notably with regard to the conduct of the police.

12. The Assembly welcomes the recent opening of a Council of Europe Information Office in Tirana and the re-establishment of an internationally-staffed Council of Europe presence in Albania. The Assembly also welcomes the signing of a new Joint Programme for Albania between the Council of Europe and the European Commission in November 2003, and believes that this programme should help the Albanian authorities to fully comply with the obligations and commitments resulting from its Council of Europe membership.

13. The Assembly congratulates the Albanian authorities on the opening of the talks on the Stabilisation and Association Agreement with the European Union. It wishes to stress, however, that future development of relations with the EU will inevitably depend also on the progress achieved in areas covered by the Assembly's monitoring. The compliance with the commitments and obligations resulting from Council of Europe membership should not be regarded as a nuisance but an investment in Albania's future and the authorities' attitude with regard to the monitoring procedure should reflect this reality.

14. With regard to the fight against corruption and organised crime – which it considers the single most important threat to the functioning of democratic institutions and the rule of law in the country – the Assembly asks the Albanian authorities to:

i. adopt a law on the conflict of interests, a law on the financing of electoral campaigns and a law on the functioning of political parties;

ii. ensure that the recently created High inspectorate for declaration of assets of elected and public officials will quickly, concretely and convincingly demonstrate its ability to provide a systematic and credible audit of the assets of Albanian elected and public officials, including the assets of their family members;

iii. review the functioning of its border control, customs and tax authorities, as well as the administrative structures entrusted with the control of financial transactions, in order to improve their efficiency in the prevention of illegal trafficking, money laundering, corruption and other similar criminal undertakings;

iv. ensure that investments made in Albania are not financed with money originating from illegal activities and organised crime;

v. bring an end to the excessively lenient attitude with regard to corruption and other forms of professional misconduct among judges and prosecutors. When justified by law, persons guilty of such conduct should not only be dismissed but prosecuted;

vi. ensure that judges and prosecutors are properly trained, remunerated and protected from threats to their physical and professional integrity;

vii. enforce more vigorously the existing laws against human trafficking and ensure that its victims receive necessary assistance and support, including witness protection if they agree to testify against the traffickers;

viii. ensure that the recent laws on the Court for serious crimes and on the protection of witnesses are implemented without delay and in a concrete and fully functional way.

15. With regard to the functioning of democratic institutions, the Assembly asks the Albanian authorities to:

i. carry out a review of recently adopted legislation and, where this has not yet been done, secure budgetary means and adopt all other administrative measures necessary for their speedy and meaningful implementation;

ii. revise the Rules of Procedure of the Albanian parliament in order to reinforce its scrutiny of government action, notably when it comes to the preparation and implementation of legislative acts;

iii. create – without any further delay and before the next parliamentary elections – a reliable civil register which should serve as the basis for a new voters' list. In addition to the reform of the electoral law carried out in 2003 with the help of the international community, it is also necessary to review the present election administration in order to limit the excessive role of the main political parties in election procedures and remove all other reasons for the persisting failure to carry out properly conducted elections in line with international standards.

16. With regard to human rights and fundamental freedoms, the Assembly asks the Albanian authorities to:

i. put in place procedures for mandatory investigation of all complaints of mistreatment or torture by the police, speedily enforce the recommendation contained in the Report by the European Committee on the Prevention of Torture, continue and expand human rights training of police and effectively complete the transfer of competence for detention centres to the Ministry of Justice;

ii. investigate all reports and punish all incidents of abuse of homosexuals;

iii. speedily implement all recommendations contained in the 2002 Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities, through an open dialogue with the minority groups concerned;

iv. repeal or substantially review the criminal defamation laws and reform civil defamation laws in order to prevent their abusive application;

v. improve the regulation on ownership and financing of media outlets in order to improve transparency and prevent abuse and improper influence - on the media and through the media – by those who financially control them.

17. With regard to formal commitments entered into upon accession to the Council of Europe, the Assembly asks the Albanian authorities to sign and ratify, without further delay, the European Charter for Regional or Minority Languages.

18. The Assembly considers that the monitoring procedure should remain open until the Albanian authorities achieve further progress in the compliance with general obligations and specific commitments resulting from Council of Europe membership, notably to demonstrate tangible achievements in preventing and fighting corruption and organised crime, to improve their record in the implementation of legislation and to carry out elections in full compliance with international standards.

II. Explanatory memorandum by the co-rapporteurs

I. INTRODUCTION

1. Albania joined the Council of Europe on 29 June 1995. On its accession, Albania accepted the obligations incumbent on all member states under Article 3 of the Statute: compliance with the principles of pluralist democracy and the rule of law and with the principle of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms. At the same time, it entered into a number of specific commitments which it agreed to honour within specified deadlines, and which are listed in Opinion No. 189 (1995) on Albania's application for membership of the Council of Europe.¹

2. The Committee on Legal Affairs and Human Rights opened the monitoring procedure under Order 508 (1995) on 6 November 1995 and presented the first report on the honouring of obligations and commitments by Albania in January 1997.²

3. Since 1997 the Monitoring Committee continues the monitoring procedure under Resolution 1115 (1997). A report by co-rapporteurs, Mr Jerzy Smorawinski, (Poland, EPP) and Jordi Solé Tura (Spain, SOC) was presented to the Assembly in June 2000.³

4. Mr Soeren Soendergaard (Denmark, UEL) replaced Mr Solé Tura as rapporteur on 7 March 2001.

5. Apart from formal requests to sign and ratify key Council of Europe instruments, Assembly's Opinion 189 (1995) on Albania's request for Council of Europe membership contains commitments on the freedom of expression, the role of the prosecutor's office, the independence of the judiciary, constitutional reform and the settlement of international disputes with peaceful means.

6. These commitments remain essential in terms of Albania's human rights and democratic conduct, and will remain a focus of this report. In addition to these commitments, the co-rapporteurs have decided to give a closer look to Albania's respect of general obligations resulting from Council of Europe membership, notably in the area of the functioning of democratic institutions, the rule of law and the respect of human rights and rights of national minorities.

7. The first preliminary draft of the present report was adopted by the Monitoring Committee on 4 March 2003 and sent to the Albanian parliamentary delegation for comments. Regrettably, there has been no substantial response within the three month period stipulated by the rules and the comments received on 6 November 2003 were not sufficiently precise, exhaustive or relevant.

8. Given the rapidly changing political situation in Albania, the co-rapporteurs decided to carry out another fact finding mission to the country (from 10 to 14 November 2003) and to present a revised version of the preliminary draft report with a view to its presentation to the Assembly in the first part of 2004.

II. POLITICAL AND ECONOMIC DEVELOPMENTS SINCE JUNE 2000⁴

A. Political developments

9. The parliamentary elections in June 2001 brought a victory for the incumbent socialist government, which won 84 against opposition's 46 of total 140 seats in the Parliament.

¹ See Assembly's Opinion No. 189 (1995) reproduced in Appendix 2 and Resolution (95)8 of the Committee of Ministers.

² Resolution 1114 (1997).

³ Resolution 1219 (2000).

⁴ Adoption of the last monitoring report on Albania.

10. On the whole, the elections marked a moderate improvement compared to earlier highly controversial polls. However, international observers⁵ qualified the election process as protracted, litigious, uncertain and fragmented. A number of serious irregularities (stuffing of ballot boxes, pre-marked ballots, problematic vote tabulation), led to a series of re-runs, recounting of ballots by local district courts and final deliberations in the Constitutional Court, which delayed the publication of official results until 21 August 2001.

11. The ODIHR final report, published on 11 October 2001, questioned the margin but did not dispute the overall victory of the Socialist Party.

12. The opposition coalition "Union for Victory", led by the Democratic Party (DP), refused to accept the election results and boycotted parliament until January 2002. The opposition's return to parliament was brokered by the European Parliament, which used the prospect of talks on Stabilisation and Association Agreement (SAA) with EU as an incentive to resolve the crisis.

13. Accusation of corruption and abuse of power voiced by their Party Chairman Fatos Nano led to the resignation of four government ministers in December 2001. The Prime Minister Ilir Meta, also targeted by Nano's accusations, stepped down in January and was succeeded by Pandeli Majko in February 2002.

14. In March 2002, the Parliament voted in favour of the opposition's demand to dismiss the Prosecutor General Rakipi, accused of abusing power in Nano's favour. The dismissal was declared unconstitutional on procedural grounds by the Constitutional Court, which led to the resignation of the Parliamentary Speaker Namik Dokle and his replacement by Servet Pellumbi. The event did little to improve relations between Nano and Meta, whose faction was instrumental in the vote to dismiss Rakipi.

15. The European Parliament's resolution in April 2002 endorsing the opening of talks on Stabilisation and Association agreement with Albania and the Commission's positive decision in June, led to an appeasement of the political climate in the country and produced some examples of unprecedented inter-party cooperation resulting in a written "Agreement on Institutional Reform" signed by Nano and DP Chairman Berisha on 19 June 2002. This agreement paved the way for the consensual election of the country's President, the end of opposition's two years long boycott of the local municipal councils and the revision of the electoral code.

16. According to the Albanian constitution, the President of the Republic is elected by the Parliament with a qualified 3/5 majority of votes i.e. 84 out of 140 votes. Party splits and feuds on both sides complicated the situation to the point of endangering the election of the President, which could have resulted in new general elections and jeopardise the opening of negotiations on the Stabilisation and Association Agreement. Faced with this prospect, and under considerable international pressure, the two political leaders Nano and Berisha agreed on the retired army general and former defence minister Alfred Moisiu as a consensual candidate. He was elected in the first round of vote on 24 June 2002 with a comfortable margin of 97 votes.

17. The presidential election was followed by the formation of a new Socialist Party government led by Fatos Nano, which included two ministers from the Agrarian and Human Rights Party, representing mainly the Greek ethnic minority. The new cabinet also included Ilir Meta as Deputy Prime Minister and Minister of Foreign Affairs, which brought some hope of an end to the party feud between the two SP leaders.

18. The second positive consequence of the more cooperative approach between Albania's two leading political forces was the creation of a "Bipartisan Commission", (BPC) set up by the Parliament in May 2002 to prepare a revision of the electoral code on the basis of the recommendations made in ODIHR's final report on the 2001 parliamentary elections.

⁵ International Election Observation Mission, composed of the OSCE and Council of Europe Parliamentary Assemblies, the European Parliament and ODIHR.

19. The BPC, which included all parliamentary parties at the beginning but has been restricted to only the DP and SP, was assisted by the OSCE presence in Albania and received expert advice from ODIHR, the Council of Europe and IFES⁶. A new electoral code was adopted in June 2003, and brought significant changes in areas such as complaint and appeal process, role of observers, registration of candidates, role of police and media coverage.

20. After the expiry of the BPC mandate, two protocols were signed by the SP and DP to deal with a number of outstanding issues, such as the selection and the composition of the Central Electoral Commission and lower electoral bodies and the criteria for zone boundaries. These changes, which strengthened the influence of the two biggest parties in the procedure, were adopted outside the BPC framework, without the consultation of smaller parties and, in some respects, against the advice of international experts. Moreover, some important issues, such as the legislation on campaign and party financing and possible reform of the electoral system were left out of the package, with an agreement to return to these questions after the local elections planned for October 2003.

21. A period of consensus lasted throughout the second half of 2002 and created opportunity for some progress in terms of legislative reform and concrete governmental action. During this period, the parliament adopted a number of important laws, and the authorities carried out a well prepared and executed operation "Mirage 2002" against human traffickers. The parliament finally seemed to gain importance as the main area for political confrontation between government and the opposition.

22. By the end of 2002, the agreement between SP and DP all but broke down yet some of the positive trends have survived the breakdown of the formal agreement – the work in the BPC continued throughout the first half of the 2003, and the work on crucially important and politically sensitive legislation on property legislation is also going on. Operation Mirage 2003 in September resulted in a considerably higher number of arrests of human traffickers than the first operation a year ago. The parliament seems to be maintaining, at least for the time being, its recently discovered relevance in Albanian political life.

23. On 7 February 2004 the Democratic Party organised protests in front of the Prime Minister's office in Tirana, to tap discontent over government's increase in telephone, electricity and water charges. Police had to intervene when some 4000 protesters tried to break into the building housing the Prime Minister's Office. The violence was immediately and unconditionally condemned by foreign diplomats and international representatives.

24. Parallel to the new deterioration of relations between the two main political forces, the divisions within the Socialist Party erupted again and led to the resignation of the Deputy Prime Minister and Foreign Minister Ilir Meta, as well as the Minister of State for European Integration Sokol Nako in July. Protesting against Nano's leadership of the party, the Meta faction in parliament twice helped to block the elections of ministerial candidates, both for the post of foreign minister and the post of minister of interior, who was forced to resign in October after he physically assaulted a TV journalist in a Tirana café.

25. Nano promptly retaliated by appointing ad interim ministers, which provoked some criticism as, according to the constitution, outgoing ministers should remain in their posts until the election of their successors by the parliament. Regrettable as this may be, it should also be noted that the previous Foreign Minister is himself blocking the election of his successor and the conduct off all involved reflects on the generally low level of democratic political culture that persists in Albanian political life.

26. The deadlock came to an end when a new coalition government, led by Fatos Nano was formed in the last days of 2003. On 16 January the new government survived a no-confidence vote over its handling of an accident which killed at least 21 persons trying to reach Italy illegally.

⁶ International Foundation for Election Systems.

27. Local elections, the first ones to take place on the basis of the new Electoral Code, were held on 12 October 2003. The initial assessment of international observers from ODIHR and the Council of Europe's Congress of Local and Regional Authorities was generally positive, noting "further progress towards compliance with OSCE, Council of Europe, and other international standards, though a number of shortcomings need to be addressed before the next parliamentary elections".⁷

28. However, the post-electoral period has been seriously affected by incompetence, disorganisation and political obstructionism. The situation was particularly serious in Tirana, where problems and delays undermined the initial positive assessment of the vote.

29. The main controversy, particularly in Tirana and Durres, were the voters lists. Although the Preliminary Conclusions of the ODIHR initially stated that there was no evidence of political manipulation, or that the problem with voter lists could have affected the results, further information have shown that voter lists were actually worse than in previous elections and presented a serious handicap which must be resolved before next elections are held.

30. The present procedures give excessive influence in the running of elections to political parties. Voters and their rights seem to be left out of the equation and the co-rapporteurs were surprised to learn, for example, that political parties had the possibility of moving voters from one polling station to another, without being obliged to inform the persons in question. This seemed to be one of the main causes of problems related to voters' lists and while the co-rapporteurs are not in a position to judge whether any of the parties abused this possibility, they insist that the whole administration of the voting must be reviewed.

B. Economic situation

31. In spite of high growth throughout the last decade, a contained inflation and a stable currency, Albania remains one of the poorest countries in Europe. Its GDP per capita remains in the range of 1,400 – 1,500 EUR.

32. Recorded unemployment remains stable at 14-16%, but this may be misleading, as many of the unemployed do not register with social security services. Moreover, a number of officially unemployed persons are active in the grey economy.

33. Agricultural production contributes to almost a third of the GDP⁸, while industry suffers from weak infrastructure, old technology, widespread electricity shortages, weak legal security and insufficient financial services for the private sector. The level of direct foreign investment is one of the lowest in Europe.

34. One of the key characteristics of the Albanian economy is a considerable trade deficit. In financing this deficit, Albania very much depends on external financial resources, and notably remittances by expatriates which amounted to nearly 300 million EUR in 2002.

35. One of Albania's greatest transition handicaps remains the circulation of money outside banking channels, estimated by the International Crisis Group at 950 million EUR⁹ and growing. According to the same source, only about 10 % of the population have bank accounts, which hinders government action against money laundering and hurts fiscal revenue.

36. Due to inefficient management of tax and customs administration, fiscal revenue in 2002 reached only 20,4 % of GDP, which is one of the lowest in Europe. Moreover, most of this revenue was generated through high pressure on a relatively small base of regular taxpayers, with little effort to curb widespread tax evasion.

37. The European Commission repeatedly complains about the slow progress on creation of structures for efficient, comprehensive and credible financial control and audit. While the Supreme Audit Institution (SAI) has been set up and is operating and some key laws and governmental

⁷ See ODIHR/CLRAE Press release of 14 October 2003.

⁸ Commission staff working paper, Albania Stabilisation and Association Report 2003.

⁹ [Albania: State of the Nation 2003](#), Balkans Report N°140, 11 March 2003.

decrees have been adopted – notably the ones creating the Public Internal Financial Control Department in the Ministry of Finance, there is still much to be done to complete the Albanian public internal financial control and audit system and make it function in an efficient and credible manner.

C. International relations

The European Union

38. Negotiations for a Stabilisation and Association Agreement (SAA) were officially launched at the end of January 2003.

39. The European Commission, which has been publishing annual reports on Albania for several years, published its most recent assessment in March 2003. The report finds limited progress in addressing Albania's numerous challenges. The Commission's earlier recommendations had been only partially complied with. Improvements in the political climate led to some, but insufficient progress.

40. The Report states that negotiations on SAA cannot be concluded before Albania demonstrates its ability to implement its provisions. Particular attention should be given to justice and home affairs. While some improvements have been noticed in controlling illegal immigration towards the EU, the trafficking in human beings, drugs and other forms of organised crime, as well as corruption in key areas such as the judicial system, customs and police, remain matters of deep concern. Improvements in the judiciary have been limited and the prosecution of crimes remains poor.

41. The latest round of negotiations between Albania and the EU took place on 6 and 7 November 2003 in Tirana. After the talks, the EU Chief negotiator, while recognising progress at technical level, and particularly the agreement on the readmission of illegal immigrants, used very strong language to convey a message of growing concern at the slow pace of reform, which may put at risk the negotiation process.¹⁰

The United States

42. Good relations with the United States remain one of the priorities of Albania's foreign policy and links forged at the time of NATO intervention in Kosovo and the ensuing refugee crisis in Albania remain very strong.

43. Some seventy Albania troops are stationed in Mosul in Iraq, as part of the US led coalition¹¹.

44. Albania was one of the first countries in South-Eastern Europe to sign and ratify a bilateral agreement subjecting Albania's co-operation with the International Criminal Court, in cases concerning United States citizens, to prior agreement by the United States Government. The Assembly considers that such agreements are in breach of the Rome Statute of the ICC¹². This is consistent with the EU position which also criticised Albania's acceptance of the exemption agreement. In spite of signs that the EU decided to play down this controversy this may change with the recent demands by the European Parliament to link the EU financial assistance to countries in the Stabilisation and Association Process to their refusal to conclude bilateral agreements jeopardising the full effectiveness of the ICC.

45. The United States administration, while generally supportive of the Albanian authorities, is nevertheless profoundly concerned with the scale of the corruption and crime in the country. Speaking recently at the Magistrate's School in Tirana, US Ambassador James Jeffrey stated that "crime was destroying Albania and challenging its ability to enter Western institutions"¹³.

¹⁰ Delegation of the European Commission in Albania, Press release of 7 November 2003.

¹¹ Albania is also contributing to peace keeping efforts in Afghanistan and in Bosnia and Herzegovina.

¹² Assembly Resolution 1336 (2003) on Threats to the International Criminal Court.

¹³ Speech of 27 October 2003, published on US Embassy's web site <http://www.usemb-tirana.rpo.at/>.

Countries in the region

46. Generally regarded as one of the biggest achievements of the Albanian government, bilateral relations with neighbouring countries are improving, both politically and economically. Diplomatic relations with Serbia and Montenegro were fully normalised in August 2002. Despite several border incidents, bilateral relations are also improving with the former Yugoslav Republic of Macedonia. There is good cooperation in defence matters, but trade links remain underdeveloped.

47. Italy and Greece are Albania's two most important trading partners, as well as countries with the biggest number of Albanian foreign workers. Relations are generally good, with close cooperation on issues such as the fight against illegal immigration and human trafficking. However, some tensions with Greece after recent reported irregularities and violent incidents during local elections in the area of Himarë were reported.

48. Albania should be given credit for its attitude with regard to Kosovo. The authorities are focusing on strengthening of business, economic and cultural ties with the UN administered province. Recent initiatives by some Kosovo political parties calling for the unification of the province with Albania received little attention or encouragement in Tirana.

D. Organised crime and corruption

49. The scale of organised crime and corruption remains the single most important problem for Albania. The fall of the hermetic and paranoid regime was followed by a period of political instability, coupled with general poverty and lack of economic opportunity. It resulted in a massive exodus of population towards Western Europe. This provided the first opportunity for criminal enterprise, and huge illegal benefits, produced through human trafficking, were later "reinvested" in the development of more diversified criminal activities, from drug and weapon smuggling to prostitution.

50. In the course of 2003 the Albanian authorities have stepped up their efforts against the organised crime. During the operation code-named "The Iron Fist", 310 persons affiliated to 88 different criminal groups were detained and significant property was confiscated from persons involved in the trafficking of human beings.

51. The situation is made worse by the very poor state of the administration, lack of resources in police and judiciary, and, most of all, because of widespread corruption. The collapse of state authority following the pyramid schemes in 1997, made an already bad situation even worse. Most of the country's criminals escaped from prison and many were never caught. Huge amounts of weapons disappeared and very few were recovered.

52. Today, Albanian crime syndicates are part of the European crime network. They control large parts of drug and prostitution trade in Northern and Central Europe, and have developed close collaboration with criminal gangs from the former Yugoslavia and Russia. These illegal activities produce huge gains, a substantial part of which is allegedly sent back to Albania.

53. According to International Crisis Group¹⁴ an estimated 50 % of Albanian GDP is generated from illegal activities ranging from people and drug trafficking to the smuggling of cars and cigarettes. Much of these illegally earned benefits are laundered through the building of hotels, bars, restaurants and flats.

54. Another serious problem is widespread corruption which, in spite of considerable efforts invested by the authorities, in close cooperation with the civil society, continues to have multiple negative effects on the economic as well as on the political situation in the country. Bribery undermines the trust of foreign investors and the local population alike. In the Transparency International Corruption Perceptions Index 2003, Albania occupies the 92nd place¹⁵ out of 133 countries on the list.

¹⁴ Albania :State of the nation 2003, published on 11 March 2003.

¹⁵ Together with Argentina, Ethiopia, Gambia, Pakistan, Philippines, Tanzania and Zambia.

55. The 1st Evaluation report of the Group of Countries against corruption (GRECO)¹⁶ was adopted in December 2002. The report states that corruption is affecting the activity of most Albanian institutions¹⁷, undermining the democratic and economic development of the country. The report nevertheless gives credit to the Albanian authorities for the efforts invested so far in fighting against this phenomenon.

56. In 2000, the government presented a revised Anti-corruption Plan and, on the recommendation by Council of Europe experts, set up an Anti-corruption Monitoring Group (ACMG) to supervise its implementation. Soon after, an Anti-corruption Unit was set up at the Prime Minister's Office. Two internationally financed projects, implemented with the assistance of Council of Europe experts, have been carried out since, focusing on issues such as improvements to the criminal code and the code of criminal procedure, and the assistance to the prosecution, the judicial police and the courts to identify gaps and practical problems related to the investigation and prosecution of corruption. As a result, a law on ethics for public administration was adopted in September 2003, while a package of amendments to the criminal code and criminal procedure code are currently under government's review.

57. The co-rapporteurs encourage the authorities to continue and intensify their anti-corruption campaign. Future priorities should include the adoption of a law on the conflict of interests and a law on funding of political parties.

III. HONOURING OF OBLIGATIONS AND COMMITMENTS

A. Council of Europe Conventions set out in Opinion No. 189 (1995)

58. Albania has in a timely manner honoured almost all formal commitments undertaken upon accession to the Council of Europe namely the signature and ratification of 47 European Conventions and treaties¹⁸.

59. Since the last report the Albanian authorities have ratified Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the Death Penalty (21/09/2000). The European Social Charter (14/11/2002), the Convention of Cyber Crime, the Civil and Criminal Law Convention on Corruption, the Convention on Laundering, search, seizure and confiscation of the proceeds from Crime, the European Convention on Suppression of Terrorism, the European Cultural Convention, were also signed and ratified.

60. Nevertheless, it is regrettable that the European Charter for Regional or Minority Languages has neither been signed nor ratified and the Albanian authorities are strongly encouraged to make progress in this direction.

61. It should also be stressed that the commitment to honour its obligations before the Council of Europe also implies the effective implementation of the Conventions.

62. The Rapporteurs also strongly disagree with views of some prominent members of the Albanian government, expressed during the visit, that, after the launching of the SAA negotiations with the EU, the Assembly's monitoring procedure is no longer justified, necessary or relevant. They should like to recall that Albania voluntarily accepted commitments and obligations' resulting from Council of Europe membership and it is therefore up to the competent bodies of this organisation to decide when these commitments and obligations are satisfactorily respected. Moreover, it is rather unlikely that Albania's institutional relations with the EU will advance in any meaningful manner until there is evidence of further progress in areas covered by Council of Europe's competence and mandate. Recent statements of EU Commission and European Parliament's representatives have shown that they have serious concerns in this regard.

¹⁶ Greco Eval I rep (2002) 9E final.

¹⁷ The report, on the basis of surveys referred to by the Albanian government, singles out the judiciary, the customs, the privatization agency and the health service as those among the most corrupt.

¹⁸ See in appendix 3 the list of dates of signature and ratification of European Conventions by Albania.

B. Functioning of democratic institutions

Parliament

63. Ever since the fall of communism, Albania had an animated and occasionally turbulent political life. Its main characteristic has been, and continues to be, a very strong polarisation between the two dominant political forces, the Socialist Party, led by Fatos Nano, and the Democratic Party, led by Sali Berisha. These political differences, to some extent, also reflect divisions between the southern and the northern part of Albania.

64. During the last twelve years, Albania held five parliamentary elections, with only two parliaments, elected in 1992 and 1997, serving the full term of four years. After the first, and short lived victory of the Socialist Party in 1991, the Democratic Party dominated the political scene between 1992 and 1997, when the Socialist Party took power again and confirmed its victory four years later in 2001.

65. All elections, with the exception of the last one, were won with comfortable margins. This, combined with the lack of democratic tradition and political culture, resulted in a succession of weak parliaments. Governments, be they Democratic or Socialist, used the parliament to rubber stamp cabinet decisions rather than present and argue policies, while the opposition, more often than not, resorted to obstructionism and boycott.

66. This, to some extent, has changed, partly because of a narrower majority and the presence of small parties in Parliament, partly as a result of the pressures of the international community which led to more dialogue and cooperation between political parties on issues such as electoral and property legislation. The Parliament is finally - albeit slowly - becoming the central arena for co-operation, and confrontation, between political forces in the country.

67. While this has led to a substantially increased legislative output, the Parliament is still unable to properly screen draft laws presented to it by the government, which results in the adoption of laws which are incomplete, unworkable, financially not viable or otherwise handicapped. The Parliament should also be more active in scrutinising government's record in the implementation of laws, through the question time and requests for systematic and comprehensive reports on government's activities.

68. The co-rapporteurs therefore recommend the revision of the Parliament's rules of procedure, with the view of setting up more appropriate and efficient committee structures, entrusted with the screening of draft legislation.

69. Moreover, the Parliament should review its procedures and insist on regular, substantial, transparent and comprehensive government reporting on the implementation of laws.

Government

70. The present government should be given credit for a very substantial number of draft laws which it sent to the Parliament. Many important laws, concerning key areas from election legislation to fight against corruption have been passed or are likely to be passed soon. The main criticism is that, far too often, these draft laws are not well prepared, and not well implemented. While Parliament should do more to screen the legislation presented to it, the primary responsibility lies with the government.

71. The co-rapporteurs therefore recommend that the government reviews the recently adopted legislation, prepares, where this has not yet been done, implementing or accompanying legislation, secures budgetary means and adopts all other measures within its power to improve the implementation of reforms. In the future, the government should present draft legislation accompanied by realistic deadlines,¹⁹ estimated financial implications, secured budgetary means and prepared implementing decrees.

¹⁹ During the visit many of the interlocutors expressed concerns that the recently adopted Law on the Court for Serious Crimes and the Law on the Protection of Witnesses are impracticable in their present form, but the list may include other laws as well.

72. The co-rapporteurs are also concerned by widespread accusations of corruption and links with organised crime. The co-rapporteurs are not in position to comment or verify the veracity of the numerous allegations which circulate in political and media circles in Tirana. They are concerned, however, by the lack of a comprehensive legislative framework and functioning administrative structures which would protect the Albanian society from the emergence of the conduct which is alleged in these accusations.

73. This is particularly worrying given the amount of money which is reportedly controlled by crime syndicates in Albania. The absence of efficient means to prevent or prosecute any attempts to exercise improper and undue influence in governmental and public affairs represent an immediate and serious threat to the credibility and the normal functioning of the government as well as the opposition. The threat of such influence does not come only from organised crime. Legitimate firms may as well be tempted to exert improper influence to obtain illegal tax, custom or other benefits. Tax evasion, for example, is a regular phenomenon.

74. The co-rapporteurs welcome the recent setting up of the High Inspectorate for declaration of assets of elected and Albanian Public Officials but insist that this body must quickly and convincingly demonstrate its ability to provide a systematic, comprehensive and credible audit of assets governmental and other public officials, and their families. They also call for a speedy adoption of a law on the conflict of interests, which would provide additional means to prevent, detect and sanction improper conduct of public officials.

75. Such audit, together with a better control of custom and tax authorities, procedures for public procurement and issuing of government licences for financial transactions and other relevant sectors, as well as an improved performance of the police and the judiciary in prosecuting corruption and organised crime, is the only way to prevent a situation in which corruption and weak governance begin to mutually reinforce each other.

Elections

76. The co-rapporteurs visited Albania a month after the local elections took place. At that time, the results for Tirana had not yet been officially declared and the post-electoral controversies had seriously undermined the initial positive assessment of international observers.

77. During their stay, the co-rapporteurs were shown copies of allegedly falsified voting material from several polling stations in Tirana. Again, the co-rapporteurs were not in position to judge the verify these allegations, but on 2 December, the Electoral Panel of the Tirana Court of Appeal decided the election rerun in 118 voting centres in Tirana which took place on 28 December.

78. The OSCE/ODIHR Final report called the elections a “missed opportunity”. While it noted important improvements in the campaign, media coverage, the handling of complaints and appeals, and election administration, the process –according to ODIHR – was again protracted and litigious. Problems with counting were particularly widespread. As a positive development, the report notes that the elections resulted in an orderly change in municipal governments throughout the country, and no newly elected bodies have been boycotted.

79. The co-rapporteurs are also concerned with reports of violence and widespread irregularities which occurred in the area of Himarë during the vote on 12 October and the re-run a month later.

80. The continued problems with voting lists, blamed for much of the irregularities in the latest local elections, should be quickly resolved. This should be achieved through the on-going efforts to create a reliable civil register – as long as this is not done, there will be no reliable voters’ lists.. Also, the administration of elections, which was not included in the mandate of the bi-partisan commission, and was decided at the last moment by the two main parties acting alone, should be urgently reviewed.

81. Another urgent problem concerning elections are the loopholes in the legislation regulating the financing of electoral campaigns and political parties in general. This again causes serious concerns with regard to undue and improper influence. These laws are currently being reviewed, with the assistance of Council of Europe experts, and the co-rapporteurs ask the Albanian authorities to speedily implement their recommendations.

82. The bi-partisan commission also agreed to look, at a later date, into the possibility of introducing a greater degree of proportionality in the Albanian electoral system. While there are no common standards on these aspects of electoral systems in Europe, given the situation in Albania, the co-rapporteurs are personally in favour of such an initiative. This could create greater inter-dependence between political parties and be beneficial to inter party dialogue and co-operation.

83. The co-rapporteurs agree that the 2003 local elections marked certain improvement with regard to previous ones, particularly with in respect of the conduct of the police and media. They repeat however, that further progress is needed and express hope that the next parliamentary elections will be carried out in full compliance with international standards.

C. Human Rights

84. The situation in Albania appears to be generally good, and there are no reports of widespread serious abuses of human rights, with a notable exception of police abuse. The co-rapporteurs would like to express their appreciation for the work of the Ombudsman, the People's Advocate, which, in the past three years of its existence, imposed itself as an important and influential institution successfully dealing with an impressive number of individual complaints of human rights violations. They also welcome the fact that, in January this year, the Albanian authorities agreed to the publication of the report on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which took place in October 2001²⁰. Another visit by the CPT took place in July 2003 and the co-rapporteurs call on the Albanian authorities to agree to the publication of the new report, once it is adopted by the CPT.

Police abuse

85. According to the findings in the CPT report and in the view of most Albanian and international human rights bodies, improper detention conditions for persons in police custody, abuses of authority, mistreatment and even torture, remain widespread in Albania. The situation is made worse by virtual impunity for police officers committing violations of human rights. Such practice is also rarely condemned by the hierarchy.

86. The co-rapporteurs call on the Albanian authorities to put in place transparent and effective procedures to ensure mandatory investigation of all complaints of mistreatment and torture. They should also speedily enforce the recommendations contained in the CPT report, continue and expand human rights training of police and effectively complete the transfer of competence for detention centers to the Ministry of Justice. They should also end the practice of holding prisoners on remand in police stations. However, a transfer of responsibility will not be enough to satisfactorily improve conditions in detention facilities, which are generally inadequate and suffer from a shortage of funds and poor infrastructure.

Media

87. Albania has an astonishingly varied and pluralist media landscape - there are, reportedly, twenty five TV channels and ten daily newspapers in Tirana alone²¹ and, according to most observers, they represent very different views including those critical of the government.

88. There are few reported incidents of physical intimidation - in spite of the recent assault of a journalist by the Minister of Public Order, who was later forced to resign. There are, however, allegations of harassment of some media critical of the government who were exposed to excessive attention by the financial police or tax authorities.

89. The co-rapporteurs are concerned by the fact that criminal defamation laws are still in force and may be used to intimidate and suppress critical voices in the media. They call on the authorities to repeal or substantially review the criminal defamation laws and to reform civil defamation laws in order to prevent their abusive application.

²⁰ CPT/inf(2003)11.

²¹ A new copyright legislation, introduced during the time of our visit, is expected to raise the costs and force some channels to close down.

90. The co-rapporters are also concerned by the lack of transparency and regulation in the media market. The number of operating media outlets, be they printed or electronic, exceeds by far the number that could realistically subsist in the existing Albanian market. Even if the operating costs are cheaper than elsewhere, and much of the broadcasted programme is allegedly pirated, it is reasonable to believe that many of these media outlets are losing money. While losing money is not illegal, such practice does raise a question on what are the real reasons behind the existence of so many media outlets. The lack of financial regulation, control and transparency again creates a risk of undue and improper influence - on the media and through the media - by those who financially control them.

91. The co-rapporters therefore recommend improving the regulation and control of the ownership and financing of media outlets, distribution of broadcasting licences, as well as a more strict application of copyright laws. The co-rapporters believe that this would be beneficial in terms of genuine media freedom and, consequently, also the normal functioning of democratic institutions.

92. Another concern is the absence of an independent public broadcaster in Albania. The former state television is controlled by the parties in power and is neither «public nor independent», according to media experts in Tirana. The co-rapporters ask the government to undertake all legislative, administrative and financial initiatives to guarantee a normal economic functioning and editorial independence of the Albanian TV.

93. The rapporteurs also believe that there is a need to provide possibilities for professional training for journalists and stress the importance of a professional code of journalist ethics, which should be drawn up with the assistance of the international community.

Minorities

94. Albania recognises three groups as national minorities (Greek, Macedonian and Montenegrin) and two “linguistic minorities” (Vlach/Aromanian and Roma). At the political level, minorities are mainly represented through the Human Rights Union Party.

95. The rights of minorities in Albania are enshrined in the 1998 Constitution. According to the Constitution, minority groups enjoy the same civil, economic social and political rights as other Albanian citizens and discriminatory treatment is forbidden by the law. In September 1999, Albania ratified the Framework Convention for the Protection of National Minorities of the Council of Europe, which entered into force in respect of Albania on 1 January 2000. In July 2001, Albania presented its first state report under this Convention. On the recommendation of the Convention’s advisory Committee, the Albanian authorities adopted a National Strategy for the improvement of living conditions of the Roma population.

96. In its opinion on the state report, adopted in September 2002²², the Framework Convention’s Advisory Committee noted considerable progress in the treatment of national minorities, but called for further efforts in relation to the use of minority languages in relations with administrative authorities. It also recommended the adoption of a clear legal and administrative framework for the display of traditional local names, street names and other topographical indications in minority languages and expressed concern with persisting discrimination and prejudice against the Roma population.

97. There is a need for accurate statistical information on the number and location of persons belonging to national minorities, which could, for example, be gathered through a national census.

98. Supplementary measures are also required to improve access to radio and television broadcasting for persons belonging to national minorities, and to extend minority language education, where there is a need and a demand, for Montenegrin, Roma and Aromanian / Vlach minorities, and also Greek and Macedonian minorities in areas where such education is not available.

²² Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Albania, 12 September 2002, ACFC/INF/OP/I(2003)004.

99. The co-rapporteurs call on the Albanian authorities to speedily implement all recommendations contained in the Advisory Committee's Opinion, ensuring at the same time an open dialogue with the minority groups concerned.

Gays and lesbians

100. Albania de-penalized homosexual relations in 1995, but numerous reports on mistreatment of homosexuals by the police testify to persistent homophobia which prevails in the forces of order, but also in other parts of state administration and general public.

101. The co-rapporteurs call on the Albanian authorities to investigate and punish all incidents of abuse of homosexuals, and to introduce positive measures to combat homophobia in the society.

Trafficking in human beings

102. Police operations against human traffickers across the Adriatic Sea in the past two years have led to a considerable reduction in the number of illegal crossings. However, a relatively low level of convictions among the persons arrested in actions against human traffickers and continued sporadic evidence of human trafficking through other channels - including of women and children forced or trapped into prostitution - calls for a sustained effort and maintained vigilance to end this repulsive criminal activity.

103. The co-rapporteurs are also concerned about the growing evidence of illegal adoptions and trafficking in human organs involving Albanian citizens. While calling on the Albanian authorities to act quickly and efficiently against such practice, they also stress the need for parallel action in the countries of destination, mainly in Western Europe.

104. In the light of the recent tragic accident in which at least 21 Albanian citizens have lost their lives the co-rapporteurs call for a comprehensive government survey of the current situation concerning trafficking in human beings in or through Albania, a more aggressive prosecution of human traffickers and more vigorous implementation of anti-trafficking laws.

105. They should also ensure that the victims of trafficking receive necessary assistance and support, including witness protection and the right to stay in Albania if they so wish.

106. While many of the current victims of human trafficking come from other countries, Albanians, and particularly women and children, continue to be affected. The international community should help the Albanian authorities to develop, finance and implement preventive measures, dealing with economic and social hardship in many areas across Albania which is exploited by the traffickers.

D. The rule of law

The functioning of the judiciary

107. This is perhaps the single most important challenge in Albania's transition to a normally functioning state based on the rule of law. The judiciary system is very weak, with poorly paid and poorly trained personnel. It is plagued by corruption, exposed to political pressures and unprotected against intimidation from crime syndicates.

108. In 2002, 12 prosecutors have been dismissed, and other disciplinary measures have been taken against 23. Five judges have been dismissed from duty and 2 reprimanded.²³ However, it is striking that no prosecutors or judges have been criminally prosecuted for corruption or improper professional behavior. Such a lenient approach is difficult to understand given the pervasive character of corruption in Albania and especially within the judicial system. Firmer measures, when justified, should be used to dissuade improper conduct among judges and prosecutors.

109. Threats to physical integrity of judges and prosecutors, and members of their families or their staff are also a serious concern. A tragic illustration of this threat was the recent assassination of the driver of the State Prosecutor, who was killed in the presence of the Prosecutor's family.

²³ Commission Staff Working Paper : Albania, Stabilisation and Association Report 2003

110. The weakness of the judiciary is illustrated by its poor record in prosecuting serious crimes, such as trafficking. In the first nine months of 2002, 213 cases were opened against traffickers, but only 37 went to trial, while 176 were ultimately dismissed for insufficient evidence or procedural errors. Moreover, all convictions resulted in the imposition of the minimum penalties foreseen by the penal code.²⁴

111. The co-rapporteurs accept that the authorities have passed several important laws to improve this situation. The Law on the Organization and Functioning of the High Council of Justice – a body responsible for proper operation of the judiciary, including inspection and disciplinary procedures, was adopted in June 2002. A package of amendments to the Criminal Code and the Criminal Procedure Code, introducing new offences such as trafficking in human beings and the criminal liability of legal persons, as well as providing for stronger penalties and special investigative means related to economic crime are currently being reviewed by the government.

112. More recently, the Parliament passed laws on the Court for serious crimes and on witness protection. While these laws certainly represents a critically important part of the overall strategy to improve the judiciary's efficiency in the fight against organized crime it regrettably suffers from the same flaws as many other legal acts adopted in the last year.

113. According to the Law on the Court for serious crime, this new judicial body should start operating as of 1 January 2004. At the time of our visit in Tirana (November 2003), the selection of the judges to be appointed to the court had just begun. It is utterly unrealistic to expect that two months would be enough to appropriately select, appoint and - most importantly - train these new judges for their difficult and crucially important task.

114. Another concern with regard to the Law is a very broad definition of the new court's jurisdiction. Serious crimes, according to the Chairman of the High Council of Justice, are to include all crimes for which the Albanian criminal code foresees penalties of fifteen years and above, which risks to cripple the new court capacity to deal with organized crime by flooding its docket with many common crimes such as murder.

115. Similarly, the Law on the protection of witnesses was criticized for its lack of clarity and precision. It is important to say witnesses should be protected – and according to our interlocutors, threats against witnesses are the main reason for such a poor rate of convictions - but it is also necessary to define who should do it and how. It is important to stress that an effective witness protection programme will require the assistance and cooperation of other countries, as most of the protected witnesses will have to leave the country in order to guarantee their safety.

116. With regard to training, the co-rapporteurs welcome the contribution of the Albanian Magistrate's School, set up in 1995 under a joint Council of Europe and EU programme. They call on the Albanian authorities to contribute to the school's management capacities and independence, particularly through regular and sufficient budgetary allocations.

117. The co-rapporteurs recommend to the Albanian authorities to review the causes for the excessively lenient attitude with regard to corruption and other forms of professional misconduct among judges and prosecutors. Rules should be reviewed, if necessary reinforced and strictly applied. When justified, judges and prosecutors should not only be dismissed, but prosecuted.

118. The authorities should also review and analyse the reasons for such a low percentage of indictments that result in convictions. A stricter judiciary review, through appellate courts and the High Council of Justice, should ensure that justice is served.

119. Given the fact that many cases collapse because of the lack of evidence, the authorities should also look into the role of the judicial police in investigations concerning organised crime, and, if necessary, make improvements in their working methods and in their cooperation with prosecutors.

²⁴ Commission Staff Working Paper : Albania, Stabilisation and Association Report 2003

120. The co-rapporteurs also insist that judges and prosecutors must be properly trained, remunerated, and protected from threats to their physical and professional integrity.

121. The Laws on the Court for serious crimes and on the protection of witnesses should be implemented in an efficient and fully functional way.

IV. CONCLUSIONS

122. The co-rapporteurs welcome the progress towards a functioning democracy and a state ruled by law, which was made by the Albanian authorities in the past three years. There have been some improvements in the functioning of state institutions, the organization of elections and in relations with the neighboring countries.

123. The co-rapporteurs are also concerned that the progress achieved is threatened by the potential for exercising illicit influence on public life, be it by organized crime or legitimate business profiting from the lack of regulation and control.

124. The threat is enhanced by relatively weak and inefficient state administration, particularly in key sectors such as police, tax and custom authorities and inability to effectively control financial transactions and prevent money laundering. The general standard of living is low, which contributes to the risk of corruption, in spite of the serious efforts invested in the fight against this phenomenon.

125. The co-rapporteurs wish to stress that the present shortcomings cannot be attributed solely to the current Socialist-led government. The Democratic Party and parties close to it share the responsibility for the present situation, because some of the problems date from the period when they were in government and also because, as the opposition, they far too often preferred to throw a spanner in the works rather than act as a constructive opposition within the political institutions of the state.

126. Moreover, the rapporteurs are concerned that financing of political parties remains unregulated and the body responsible for auditing assets of public officials has just been set up and has yet to prove its efficiency.

127. The judiciary system, which should play the most critical role in the fight against organized crime, is weak, ineffective, poorly paid and trained, and at least partially corrupt.

128. The inability of the Albanian police, prosecutors and judges to successfully find, arrest, prosecute and convict serious offenders, and in particular members of organized crime syndicates, is a Damocles' sword over the future of the country. Impunity and freedom of operation for organized crime, which results from the weak governance and the judiciary's failure to operate efficiently, is a threat not only to public order, but to the economic prospects and the political stability of the country.

129. The co-rapporteurs are extremely concerned by the violent incidents during the anti-government protests which took place in the beginning of February 2004 in Tirana. They call on all parties, and in particular on the Democratic Party and its leader Sali Berisha to take a clear stand against political violence and refrain from any acts which COULD undermine the functioning of the political institutions in Albania;

130. The government should invest serious effort to improve the preparation and the implementation of key legislation. Piling up laws which are unworkable is counterproductive and potentially dangerous. The ultimate test of governmental action is not in what it puts on paper, but what it achieves in practice.

131. A more assertive role of the Parliament in the democratic scrutiny of governmental conduct is critically important in this regard. Both the majority and the opposition party have responsibilities in this regard.

132. The co-rapporteurs, while recognizing that improvements have been made, wish to see further progress also in the organization and administration of elections – notably with regard to civil registry and voters' lists, and in the protection of human rights, notably with regard to the conduct of the police.

133. The co-rapporteurs consider that the monitoring procedure should remain open until the Albanian authorities demonstrate tangible achievements in preventive and curative action against the organized crime, improve their record in the implementation of legislation and carry out elections in full compliance with international standards.

APPENDIX 1

COMMENTS BY THE ALBANIAN DELEGATION
ON THE PRELIMINARY DRAFT REPORT
[AS/Mon (2004) 04]



REPUBLIC OF ALBANIA
The Parliament

**Albanian Delegation to the Parliamentary Assembly of the Council of Europe
The Chairman**

Tirana, 23 February 2004

Dear Mrs Durrieu,

I am pleased to send You and the co-rapporteurs, Mr Smorawinski and Mr Soendergaard, the comments and the added information on the draft report concerning Albania.

The following institutions helped in drafting these comments:

- 1-Ministry of Foreign Affairs
- 2-Ministry of Public Order
- 3-Ministry of Finance
- 4-Ministry of Justice
- 5-Ministry of Economy
- 6-Ministry of State for Coordination

I would like that the co-rapporteurs take into consideration the following comments:

Paragraph 17: ... *the Party of Human Rights represents the Greek Minority.*

This party, based on its statute, represents all the minority groups settled in Albania.

Paragraph 19: ... *the Bipartisan commission consists of all political parties.*

Actually this commission consists of the two principal parties in Albania, Socialist and Democratic Party.

Paragraph 24: ... *the Minister of Public Order in Tirana was forced to resign after he physically assaulted a TV journalist in a Tirana café.*

This case should be considered as a signal of the functioning of democracy, not vice versa. The comment would be necessary if the Minister didn't resign.

Paragraph 31: In my opinion these facts should be based also on official figures of the state budget for 2004. Thus, GDP in 2003 is 1950 USD compared to 1557 USD for 2002, whereas for 2004 it is supposed to go to 2166 USD i.e. 11% up. The real increase of GDP for 2003 is 6% compared to 4.7% of 2002. Whereas in 2004 is predicted to increase 6%. What is worth to mention is the fact that the figures included in the material are twice higher than years ago, which classified Albania by the international institutions (as the case of World Bank) in more advanced groups referring the financial grants.

Paragraph 33: ...Albania has a high fiscal burden.

Fiscal burden in Albania is not high, based on a comparative analysis of the level of taxes with regional countries of Western Europe; the outcome is that in Albania this fiscal burden is the lowest.

Paragraph 35:... The greatest handicap of Albania remains the circulation of money outside the banking channels...

This assessment is realistic but there is some progress in this direction. Thus as a result of a serious reconstruction process in the biggest bank of Albania, Saving Bank (the establishment of the on-line system in five more branches of this bank during 2003, the training of the staff, etc) made possible **its privatization by the Austrian "Reiffeisen Bank"**, and is considered as the most successful privatization in Albania, during the transition period. It will further help to develop the Bank market and the financial accountability in Albania through the improvement of the bank services and simultaneously by the attraction of cash flow within the bank system.

Moreover, the establishment of the Deposit Insurance Agency at the end of 2002, beginning of 2003, turned back into the Bank system the money withdrawn from Bank deposits in March 2003.

In the framework of a middle term program with the IMF we have identified the ways to decrease the circulation in cash. Thus, within September 2004, over 10 % of the public administration civil servants will get their salary directly in bank account.

Paragraph 36: ...due to insufficient management of tax and customs administration, fiscal revenue in 2002 reached only 20.4% of GDP.

In fact, the last three years in spite of the low level of fiscal income in proportion with the GDP, the increase of incomes from tax and custom administration is 15-20% higher per year, whereas the effect of the increase of these incomes in the state budget as a result of the economic growth (Albania had a sensible economic growth up to 6% in real terms and 10% in nominal terms) is evaluated up to 10 %. Technical missions have estimated the budget program of incomes especially the fiscal one as very ambitious, allowing for an annual increase of fiscal incomes no more than 1% higher of GDP.

Paragraph 36: ... revenue generated through high pressure on a relatively small base of taxpayers...

The number of taxpayers is increased 10-15% per year as a result of a more serious approach by the tax administration on the reduction of informal economy. During 2003 the number of taxpayers is 55000 against 48000 at the end of 2002.

Following the FIAS report (Foreign Investment Advisory Service, sponsored by the World Bank), the Albanian government under the leadership of the Ministry of Economy approved an action plan aiming the exemption of administrative barriers and easing of foreign investments. This action plan is implemented in cooperation with the business community.

Paragraph 37:... slow progress on creation of structures for efficient, comprehensive and credible financial control and audit.

During 2003, with the technical and financial assistance of the World Bank, it was made possible the approval of the updated law for internal control and financial audit of the public sector and within a short period of time it was accompanied by the subsequent legal acts. Manuals of internal control and public audit were published and there was also established the auditing Committee.

The further development of this sector is technically supported by CARDS program, a process positively estimated by the donors.

Paragraph 40: Here I believe that there is place for improvement of the remarks concerning the trafficking of human beings. According to the report of the Italian Police Force (Interforza), SECI, the number of illicit trafficking cases of human beings is reduced.

During 1999 there were 46.481 cases, in 2000 - 18.990 cases were registered, 2001 there were 8546 cases and in 2002 there were 3155 cases and in 2003 there were only 58 persons. Furthermore the Ministry of Public Order has adopted serious measures to improve its performance by dismissing the corrupted people (23 cases at the beginning of the year 2004).

Last week, the Ambassador of the United States in Tirana, James Jeffrey, stated that during the recent months a drastic reduction of human beings trafficking through Adriatic sea has been recorded...

Paragraph 43: *...Some seventy Albania troops are stationed in Mossul in Iraq as part of the US led coalition*

It is worth to mention the **60 Albania troops located in Afghanistan and almost the same number located in Bosnia Herzegovina**. This is an indicator of the stability role of Albania in the region and its participation in the fight against international terrorism and this fact has not merely to do with its relations with the USA.

Paragraph 44: concerning the signing of the bilateral agreement between Albania and USA.

Albania has expressed its trust and support for the International Criminal Court and has offered its contribution, which is reflected **in the ratification of the Statute of Rome by the Albanian Parliament**. The agreement signed with the USA is in the framework of bilateral cooperation and it does not oppose the Rome Statute. Moreover, Albania has taken into consideration all the suggestions of EU during the Danish Presidency for the signing of bilateral agreements (guidelines of EU on Article 98 concerning bilateral possible Agreement with USA), and what is more important, Albania has signed the unilateral agreement which does not exclude the Albanian citizens from the ICC jurisdiction.

Paragraph 46: there is good cooperation in defence matters but the trade links remain underdeveloped. (countries of the region)

It is important to mention that the cooperation with regional countries aims at the implementation of the Free Trade Agreement, and the setting up of a Balkan market of about 60 million people, that is a prerequisite for our integration and joining the EU. Since last December our country has closed the round of bilateral negotiations with the countries of the Memorandum of Understanding for the Liberalization and Facilitating of the Regional Trade by signing six Free Trade Agreements. We are working on their implementation aiming at the liberalization of 90% of the mutual trade up to 2008.

Paragraph 47: It is important to clarify that the incident in Himara during the municipal election day was not provoked by the police forces but by some Albanians living in Greece. The incident of Himara has no link with the question of minorities there.

Paragraph 49: The report doesn't mention the attempts of the Albanian authorities to fight the organized crime especially during the end of 2003, as it is the case of the confiscation of properties of traffickers (168 objects, 58 restaurants, hotels and apartments) thanks to the success of the "Iron Net" Operation.

In 2003, 310 gang members were detained, organized in 88 criminal groups. In the framework of the fight against organized crime Albania established for the first time the Court for Serious Crimes, set up a Task Force against organized crimes covering five districts, established the Directory against Organized Crime with the assistance of foreign specialists under the PAMECA and ICITAP programs etc. All these show the positive steps of the Albanian police against organized crime.

[The comparison made in a previous version of paragraph 50 that *"The organised crime in Albania is modelled after the Italian mafia"* could lead to a misunderstanding. Indeed such comparisons and criteria do not match with the nature of the report. On the contrary, they sound degrading and discriminatory not only to Albania but also to the other side as well. This sentence has been so far fortunately deleted by the rapporteurs]

Paragraph 50: The actual situation has no reference with that of post 1997. Only in January 2004, 9 fugitives of 1997 were captured. The Albanian Interpol Bureau is closely cooperating with International Interpol for the identification of those abroad.

Paragraph 51:...*Albanian crime syndicates are an European phenomenon. They control large parts of drug and prostitution trade in Northern and Central Europe...*

The Albanian authorities cooperate closely with Europol and other anticrime organisms to fight international crime. Underlining the nationality of crime syndicates creates the impression that the European crime is an Albanian responsibility. I think that this paragraph should be deleted, since eventually it may be conceived as a national discrimination.

Paragraph 53: The report doesn't mention the latest report of GRECO (December 2002) on Albania, which is generally positive and encouraging for the Albanian authorities. Referring to the Transparency International Corruption Perception compromises the balance of this draft report.

Paragraph 58: ... *it is regrettable that the Charter for Regional or Minority Languages has neither been signed nor ratified...*

The opinion 189 says: to study, aiming the ratification, Charter of the regional or minority languages, thus, this document is under the process of study, aiming the signing or its ratification. **This charter is signed only by 17 countries.**

Paragraph 61: ...*the political difference reflect to some extent the ethnic division between north and south part of Albania.*

This is a wrong conclusion. There is no ethnic division between north and south part in Albania. The latest local elections demonstrated a substantial reduction of differences in political preferences between north and south. DP won in some important southern cities as Lushnja, Saranda and Korça, while the SP won in northern important municipalities of Kukes, Lezhe Puka and Koplik.

Paragraph 76: This paragraph should include the rerunning of elections in 118 polling stations of Tirana (28 December 2003) following the decision of the Electoral College, which took into consideration the complaints of the candidate of the opposition. These elections reconfirmed the result of 12 October 2003 and there were no complaints.

Paragraph 77: the rapporteurs express their concern about the use of violence and irregularities in minorities areas during the local election of October 12. The state structures maintained a correct stand during these elections.

Paragraphs 83 and 84 concern the abuses of police forces. As the rapporteurs put it in the CPT reports, they recommend improvements in prisons, medical care there etc, the violation of human rights and maltreatment of detainees. The reporters should mention the progress made in this direction, in paragraph 16 of the latest report of CPT is written:

Albanian authorities have taken measures, in accordance with recommendations of CPT concerning the abuses of police forces. There are some cases when the high officials of the state police have faced the law. Having in mind, the scale of the problems these measures are as initial steps to the proper direction.

Furthermore, based on the report of the 8 meeting of the Committee on the reform in the jails of Albania, held on November 2003, in Tirana, is mentioned the progress made to the legislative reforms in the detention centers in Albania. The approval of the legal framework is the first important step for the implementation of the recommendation of CPT.

[The explanation made by rapporteurs in a previous version of paragraph 83, related with the cease of the use of violence, saying that this problem exists as a result of "a culture of violence" that prevails in the police forces in Albania, this fact does not respond to the reality. Some sporadic cases do not represent the whole police force.]

Doc. 10116

Paragraphs 92-96: In relation with the Roma population, following the recommendations of the Advisory Committee, the National Strategy for the improvement of life conditions of Roma population has already been approved and the process is under implementation.

Paragraph 111: The co-rapporteurs are sceptic concerning the possibility of the beginning of the activity of the Court for Serious Crimes, in January 2004. Actually this institution is operational.

In my evaluation, despite of the progress confirmed in the draft report, the general spirit of it is more negative than the draft report of last year. In my opinion there is no substantial evidence concerning the Albanian authorities' performance to justify the negative evolution of the reports of the Monitoring Committee of the Council of Europe. In conclusion, I would suggest to the co-rapporteurs and friends, Mr Smorawinski and Mr Soendergaard, a more balanced approach of the draft.

Yours sincerely,

Petro Koçi
Chairman of the Delegation

APPENDIX 2

OPINION No. 189 (1995) on the application by Albania for membership of the Council of Europe¹

1. Albania applied to join the Council of Europe on 4 May 1992. By Resolution (92) 9 of 21 May 1992, the Committee of Ministers asked the Parliamentary Assembly to give an opinion, in accordance with Statutory Resolution (51) 30 A.
2. Albania has been functioning as a multi-party parliamentary democracy since the elections of 31 March and 7 and 14 April 1991. The Assembly sent observers to these elections. In the light of their observations and of subsequent political developments, "special guest" status was given to the Albanian Parliament on 25 November 1991. Since then, both government and opposition have been able to make their positions known in Strasbourg.
3. Further elections were held on 22 and 29 March 1992. Assembly observers concluded that they opened the way for closer relations between Albania and the Council of Europe, with a view to subsequent membership - subject to review of the position of the ethnic Greek minority (notably in the south).
4. Since May 1992, following Albania's application for membership, Assembly committees and their rapporteurs have paid repeated visits to the country - most recently, on the occasion of the constitutional referendum of 6 November 1994.
5. In January 1993 a joint Commission of the European Communities/Council of Europe programme of co-operation in the fields of human rights and the rule of law was set in train. The programme addressed inter alia the training of judges, lawyers and the police; reform of the prosecution, of the judiciary, of the ministry of justice, and of prisons; the drafting of civil and penal codes and the corresponding codes of procedure.
6. A report confirming progress on the conformity of legislation in Albania with general principles of the Council of Europe and the European Convention on Human Rights was delivered by two eminent jurists to the Bureau of the Assembly on 15 October 1993.
7. Although the draft constitution submitted to referendum in November 1994 was rejected, this left Albania neither in a constitutional vacuum, nor with the communist constitution of 1976. From April 1991 to September 1993 a framework for democracy was built through eight laws of a constitutional character. These laws establish a parliamentary republic. They provide for the separation of powers. They embody a list of human rights and fundamental freedoms, following consultation of international and European experts.
8. Despite current political difficulties impeding a fresh initiative, a new constitutional commission is expected to be established with representatives of the parliamentary parties and with international consultants - inter alia from the Council of Europe and the European Commission for Democracy through Law (Venice Commission).
9. Criticism will persist in regard to Albania's judicial and penal systems and the administration of justice. Clearly, the elements of a judicial and legal culture necessary for the "rule of law" - as compared with the elements of a market economy and of "civil society" - need more time to become implanted and to make felt their effects. Progress must be assessed in the context of immense material difficulties, following the collapse of an isolationist totalitarian dictatorship.
10. By March 1992, oppression, fear and hunger had driven Albania to near-anarchy, with mass efforts to flee the country and total reliance on humanitarian aid. Today, however, the physical appearance of Albania is transformed. A market economy is emerging. From being completely closed to outside influence, the society is both outward-looking and animated. This transformation suggests that the right policies and legislative priorities have been chosen.
11. The situation is nonetheless precarious. For the most part, water is only available for a few hours a day. Leaks are causing contamination. Sewage is being discharged without treatment. Electricity networks are badly overloaded. These are causes of great hardship. Also, they are a risk to health and safety.

12. Albania thus continues to need international aid and massive infrastructural rehabilitation. It is tragic that the transition to democracy and a market economy should have coincided with a heightening of tensions on Albania's northern and southern borders - substantially due to the break-up of the former Yugoslavia. Such tensions have been a radical disincentive to investment.

13. A welcome relaxation of tension on Albania's southern border has been matched by a re-affirmation of the legal and constitutional bases of Albania's policy towards minorities - notably to the effect that no religious community will be deprived in practice of an opportunity to flourish (letter of 13 February 1995 from the Speaker of the Albanian Parliament to the Chairman of the Political Affairs Committee). The fact that this commitment will be monitored by the Council of Europe should provide continuing reassurance to ethnic minorities and communities in Albania.

14. In regard to minorities and communities of Albanian ethnic origin in the Federal Republic of Yugoslavia (Serbia and Montenegro), notably in the neighbouring and formerly autonomous province of Kosovo (where ethnic Albanians are said to account for virtually 90% of the population) and in the former Yugoslav Republic of Macedonia (where ethnic Albanians account for 23% of the population), the restraint of Albanian foreign policy in the face of rising tensions has served to maintain stability in the region.

15. Albania's new civil code has been in force since November 1994. A code of civil procedure is being drafted with the help of Council of Europe experts. A new penal code and a code of criminal procedure were adopted, respectively, on 27 January and 21 March 1995 - to enter into force, respectively, on 1 June and 1 August 1995. On 23 March 1995, agreement was reached on a second joint Commission of the European Communities/Council of Europe programme for reform of the legal system.

16. On the basis of:

- i. Albania's commitment in relation to minorities and continuing developments in the field of legislation;
- ii. Albania's existing constitutional provisions;
- iii. the participation of a "special guest" delegation of the Albanian Parliament in its proceedings since 25 November 1991;
- iv. the establishment of political dialogue between the Albanian Government and the Committee of Ministers, the Assembly considers that Albania, in the sense of Article 4 of the Statute, is able and willing to fulfil the provisions for membership of the Council of Europe as set forth in Article 3: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of [its] aims."

17. Therefore, the Parliamentary Assembly, on the understanding that Albania shares its interpretation of commitments entered into as spelt out in paragraphs 13 and 16, and now intends:

- i. to sign the European Convention on Human Rights at the moment of accession; to ratify the Convention and Protocols Nos. 1, 2, 4, 7 and 11 within a year; to recognise, pending the entry into force of Protocol No. 11, the right of individual application to the European Commission of Human Rights and the compulsory jurisdiction of the European Court of Human Rights (Articles 25 and 46 of the Convention);
- ii. to sign, ratify and apply Protocol No. 6 of the European Convention on Human Rights on the abolition of the death penalty in time of peace within three years of accession, and to put into place a moratorium on executions until total abolition of capital punishment;
- iii. to sign and ratify within a year from the time of accession the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- iv. to sign and ratify within a year from the time of accession the Framework Convention for the Protection of National Minorities, and to conduct policy towards minorities on the principles set forth in Assembly Recommendation 1201 (1993);

- v. to recognise the vital importance of freedom of expression to a properly functioning democracy, as recorded in Article 19 of the Universal Declaration of Human Rights, and to move swiftly to encourage and protect independence in broadcasting and in printed media - allowing complete editorial freedom, even-handed tax treatment, free availability of newsprint and equal access to broadcasting and printing facilities and to distribution outlets;
- vi. to change the role and functions of the Prosecutor's Office, transforming this institution into a body which is in accordance with the rule of law and Council of Europe standards;
- vii. to ensure the independence of the judiciary, in particular by protecting judges from unjustified or arbitrary dismissals, and by keeping the operating budgets of the courts under their direct and full control and by having them approved by Parliament;
- viii. to establish, within a reasonable length of time, a constitutional commission as indicated in paragraph 8;
- ix. to seek settlement of international disputes by peaceful means (an obligation incumbent upon all member states of the Council of Europe);
- x. to co-operate fully in the monitoring process for implementation of Assembly Order No. 508 (1995) on the honouring of obligations and commitments by member states of the Council of Europe, as well as in monitoring processes established by virtue of the Committee of Ministers' Declaration of 10 November 1994 (95th session);
- xi. to study, with a view to ratification, the Council of Europe's Social Charter and the European Charters of Local Self Government and for Regional or Minority Languages, and meanwhile to conduct its policy in accordance with their principles;
- xii. to study, with a view to ratification, and meanwhile to apply the basic principles of other Council of Europe conventions, notably those on extradition, on mutual assistance in criminal matters, on the transfer of sentenced persons, and on laundering, search, seizure and confiscation of proceeds from crime;
- xiii. to sign and ratify within a year from the time of accession the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocol,

Recommends that the Committee of Ministers:

- i. invite Albania to become a member of the Council of Europe;
- ii. allocate four seats to Albania in the Parliamentary Assembly.

¹ Assembly debate on 29 June 1995 (22nd Sitting) (see Doc. 7304, report of the Political Affairs Committee, rapporteur: Mr Kelchtermans; Doc. 7338, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Columberg; and Doc. 7339, opinion of the Committee on Relations with European Non-Member Countries, rapporteur: Mr Ruffy).

Text adopted by the Assembly on 29 June 1995 (22nd Sitting).

APPENDIX 3

50 treaties signed and ratified or having been the subject of an accession on 20/02/04

No.	Title			Opening of the treaty	Entry into force	E.	N.	C.
001	Statute of the Council of Europe			5/5/1949	3/8/1949			
		Ratification or accession: 13/7/1995	Entered into force: 13/7/1995					
002	General Agreement on Privileges and Immunities of the Council of Europe			2/9/1949	10/9/1952			
		Ratification or accession: 4/6/1998	Entered into force: 4/6/1998					
005	Convention for the Protection of Human Rights and Fundamental Freedoms			4/11/1950	3/9/1953			
	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
009	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms			20/3/1952	18/5/1954			
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
010	Protocol to the General Agreement on Privileges and Immunities of the Council of Europe			6/11/1952	11/7/1956			
		Ratification or accession: 4/6/1998	Entered into force: 4/6/1998					
018	European Cultural Convention			19/12/1954	5/5/1955	X		
		Ratification or accession: 25/6/1992	Entered into force: 25/6/1992					
022	Second Protocol to the General Agreement on Privileges and Immunities of the Council of Europe			15/12/1956	15/12/1956			
	Signature: 4/6/1998	Ratification or accession: 4/6/1998	Entered into force: 4/6/1998					
024	European Convention on Extradition			13/12/1957	18/4/1960	X	X	
	Signature: 19/5/1998	Ratification or accession: 19/5/1998	Entered into force: 17/8/1998					
030	European Convention on Mutual Assistance in Criminal Matters			20/4/1959	12/6/1962	X	X	
	Signature: 19/5/1998	Ratification or accession: 4/4/2000	Entered into force: 3/7/2000					
036	Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe			16/12/1961	16/12/1961			
	Signature: 4/6/1998	Ratification or accession: 4/6/1998	Entered into force: 4/6/1998					
044	Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions			6/5/1963	21/9/1970			
	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
045	Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention			6/5/1963	21/9/1970			

	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
046	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto			16/9/1963	2/5/1968			
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
051	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders			30/11/1964	22/8/1975	X	X	
	Signature: 8/6/2000	Ratification or accession: 17/5/2001	Entered into force: 18/8/2001					
055	Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention			20/1/1966	20/12/1971			
	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996					
062	European Convention on Information on Foreign Law			7/6/1968	17/12/1969	X	X	
	Signature: 8/6/2000	Ratification or accession: 17/5/2001	Entered into force: 18/8/2001					
070	European Convention on the International Validity of Criminal Judgments			28/5/1970	26/7/1974	X	X	
	Signature: 8/6/2000	Ratification or accession: 22/10/2003	Entered into force: 23/1/2004					
073	European Convention on the Transfer of Proceedings in Criminal Matters			15/5/1972	30/3/1978	X	X	
	Signature: 19/5/1998	Ratification or accession: 4/4/2000	Entered into force: 5/7/2000					
086	Additional Protocol to the European Convention on Extradition			15/10/1975	20/8/1979	X	X	
	Signature: 19/5/1998	Ratification or accession: 19/5/1998	Entered into force: 17/8/1998					
090	European Convention on the Suppression of Terrorism			27/1/1977	4/8/1978			
	Signature: 4/4/2000	Ratification or accession: 21/9/2000	Entered into force: 22/12/2000					
092	European Agreement on the Transmission of Applications for Legal Aid			27/1/1977	28/2/1977	X	X	
	Signature: 8/6/2000	Ratification or accession: 17/5/2001	Entered into force: 18/6/2001					
098	Second Additional Protocol to the European Convention on Extradition			17/3/1978	5/6/1983	X	X	
	Signature: 19/5/1998	Ratification or accession: 19/5/1998	Entered into force: 17/8/1998					
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters			17/3/1978	12/4/1982	X	X	
	Signature: 19/5/1998	Ratification or accession: 4/4/2000	Entered into force: 3/7/2000					
104	Convention on the Conservation of European Wildlife and Natural Habitats			19/9/1979	1/6/1982	X	X	X
	Signature: 31/10/1995	Ratification or accession: 13/1/1999	Entered into force: 1/5/1999					
106	European Outline Convention on Transfrontier Co-operation			21/5/1980	22/12/1981	X		

	between Territorial Communities or Authorities						
	Signature: 7/5/1999	Ratification or accession: 7/11/2001	Entered into force: 8/2/2002				
112	Convention on the Transfer of Sentenced Persons			21/3/1983	1/7/1985	X	X
	Signature: 19/5/1998	Ratification or accession: 4/4/2000	Entered into force: 1/8/2000				
114	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty			28/4/1983	1/3/1985		
	Signature: 4/4/2000	Ratification or accession: 21/9/2000	Entered into force: 1/10/2000				
117	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms			22/11/1984	1/11/1988		
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 1/1/1997				
118	Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms			19/3/1985	1/1/1990		
	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 2/10/1996				
120	European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches			19/8/1985	1/11/1985	X	X
	Signature: 2/2/1995	Ratification or accession: 28/9/1999	Entered into force: 1/11/1999				
122	European Charter of Local Self-Government			15/10/1985	1/9/1988		
	Signature: 27/5/1998	Ratification or accession: 4/4/2000	Entered into force: 1/8/2000				
126	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment			26/11/1987	1/2/1989	X	X
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 1/2/1997				
137	Fifth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe			18/6/1990	1/11/1991		
	Signature: 4/6/1998	Ratification or accession: 4/6/1998	Entered into force: 1/10/1998				
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime			8/11/1990	1/9/1993	X	X
	Signature: 4/4/2000	Ratification or accession: 31/10/2001	Entered into force: 1/2/2002				
151	Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment			4/11/1993	1/3/2002		
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 1/3/2002				
152	Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment			4/11/1993	1/3/2002		
	Signature: 2/10/1996	Ratification or accession: 2/10/1996	Entered into force: 1/3/2002				
155	Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby			11/5/1994	1/11/1998		
	Signature: 13/7/1995	Ratification or accession: 2/10/1996	Entered into force: 1/11/1998				

157	Framework Convention for the Protection of National Minorities	1/2/1995	1/2/1998	X	X		
	Signature: 29/6/1995	Ratification or accession: 28/9/1999	Entered into force: 1/1/2000				
159	Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities	9/11/1995	1/12/1998	X			
	Signature: 7/5/1999	Ratification or accession: 11/12/2001	Entered into force: 12/3/2002				
161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights	5/3/1996	1/1/1999				
	Signature: 21/9/2000	Ratification or accession: 26/2/2003	Entered into force: 1/4/2003				
162	Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe	5/3/1996	1/11/1998				
	Signature: 4/6/1998	Ratification or accession: 4/6/1998	Entered into force: 1/11/1998				
163	European Social Charter (revised)	3/5/1996	1/7/1999				
	Signature: 21/9/1998	Ratification or accession: 14/11/2002	Entered into force: 1/1/2003				
165	Convention on the Recognition of Qualifications concerning Higher Education in the European Region	11/4/1997	1/2/1999	X	X	X	
	Signature: 4/11/1999	Ratification or accession: 6/3/2002	Entered into force: 1/5/2002				
166	European Convention on Nationality	6/11/1997	1/3/2000	X	X		
	Signature: 7/5/1999	Ratification or accession: 11/2/2004	Entered into force: 1/6/2004				
169	Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation	5/5/1998	1/2/2001	X			
	Signature: 7/5/1999	Ratification or accession: 11/12/2001	Entered into force: 12/3/2002				
173	Criminal Law Convention on Corruption	27/1/1999	1/7/2002	X	X	X	
	Signature: 27/1/1999	Ratification or accession: 19/7/2001	Entered into force: 1/7/2002				
174	Civil Law Convention on Corruption	4/11/1999	1/11/2003	X	X	X	
	Signature: 4/4/2000	Ratification or accession: 21/9/2000	Entered into force: 1/11/2003				
179	Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid	4/10/2001	1/9/2002	X	X		
	Signature: 13/11/2001	Ratification or accession: 5/11/2002	Entered into force: 1/3/2003				
182	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	8/11/2001	1/2/2004	X	X		
	Signature: 13/11/2001	Ratification or accession: 20/6/2002	Entered into force: 1/2/2004				
185	Convention on Cybercrime	23/11/2001		X	X		
	Signature: 23/11/2001	Ratification or accession: 20/6/2002					

Notes: Convention(s) and Agreement(s) opened to the member States of the Council of Europe and, where appropriate, to the : E. : **European** non-member States – N. : **Non-European** non-member States – C. : European Community. See the final provisions of each treaty.

Reporting committee: Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Reference to committee: Resolution 1115 (1997) of 27 January 1997, Opinion No. 189 (1995)

Draft resolution unanimously adopted by the committee on 3 March 2004

Members of the committee: Mrs Durrieu (Chairperson), Mr Frunda, Mrs Tevdoradze, Mrs Severinsen (Vice-Chairpersons), Mrs Aguiar, Mr Akçam, Mr Akhvediani, Mr B. Aliyev, Mr André, Mr Arzilli, Mr Atkinson, Mr Baška, Mrs Bauer, Mr Bernik, Mrs Bilgehan, Mr Bindig, Mrs Bousakla, Mr van den Brande, Mr Budin, Mrs Burbiene, Mr Cabnoch, Mr M. Cavusoglu, Mr Cekuolis, Mr Christodoulides, Mr Cilevics, Mr Colombier, Mr Debono Grech, Mrs Delvaux-Stehres, Mr Dobelis, Mr Einarsson, Mr Elo, Mr Eörsi, Mr Glesener, Mr Gross, Mr Grusenbauer, Mr Hancock, Mr Hedrich, Mr Hegyi, Mr Herkel, Mr Holovaty, Mrs Jätteenmäki, Mr Jakic, Mr Jaskiernia, Mr Jurgens, Lord Kilclooney, Mr Kirilov, Mrs Konglevoll, Mr Kvakkestad, Mrs Leutheusser-Schnarrenberger, Mr van der Linden, Mr Lintner, Mr Martínez Casañ, Mr Marty, Mr Medeiros Ferreira, Mr Melcák, Mr Mikkelsen, Mr Mollazade, Mr O'Keeffe, Mr Olteanu, Mr Pangalos, Mrs Petrova-Mitevskaja, Mrs Petursdottir, Mr Prijmireanu, Mr Rakhansky, Mrs Ringstad, Mr Rivolta, Mr Rogozin, Mr Rustamyan, Mr Sasi, Mrs Shakhtakhtinskaya, Mr Shybko, Mr Slutsky, Mr Smorawinski, Mr Soendergaard, Mr Spindelegger, Mrs Stoyanova, Mr Surjan, Mr Tepshi, Mr Tkác, Mr Vis, Mrs Wohlwend, Mr Yáñez Barnuevo, Mr Zacchera.

N.B. The names of those members who were present at the meeting are printed in italics.

Head of the secretariat: Mrs Ravaud

Secretaries to the committee: Mr Gruden, Mrs Odrats, Mrs Clamer