

Albania

by Blendi Kajsia

Capital: Tirana
Population: 2.876 million
GNI/capita, PPP: \$11,880

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

NIT Edition	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	4.25	4.50	4.75	4.75	5.00	4.75	4.50	4.50	4.50	4.50
Electoral Process	3.75	3.75	4.00	4.25	4.25	4.00	4.00	3.75	3.75	3.50
Civil Society	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Independent Media	3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25
Local Democratic Governance	2.75	3.00	3.25	3.25	3.50	3.50	3.50	3.50	3.50	3.50
Judicial Framework and Independence	4.25	4.25	4.25	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Corruption	5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.25	5.25	5.25
Democracy Score	3.82	3.93	4.04	4.14	4.25	4.18	4.14	4.14	4.14	4.11

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

EXECUTIVE SUMMARY

Albanian democracy stagnated in 2017, as every step forward was offset by another one backwards. Thus, the improvements in the June 25 elections were preceded by a political deadlock between the opposition and government during the first four months of 2017 that put the entire electoral process at risk. Progress in reducing cannabis cultivation was offset by revelations that former Interior Minister Saimir Tahiri was connected to an Albanian-Italian drug trafficking network. Achievements in the war against administrative corruption was offset by the election of Ilir Meta as president of Albania, perceived by many citizens to be a symbol of corruption, as well as by the election through a simple majority in the Albanian parliament of a temporary General Prosecutor on December 18, which seriously undermined the credibility and independence of the prosecution.

The parliamentary elections on June 25 marked an improvement over previous electoral processes insofar as they offered wide-ranging guarantees to the opposition Democratic Party. The electoral campaign, as well as vote counting, went much smoother in the 2017 parliamentary elections than in previous ballots. Hence, none of the major electoral actors officially challenged the election results.

The boycott of parliament by the main opposition Democratic Party (DP) during the first four months of 2017 halted the reform of the electoral code pursuant to OSCE/ODIHR recommendations. It also risked throwing the entire electoral system into disarray, as the DP refused to nominate its representatives to the Central Election Commission (CEC) and registered its electoral candidates well past the deadlines established by the electoral code.

The ruling Socialist Party (SP) and the opposition DP reached an agreement on May 18 that ended the latter's boycott of both parliament and the June elections. While paving the way for a calm election, the agreement put a major strain on the administrative and legislative framework of the electoral system, as by imposing its political logic over the legal stipulations of the electoral code.

The boycott of parliament by the opposition also undermined the EU-mandated judicial reform, as the DP did not present its three nominees to the Ad Hoc Parliamentary Commission responsible for selecting members of the bodies in charge of vetting judges and prosecutors. This hindered the creation of two key new judiciary institutions, the High Judiciary Council (HJC) and the High Council of Prosecution (HCP), in charge of governing the judicial system, and delayed the vetting process which eventually began on October 26. The absence of the HCP gave rise to a serious political and legal impasse after the five year mandate of the general prosecutor Adriatik Llalla expired on December 7, given the HCP's responsibility for appointing the new General Prosecutor. This led to the election of a temporary General Prosecutor, Arta Marku, by the ruling Socialist Party through a simple parliamentary majority that was fiercely contested by the opposition parties in parliament.

There was some progress in 2017 in the war against administrative corruption and bribery, especially in the police force. There was also progress in the war against drugs, as reflected in a marked reduction of cannabis cultivation. Such achievements were upset in early November by parliament's rejection of a request by the Prosecutor's Office to remove the immunity of ex-minister of interior Saimir Tahiri, so that he could be arrested following serious revelations by Italian law enforcement agencies that he was connected to an Albanian-Italian drug trafficking ring.¹ The war against corruption also received a blow with the election of Ilir Meta as President of the Republic on April 28, whose presidency was assured by the votes of the ruling Socialist Party. In 2011 Rama himself described Ilir Meta as the symbol of everything that was rotten in Albanian politics, an assessment that is shared by a great part of the Albanian electorate.²

On September 13, parliament approved the second government led by Edi Rama, which consisted almost completely of his acolytes. This, in turn, aroused fears among political analysts that Rama could govern with an iron fist, given his comfortable parliamentary majority of 74 seats and his tight control of the executive.³ Indeed, Rama's decision to unilaterally elect the new temporary General Prosecutor through his simple majority in the Albanian parliament in December, ignoring the fierce protests of the two main opposition parties, displayed a worrying first step in this trajectory. The opposition DP seemed to be in a

process of disintegration following its worst electoral defeat in 25 years, while the new president, Ilir Meta, lacked the credibility to stand in the way of potential power abuse by the executive.

Score Changes:

- **Electoral process rating improved from 3.75 to 3.50** due to a calm election campaign combined with improved vote-counting and an electoral result that was not officially contested by any of the participants in elections.

As a result, Albania's Democracy Score improved from 4.14 to 4.11.

Outlook for 2018: For Albania, 2018 holds the promise of improved governance as well as the danger of authoritarianism. With a comfortable majority in parliament, the ruling Socialist Party and its prime minister enjoy a genuine opportunity to carry out important reforms that have the potential to reduce corruption in the judiciary and bribery in the public administration while enhancing good governance. On the other hand, the complete control that Prime Minister Rama has over the Socialist Party and the solid majority he enjoys in parliament, combined with a tight control over the executive, could give rise to authoritarian tendencies that can bring other state institutions under the premier's control.

MAIN REPORT

National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.25	4.50	4.75	4.75	5.00	4.75	4.50	4.50	4.50	4.50

- Albanian national democratic governance was marked by stagnation due to deep polarization between the main opposition Democratic Party (DP) and the ruling Socialist Party (SP), as well as by authoritarian tendencies in 2017. On February 18, the DP decided to boycott both parliament and the parliamentary elections scheduled for June 18, accusing the ruling government of preparing widespread electoral fraud by mobilizing its drug trafficking networks.⁴ The DP pitched a tent in front of the office of Prime Minister Edi Rama, from where it demanded Rama’s resignation, a technical government, and electronic voting as preconditions for its return to parliament and participation in the parliamentary elections.⁵
- The boycott paralyzed the parliament’s work for three months. It blocked judicial reform because the DP did not present its three nominees to the six-member Ad Hoc Parliamentary Commission tasked with selecting the commissioners responsible for vetting judges and prosecutors.⁶ The parliamentary boycott also halted the OSCE/ODIHR-recommended reform of the electoral code.⁷
- After a great deal of international mediation and pressure, the two parties reached an agreement on May 18.⁸ The agreement postponed the elections by a week to June 25, and offered substantial electoral guarantees to the Democratic Party by allowing it to appoint the head of the Central Elections Commission, the deputy prime minister, and six ministers in Rama’s government.⁹
- The agreement enabled a calm electoral campaign, with some isolated incidents between two ruling coalition partners, the Socialist Movement for Integration (SMI) and the Socialist Party. The SP ran an electoral campaign that alienated SMI, as Prime Minister Rama blamed his governing partner for most of the failures and allegations of corruption in his government.¹⁰ He pleaded with the voters to give him the “steering wheel” of government so that he could modernize Albania unencumbered by alliances with small parties that utilized power to enrich themselves.¹¹ Under the slogan “A Strong Economy”, the leader of the opposition Democratic Party, Lulzim Basha, promised a New Republic that would reduce taxes, attract foreign investment, and produce jobs.¹²
- Edi Rama and the Socialist Party won the June 25 elections, gaining a solid majority of 74 seats of the 140-seat parliament.¹³ This, in turn, gave rise to concerns among politicians and political analysts that Rama’s clear majority and his tight control of the Socialist Party could give rise to an authoritarian government.¹⁴ A number of important events in 2017 seemed to further corroborate such fears.
- First, the new government of Edi Rama, which parliament voted to approve on September 13, proposed amendments to the tax law by late October that gave it unprecedented discretion to determine tax levels for different businesses. The American Chamber of Commerce in Albania denounced these amendments as unconstitutional and as a way to concentrate power in the hands of the Prime Minister.¹⁵ On December 18, Edi Rama utilized his party’s simple majority in the Albanian parliament to elect a temporary General Prosecutor, despite fierce protests by opposition parties that a general prosecutor elected only with the votes of the ruling majority cannot be independent. In July, the Democratic Party was seriously weakened following the reelection of Lulzim Basha as party chairman—despite the party’s catastrophic electoral performance—through what many key figures of the party denounced as a rigged electoral process.¹⁶ In early October some of these figures created the Movement for the Revival of the Democratic Party, which blamed Basha’s leadership for the DP’s electoral debacle and called for new elections within the Democratic Party.¹⁷ Finally, the election of Ilir Meta as president on April 28

reduced the credibility of the presidency and its capacity to limit the abuses of the executive, as Meta was perceived by the public as one of the most corrupt politicians on the Albanian political scene.¹⁸

- According to a report by the Italian police, cannabis cultivation dropped drastically in Albania in 2017 to 1.9 hectares from 219 in 2016, in part due to the intervention of the Albanian police.¹⁹ While government officials attributed this to their anti-cannabis strategy, independent analysts argued that overproduction during the last three years created unsold stockpiles of cannabis that discouraged further cultivation in 2017.²⁰ Such progress, however, was offset by revelations in October from Italian law enforcement agencies that former Albanian Interior Minister Saimir Tahiri, who held office between 2013 and 2017, was connected to a cannabis smuggling ring while in office.²¹ Despite such revelations, the socialist majority in the Albanian parliament voted against prosecutors’ request to remove Tahiri’s parliamentary immunity so that he could be arrested.²²

Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	3.75	4.00	4.25	4.25	4.00	4.00	3.75	3.75	3.50

- Despite numerous hurdles, the 2017 parliamentary elections marked an improvement over the conduct of previous years’ ballots. Electoral processes in Albania have traditionally suffered from politicized institutions, procedural irregularities, violent clashes between contending candidates, and allegations of vote-buying.²³ The 2017 parliamentary elections were not an exception to this general trend.²⁴ There were, however, improvements in terms of vote counting, the declaration of final results, and political campaigning.
- The Democratic Party’s boycott of parliament during the first four months of 2017 halted the reform of the electoral code pursuant to OSCE/ODIHR recommendations. It also risked throwing the entire electoral system into disarray, as the DP refused to nominate its representatives in the Central Elections Commission (CEC) and register its candidates well past the deadlines established by the electoral code.²⁵
- The May 18 agreement that ended the DP’s electoral boycott put major strain on the administrative and legislative framework of the electoral system, giving rise to numerous procedural irregularities.²⁶ This was, in part, because the political logic of the agreement overrode the legal stipulations of the electoral code.²⁷ For example, legislative amendments to the Law on Political Parties and the Law on Audiovisual Media, which aimed to guarantee free media coverage for political parties, contradicted the Electoral Code.²⁸
- However, despite these resulting procedural irregularities, the agreement gave the DP access to voter lists, as well as the positions of chairman of the CEC, deputy prime minister, and six ministries—including the Ministry of Internal Affairs, in charge of the police.²⁹ One of the consequences of this agreement was that Albania enjoyed one of the calmest electoral campaigns in its electoral history.³⁰
- The final result gave a majority of 74 seats to the SP, 43 seats to the DP, and 19 seats to the Socialist Movement for Integration (SMI).³¹ Voter turnout was relatively low, at 46.77 percent.³² This was lower than the 53.45 percent voter turnout of the 2013 parliamentary elections.³³ All parties recognized the result and no political parties or actors appealed the decisions of the CEC to the Electoral College.³⁴
- This was, in part, due to substantial improvements to the process of vote counting over previous ballots, in terms of speed, transparency and efficiency.³⁵ The CEC in 2017 also functioned much better, and was far more credible than in 2013 when it was boycotted by the then-opposition Socialist Party.³⁶ For the first time, in 2017 the government established a task force against the misuse of state resources during the electoral campaign, through Decision 473 of the Council of Ministers.³⁷ Although during the electoral campaign there were tensions and physical confrontations between SP and SMI candidates,³⁸

unlike in the 2013 parliamentary elections there were no fatalities or serious casualties. Hence, the 2017 parliamentary elections marked a step forward. However, this was a fragile achievement, as it resulted primarily from the political will of the SP rather than a sound electoral institutional framework.

Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00

- High levels of financial unsustainability and low levels of institutionalization threatened the revival of civil society activity that Albania has enjoyed in recent years.³⁹ The number of institutionalized civil society organizations (CSOs) has fallen due to a shrinking pool of foreign donors.⁴⁰ Ad hoc volunteer groups, on the other hand, while successful in mobilizing citizens in protests remained almost completely noninstitutionalized in 2017.
- Both ad hoc volunteer groups and established civil society organizations endured a precarious financial situation or depended on foreign donors, due to a lack of domestic funding from the private sector.⁴¹ Public funding, however, was limited and procedures for its allocation were unclear and inconsistent.⁴² This, in turn, has undermined citizens' trust in CSOs: only 22.4 percent of respondents in a 2016 survey thought that CSOs effectively addressed social problems.⁴³
- The Albanian government created the National Council on Civil Society in 2015, but this body only met for the first time on February 15, 2017.⁴⁴ The budget of the Agency for the Support of Civil Society for 2017 was only ALL 122.5 million (\$1 million), the same as for 2016 and 2015.⁴⁵
- The Albanian legal system guarantees the right to establish and register civil society organizations.⁴⁶ In practice, however, the process for registering CSOs remained centralized to Tirana, and could be lengthy and costly at times.⁴⁷ While there were 6,800 registered CSOs in 2016, less than 30 percent of them registered with the tax office, while under 10 percent of the registered CSOs were active.⁴⁸
- High levels of unemployment and underemployment, combined with a politicized public administration and weak rule of law, have severely undermined the consolidation of labor unions in both the public and private sectors.⁴⁹ While there are 80 trade unions in Albania, 90 percent of employees belong to two major ones: the Confederation of Trade Unions of Albania (KSSH) and the Union of the Independent Trade Unions of Albania (BSPSH).⁵⁰ Less than 20 percent of the Albanian labor force is unionized—some 200,000 employees, primarily in the public sector—while collective agreements are relatively rare in the private sector.⁵¹
- Participation in, and the impact of, labor union protests remained quite small in 2017. On May 1, KSSH organized a demonstration in Tirana demanding better working conditions.⁵² However, participation in this protest was quite low.⁵³ On September 25, KSSH threatened to begin nationwide protests if the government did not meet its demands for a 30 percent increase in the minimum wage in 2017, collective contracts, and a special status for difficult professions, such as mining.⁵⁴ On November 12, the President of the KSSH, Kol Nikollaj, once more called on the government to approve a special status for miners and declared that KSSH would organize protests in front of the Ministry of Finance.⁵⁵ However, no such protests took place in 2017, which might attest to the confederation's limited membership, or even weak capacity to mobilize its members.
- The Roma community remained the most discriminated community in Albania.⁵⁶ The LGBT community closely followed, suffering from high levels of homophobia in Albanian society.⁵⁷ Despite widespread social disapproval, the LGBT community organized its annual pride parade in Tirana on May 13, which took place peacefully.⁵⁸ Participation in this parade has grown from nine people in 2012, when it first began, to scores of people in 2017, which reflected the growing strength of the still fragile LGBT community in Albania.⁵⁹

Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25

- A number of structural problems continued to beset the Albanian media, including self-censorship and the intimate connections between politics, business, and media. These structural problems offset the positive trend established by the increasing number of online media outlets offering more diverse and independent information.
- At first sight, Albania’s media sector is vibrant, with over 20 daily newspapers, 71 radio stations, 70 television stations, and 109 cable television outlets—not to mention numerous online media outlets.⁶⁰ However, these outlets functioned more as extensions of the economic and political interests that finance them than as watchdogs that hold power accountable in 2017.
- On May 22, Albania’s parliament passed amendments to the Law on Audiovisual Media that obligated outlets to offer free airtime to political parties during the electoral campaign. The Association of Electronic Media opposed the amendments, arguing that the provision violated the constitution, private property rules, and contradicted the Electoral Code, which did not stipulate the free coverage of political campaigns in private media outlets.⁶¹
- As a result, there continued to be limited editorial independence in the Albanian media landscape throughout the year, as media owners increasingly shaped content.⁶² Albanian legislation remained silent on the rights, freedoms, and responsibilities of editors.⁶³ In January, the contracts of Armand Shkullaku, the director of the television ABC News, and MAPO publications director Alfred Lela were not renewed due to their disagreement with the media owners’ editorial policy.⁶⁴ In 2017, media owners continued to use their outlets to blackmail or cajole the government into giving them economic favors. Thus, on March 30 parliament approved a law that provided €5 million (\$6.1 million) for media outlets to facilitate the switch from analogue to digital transmission.⁶⁵ The two main beneficiaries of this fund were the Hoxha and Frangaj families, who own the two main TV stations in Albania, Top Channel and TV Klan, respectively.⁶⁶
- In 2017, many journalists continued to work for newspapers and television outlets without contracts or collective bargaining agreements,⁶⁷ while an overwhelming majority of journalists did not receive their salaries on time and faced the risk of arbitrary dismissal.⁶⁸ This situation further fed existing high levels of self-censorship among journalists, a major problem in both private and public Albanian media.⁶⁹
- While journalists working in the private media tended to toe the line of their outlets’ owners, those employed by the public radio-television broadcaster Radio Televizioni Shqiptar (RTSH) toed the government’s political line.⁷⁰ In 2017, Reporters Without Borders criticized the Audiovisual Media Authority (AMA), responsible for regulating the Albanian media sector, as a politicized institution.⁷¹
- Journalists continued to face pressure throughout 2017 from the powerful public officials they investigate. On May 10, Gjin Gjoni, one of the richest judges on the Tirana Court of Appeals and a member of the High Council of Justice, sued the online news source *reporter.al* for defamation, claiming €52,000 (\$60,000) in damages for the outlet’s publication of three articles that alleged irregularities in his asset declarations.⁷² On the same day, Gjoni began proceedings against the newspaper Shqiptarja.com for €36,000 (\$41,000) in compensation for an article published by the newspaper that alleged procedural irregularities in his professional vetting.⁷³ On June 15, the General Prosecutor ordered the Authority on Electronic and Postal Communication to censor an article that was critical of Gjoni’s asset declaration.⁷⁴
- A positive trend that continued in 2017 was the growth and improvement of online media.⁷⁵ During the last three years there has been a shift by both journalists and readers from print and television to online

media, which has spurred a boom in online media outlets.⁷⁶ Such a phenomenon has been facilitated by growing internet penetration that by 2016 was estimated at 62.8 percent.⁷⁷ However, no specific legislation regulating online media content was adopted during the year.⁷⁸

Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	3.00	3.25	3.25	3.50	3.50	3.50	3.50	3.50	3.50

- Democratic local governance continued to consolidate during 2017, although the local government reform that began three years ago remained incomplete by year’s end. In 2014, a major territorial reform commenced in Albania to reduce the number of local government units from 373 communes and municipalities to 61 municipalities. In this context, Albania’s parliament approved Law 68/2017 on Local Government Finances, which entered in effect on June 5.⁷⁹ The law aims to consolidate and expand local fiscal autonomy by increasing unconditional financial transfers by the central government to the municipalities and assigning 2 percent of the revenue from personal income tax to local treasuries.⁸⁰
- Some experts have argued that the growth in financial resources stipulated by the new law does not match the growing number of services that local governments must provide as a result of the local government reform. Thus, the new law does not necessarily translate into a bigger budget for municipalities.⁸¹ While the Association of Municipalities welcomed the new law as a positive step, it noted that the reform did not sufficiently resolve the issues local governments faced.⁸²
- According to government statistics, local government revenues for the first quarter of 2017 were 43 percent higher than in 2016, while local government expenditure grew by 70 percent.⁸³ This imbalance was due in part to growing personnel and operational expenditures, which grew by 25 percent and 52 percent respectively for the first quarter of 2017, when compared to 2016.⁸⁴ The dissonance between budgets and expenses ensured that one of the major objectives of local government reform—increased efficiency through reduced personnel and operational costs—was not been achieved by the end of the year.⁸⁵
- There seemed to have been an improvement in the democratic governance at the local level as far as the implementation of Law 119/2014, On the Right to Information, was concerned. According to a study by the Center for the Issues of Public Information (INFOCIP), there was a 50 percent increase in the implementation of the infrastructure necessary to guarantee public information at the local level in 2017, as compared to 2016.⁸⁶ In 2017, local governments have increased public access to information by improving their websites, making municipal council decisions public, and by responding to inquiries by citizens.⁸⁷
- In January, a Central and Local Government Consultative Council was established. The Council seeks to facilitate communication and cooperation between central and local governments.⁸⁸ It met twice during 2017, on February 15 and November 1, to discuss the draft law on the State Budget for 2018.⁸⁹ The STAR2—Consolidation of the Territorial and Administrative Reform Project also began in 2017. The project aims to consolidate Albanian local government reform, and is the result of a collaborative effort between the Albanian Minister of State for Local Issues and international partners including the EU, the Swedish, Swiss, and Italian development cooperation offices, USAID, and UNDP Albania.⁹⁰

Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
4.25	4.25	4.25	4.75	4.75	4.75	4.75	4.75	4.75	4.75

- High levels of corruption, combined with low levels of efficiency, characterized the Albanian judiciary in 2017.⁹¹ An important effort to reform the justice system began in 2014, but stalled during 2017 due to the opposition’s boycott of parliament during the first four months of the year, as well because of the mid-year elections that only produced a new government in September.⁹²
- Therefore, it was only on June 16 that the parliament elected the 27 members of three new judiciary commissions. These commissions will vet existing judges and prosecutors in order to remove corrupt and inefficient officials from the justice system.⁹³ The budget and structure of these commissions was approved by parliament on September 29.⁹⁴ The DP and SMI expressed concerns over the significant cuts that parliament made, in terms of personnel and salaries, to the proposed budget of vetting commissions.⁹⁵ The vetting process began only on October 26 with the members of the Constitutional Court,⁹⁶ while the vetting process for six judges in the Tirana Court commenced on November 14.⁹⁷
- Delays in establishing the vetting commissions hindered the creation of two key new institutions, whose members had to go through the vetting process: the High Judiciary Council (HJC) and the High Council of Prosecution (HCP), which, according to law 115/2016 “On Governance Institutions of the Justice System”, should have been set up by September.⁹⁸ This in turn prevented the creation of three other key institutions of the justice reform, whose heads would be appointed by HJC and HCP: the National Bureau of Investigation, the Special Tribunal, and the Special Prosecution Against Corruption and Organized Crime.⁹⁹
- The absence of the HCP gave rise to a serious political and legal impasse once the five year mandate of the general prosecutor Adriatik Llalla terminated on December 7, as the HCP was in charge of appointing the new General Prosecutor.¹⁰⁰ Under these circumstances, the ruling Socialist Party proceeded to elect Arta Marku as a temporary General Prosecutor on December 18, pursuant to article 109 of the Law 97/2016 “On the Organization and Function of the Prosecution in the Republic of Albania”, which stipulated that a provisional General Prosecutor could be elected through a simple majority in parliament.¹⁰¹ According to the opposition parties, however, the procedure violated the spirit and the letter of the Article 148a of the constitution,¹⁰² which requires a three-fifths majority of the votes in parliament for the election of a General Prosecutor.¹⁰³ The ruling Socialist Party’s insistence to elect the new temporary General Prosecutor with only its 69 votes in parliament seriously undermined the credibility and the independence of the prosecution, especially in light of the ongoing investigation of former Interior Minister Saimir Tahiri, a Socialist Party member.¹⁰⁴
- The delay in the creation of the HJC also undermined the functioning of the Constitutional and Supreme Courts, which lacked 2 and 10 judges respectively in 2017.¹⁰⁵ These vacancies could only be filled by the HJC, which still had not been established by the end of the year. The Supreme Court’s very slow decision-making process violated legal deadlines.¹⁰⁶ Hence, despite—or perhaps because of—the judicial reforms, Albania’s already slow and inefficient justice system deteriorated further in 2017.
- The justice reform also slowed because various actors within the judicial system challenged several parts of its legislative package in the Constitutional Court. On August 2, the Attorney General took to the Constitutional Court 20 articles of the new Criminal Procedure Code, which had come into effect only a day earlier.¹⁰⁷ On June 1, the Union of Judges of Albania and the National Association of Judges of Albania challenged three other key laws of the justice reform package in the Constitutional Court.^{108, 109}
- On March 10, the Constitutional Court declared at least six articles of Law No 96/2016—On the status of judges and prosecutors in the Republic of Albania—unconstitutional following an earlier demand by the Union of Judges of Albania; a further 22 articles were deemed partly inconsistent with Albania’s constitution.¹¹⁰ The same court ruled on April 14 that five articles of the Law On the Status of Judges

and Prosecutors in the Republic of Albania and Law No 115/2016 On Governance Institutions of the Justice Systems contradicted constitutional provisions.¹¹¹ These laws therefore had to be reintroduced in parliament in order to be amended.

- The Albanian Helsinki Committee reported a drop in the number of persons who complained of abuse while under police custody.¹¹² However, the situation of the incarcerated population continued to be difficult due to overcrowding and the poor infrastructure of Albanian prisons.¹¹³ The situation of detained minors remained problematic too, despite parliament approving a new Criminal Justice Code for Minors on March 30.¹¹⁴

Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.25	5.25	5.25

- Progress made in 2017 to reduce petty corruption was offset by lost ground in the fight against grand corruption and state capture. The Albanian government has developed two main anticorruption instruments: an Inter-sectorial Anticorruption Strategy 2015-2020 that seeks to eliminate corruption in the public administration and public services,¹¹⁵ and the justice system reform that aims to eliminate corruption in the justice system by vetting judges and prosecutors at all levels.
- The Inter-sectorial Anticorruption Strategy aims to eliminate corruption in the public sector by reducing bureaucracy, modernizing the state, and reducing informality in the Albanian economy.¹¹⁶ To this end, in 2017 the government organized a campaign against informality and fiscal evasion, especially among big businesses; the campaign began on October 1.¹¹⁷ In order to eliminate corruption in the public administration, the government began implementing a deregulation reform that focused on three pillars: reduction of licenses and permission, digitalization of services offered to the public, and a one-stop shop model for the provision of public services.¹¹⁸
- The government’s anticorruption strategy focused almost exclusively on administrative corruption, and neglected political corruption and public-private corruption, such as state capture. Key anticorruption institutions such as the acting General Prosecutor, the Supreme State Audit, and the Inspector General of the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interest (HIDAACI) lacked independence, as they were elected through a simple parliamentary majority by the very ruling political party that they are supposed to scrutinize.¹¹⁹
- As far as state capture is concerned, there continued to be no regulation for lobbying, no restrictions on public officials who move to the private sector after public life—with the exception of police directors—and an inadequate legal framework for conflicts of interests.¹²⁰ The anticorruption strategy failed to address any of these issues.¹²¹
- The anticorruption reform in the justice system provided for the vetting of all judges and prosecutors and the creation of three new institutions that will have the necessary resources and independence to fight high level corruption: the Special Tribunal, the Special Prosecution against corruption and organized crime, and the National Bureau of Investigation, modelled after the FBI in the US. In mid-July, 12 officers from the American Federal Bureau of Investigation (FBI) arrived in Tirana in order to train the new members of the Albanian National Bureau of Investigation.¹²²
- However, little progress was made in establishing these institutions due to delays in setting up The High Judiciary Council (HJC) and the High Council of Prosecution.¹²³ This in turn prevented the creation of the National Bureau of Investigation, the Special Tribunal, and the Special Prosecution Against Corruption and Organized Crime, whose heads were to be appointed by HJC and HCP.¹²⁴
- There were some positive results in the government’s anticorruption campaign, as reflected in surveys, which showed that 52 percent of respondents thought that corruption was widespread in the police force

in 2017, down from 63 percent in 2016.¹²⁵ Such achievements were offset by the election of Ilir Meta as president as well as the revelation of ties between former Interior Minister Saimir Tahiri and an Albanian–Italian drug trafficking ring. The refusal of the socialist majority in October to remove the Tahiri’s parliamentary immunity to allow his arrest by the prosecutors in charge of his case seriously weakened the Rama government’s pledge to fight grand corruption.¹²⁶ The anticorruption effort received another blow with the election, in Albania’s parliament, of Arta Marku as temporary General Prosecutor through a simple majority involving only the votes of the ruling socialist party. This further undermined the independence and credibility of the prosecution in the sensitive Tahiri investigation.¹²⁷

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