

## PROMOTION OF HUMAN RIGHTS IN ALBANIA IN LIGHT OF ITS PERSPECTIVE OF INTEGRATION INTO THE EUROPEAN UNION

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**Abstract:** *Albania, like other countries in the region, has been aspiring to join the EU for two decades. In different periods of the last 20 years, it has taken steps back and forth along the process towards membership. Therefore, in this context, the present paper will analyse the Albanian perspective, having in focus the promotion of human rights standards in lights of its integration into the European Union. The aim of this paper is to comprehend the evolution of Albania in relation to human rights in light of the EU integration perspective and demonstrate that Albania has yet a very long road ahead to become part of the European Union.*

**Key words:** *human rights, integration, Albania, European Union.*

### 1. The integration perspective of Albania into the European Union

The idea of Albania to join Europe came to life since the beginning of the 90s, immediately after the collapse of the communist regime. It is quite significant that for Albanians, the idea of change was equated with joining the big European family. The only way to overcome social isolation and deep economic backwardness was with European integration, through the construction of the principles of democracy and the implementation of the market economy. The long period of the communist regime increased even more the energy for the implementation of this idea (Milo, 2002, p. 16). Albania's first diplomatic relations with the EU were established when the two parties signed the Agreement on Trade and Cooperation in 1992, which for the first time concretized Albanian efforts for rapprochement and assistance from the EU. Following this agreement, Albania was able to benefit from the preferential trade regimes that the EU offered to third countries (Steger, 2013, p. 14)

The political crisis of 1997, further aggravated by the general chaos in the country because of the overthrow of financial pyramid schemes, caused the freezing of our country's relations with the EU for an indefinite period, up to a more favourable general and political situation in the country. Despite the renewal of these relations, as well as

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the EU's contribution to the acceleration of reforms, the situation continued to remain unstable. The severe blows that the government and the economy had received in the country, the recovery of which would take years, fuelled the concern, doubt and hesitation of the EU to raise the contractual relations with Albania to a higher stage.

The developments of the late 1990s in the region, the Kosovo crisis and further the ethnic conflict in Macedonia prompted the EU to pay more attention to the Balkan peninsula. Other countries in the region, like Albania, had a difficult and problematic path towards strengthening democracy and economic development, in contrast to their sisters in Central and Eastern Europe. To avoid the possibility of cultivating a hotbed of tensions in the south-eastern edge of Europe, the EU decided to offer a regional approach to the Balkan countries, which further evolved into the so-called "The Stabilization and Association Process". Albania was still far from the European requirements of the time, with many internal problems, among which the most important remained political issues, and especially social and economic problems. The Stabilization and Association Process, from the term itself, aimed first at stabilizing relations in the region and then reforms for their membership (Barbullushi, 2015, p. 22).

After the events of 1997, the programs took on a different nature, becoming even more concrete in the tangible environment of the Albanian people. They focused on supporting infrastructure, the production sector, the social sector, supporting areas such as public administration, customs, justice, etc. The turning point occurred at the Zagreb Summit in November 2000, where it was decided to take a big step forward in Albania's relations with the EU. Here it was decided to set up a high-level Albania-EU commission, which would evaluate the process of reforms made by our country. It was this commission that gave the green light for the opening of negotiations with Albania to reach the signing of the Stabilization and Association Agreement in June 2002. The Stabilization and Association Agreement is the first big step in the long road that Albania must take to succeed in becoming a full member of the EU. It is also the most difficult phase for all countries that aspire to be members (Krasniqi, 2009, p. 14).

According to the terms of this Agreement, the parties undertake to implement in practice a whole series of principles that include from respect for human rights to the establishment of a democratic system based on the implementation and respect of the law, the full establishment of the free economy of market and up to the fight against organized crime and illegal trafficking (Baroni, 2017, p. 9).

As it was also discussed in the explanations for the integration processes in the region, The Stabilization and Association Agreement (SAA) is a contractual relationship between an advanced model such as the EU and a country in transition, with a desire and tendency towards this advanced model. It offers a special dynamic in relation with the EU for the help that the latter will offer to improve the level and system of government. So, it aims to increase the capabilities of the government to provide citizens with stability and guarantees, development of the economy based on the free market in order to generate an increase in employment and the well-being of the population. Also, this agreement with the assistance of the EU aims to create an attractive economic zone for foreign investments, promote trade relations with the EU, as well as create stable structures in the police, civil service, in the banking system, in

the creation of a free media system and up to border management and immigration services (Zogaj, 2009, p. 9).

The theoretical and practical objective of the European strategy is the gradual integration of the Balkan countries into the European area. The principles on which this integration is made are simple and mandatory. To complete them, there is a reconciliation of the interested parties for integration and the EU itself undertakes to support this process by encouraging the political, social, and economic reforms that these countries are obliged to carry out within this process.

The Stabilization and Association Agreement (SAA) for Albania entered into force on April 1, 2009, after its ratification by the 25 EU member states, which were part of the community at the time of signing the SAA, as well as its approval from the Albanian Parliament. The ratification process was completed in less than 3 years, thus paving the way for Albania to apply to the EU for candidate country status. The general framework of the Stabilization and Association Agreement deals with political dialogue and regional cooperation, commercial provisions related to the progressive liberalization of exchanges up to the establishment of a free trade area between the parties, community freedoms, and cooperation in priority areas, especially in the field of justice and internal affairs. (Biberaj, 2011, p. 29).

The visa liberalization process of Albania with the member countries of the European Union first marked the achievement of a goal related to one of the most basic rights, freedom of movement. Such an achievement had positive psychological and real effects. The psychological effect was primarily on the Albanians themselves, individually and collectively, because they were freed from a feeling of marginalization that accompanied every Albanian throughout the entire process of applying for a visa up to border points, land, ports or airports of European countries. Meanwhile, the other psychological effect is that the Albanian employees themselves gain more respect for their duties, the rules they take care to implement and the institutions they work for (Gjevori, 2015, p. 33).

Image improvement brings other positive effects, e.g. it means that, other things being equal, the possibility increases that a trader or an investor will think more about trade opportunities with Albania, as well as a visitor or tourist. The liberalization of visas brought the psychological liberation of Albanians, who in some way had been suffering from isolation, sometimes internal and sometimes external, and the melting of borders gave to the Albanian society an equal status with the European and Western community. (Preçi, 2012, p. 6)

Therefore, all these indicators do sufficiently testify that our country, in addition to the political technical-institutional development, is inclined and holds a clear integration perspective for becoming member of the European Union and the Albanians are a society that observes with accuracy the diversities and changes and as such, it is considered a society that is well acquainted with communitarianism that accompanies the European Union. These are incontestable elements that do tell that the Albanian perspective is solely the European Union.

## 2. Protection of Human Rights in Albania

The totalitarian system in Albania, as well as in other countries such as: the former Soviet Union, the former Yugoslavia, Romania, China, etc., was characterized by disrespect for basic human rights and freedoms. The individual was seen as a tool in the hands of the political power and was a victim of the class war. So human rights were conceived in the framework of the rights of a class that oppressed another class.

At that time, the Albanian state did not rely on respecting basic human rights and freedoms, but on the contrary violated them systematically and in the most brutal way. Even during this time, the Ministry of Justice was completely suppressed. The Penal Legislation was inquisitorial (according to the eastern variant) and aimed at introducing the original characteristics of Albania into the basis of this legislation, declaring that it was the only country that was building true socialism. Justice departed from international principles and standards, relying on political orientations that influenced the totalitarian system to be fanatically preserved (Kreshani, 2021, p. 8)

At this time of transition, our country was based on a pluralistic system to build a democratic society. This democratic society would develop under the protection of a legal state, which protects and respects human rights. In 1993, the constitutional provisions for freedoms and human rights based on the European Convention on Human Rights were approved. In this year, a special law abolished the death penalty for six crimes and accepted the sentence of life imprisonment for twenty-two serious crimes. There were also several other laws that were based on international norms for the respect of basic human rights. However, the most important step that raised the right to life to the pedestal was the abolition of the death penalty in December 1999.

Although many laws were adopted during the transition period in Albania; many international norms became part of the domestic law (among the main ones the European Convention on Human Rights which secures a minimum standard of human rights), it was necessary that these rights be secured, put into practice, recognized and to be respected. So, the next issue was how and by whom these basic rights would be guaranteed. Therefore, efforts were made in the judicial system to create independent and impartial Courts. The prosecution as a representative of the state but also of the individual whose right has been violated, especially the right to defence with a lawyer (the structure of the National Bar Association). Another important step was the creation of the Constitutional Court, as an institution that guarantees respect for human rights in Albania. After the entry into force of the 1998 Constitution, an innovation was brought in the framework of the promotion and protection of human rights. In the new constitution it was defined, in its preamble, the legal, democratic, and social state that guarantees basic human rights and freedoms (Pupe, 2010, p. 20).

This constitution brought a modern standard of promotion and protection of basic human rights and freedoms in accordance with the basic principles sanctioned by the European convention of human rights. The first steps in this direction were made in 1995 when Albania was accepted as a member of the Council of Europe. At this time and before, the ratification of Protocol No. 6 was imposed as an obligation for the new countries that entered the Council of Europe: it entered into force on March 1, 1985.

The Protocol expressly prohibited the death penalty in peacetime. However, not everything would be so simple for Albania (Pupe, 2010, p. 21)

For Albania, the issue was raised in two stages. Our country took over the suspension of the death penalty. In fact, the Council of Europe itself put Albania on a moratorium on the death penalty in 1996. Albania's commitment to not carry out the death penalty was respected. According to a calculation made, it turned out that during this time our courts gave more than 20 death sentences, which were not executed because of the blockade made by the President of the Republic. After that, it was decided to leave a deadline of three years for the final accession of Albania to the Council of Europe. This time would be needed to sensitize the society for the removal of the sentence and to take measures to finally remove it from our criminal legislation. But unfortunately, the decision for Albania's accession to the Council of Europe could not be made within the anticipated 3 years. We cannot do without mentioning here the serious events that took place in 1997, accompanied by the increase in criminality in its most serious forms. Influenced by the black chronicles, the heinous crimes that were presented by different media channels, there were voices that persistently demanded not to remove the death penalty. They considered the death penalty as the most powerful tool to fight crime in the country (Arapi, 2020, p. 21).

At the end of 1999, the Council of Europe warned that it would review Albania's membership in it, if by the end of the year, the death penalty was not abolished. In December 1999, the Constitutional Court convened to give an interpretation decision on the death penalty. The court concluded that the death penalty contradicted the principles and democratic spirit of our Constitution, especially its article 2, which defines life as a right protected by law. Finally, Albania acceded to Protocol No. 6 in 2000 by the decision of the Assembly. The latter ratified Protocol No. 6 and repealed the articles of the Criminal Code that provided for the death penalty (Milo 2002, p. 11).

Finally, it should be emphasized that the abolition of the death penalty is a politically courageous step to be taken by politics, but also one of the fundamental social values that it must protect.

### **3. The Standardization Issues of the Right to Life in Albania**

Albania, as a country with a totalitarian past, has found quite difficult to make the promotion and respect of basic human rights and freedoms part of its "DNA". The principles of the totalitarian system, a system which for about 45 years dominated the lives and thoughts of Albanians, were firmly engraved in their minds because of the methods followed by the system itself to control the population, each action and movement.

Totalitarianism was based on the cult of the leader, who had to be seen as God by the people. Every freedom was limited, among the most important - freedom of thought, which was not recognized. After the decline of this system, in the 90s and later, it was noticed that the Albanians were still living in the shadow of that system. They did not feel calm and spoke freely. The denial of basic human rights and freedoms was also inherited in the years of democracy. Since democracy in Albania came in a violent way,

through the student movement in the years 90-91, the totalitarian state was losing its control and power even in the capital.

The time had come for the totalitarian system to fall and move in the spirit of Europe. But the communist system had left deep roots, and the foundations of democracy were weak. The state needed its time to be established and to spread its powerful arms throughout the country. At this time, many wounds of the Albanian society that were open but were not allowed to be known came to light.

The criminal events of 1997 brought about many crime cases in the Albanian society. Until today, there are dozens of unsolved criminal cases that have provoked self-judgment. Police sources say that many files are still under investigation or have been suspended.

Human rights and fundamental freedoms are essential conditions for the growth and strengthening of the role of citizens in society. The Constitution guarantees freedom of expression, the right to information, the protection of personal data, occasional hearings, and the right to appeal. During the period 2007-2022, several international acts were ratified, and efforts were made to complete the legal and institutional framework of Albania, with the aim of strengthening/ensuring human rights.

The institution of the People's Advocate has contributed not only to the promotion of human rights, but also to the protection of these rights when they were put at risk by the illegal and arbitrary actions of the state. This office has provided protection in cases of persons deprived of liberty and persons in contact with judicial entities (in particular, in cases of vulnerable groups, such as minors, children, women, and other vulnerable groups). It has also played an active role in the torture prevention mechanism.

The expansion of the European Union in the Western Balkans also includes Albania as one of the candidate countries that aspires to be part of the EU family. Albania is subject to the control exercised by the European Commission for the fulfilment of the Copenhagen criteria, especially for human rights. The Commission does not consider specific rights but analyses the human rights situation. In its latest report, the European Commission has specifically focused on the problems that infringe and affect these rights the most in Albania.

In this report, the European Commission presents its concern regarding the various types of discrimination in Albania, pointing out the categories that suffer the most from the violation of the right to non-discrimination, which are the Roma community, persons with disabilities, and the LGBTI community. Another problem highlighted by the EC report is the treatment of persons detained in police stations, detention, and imprisonment. In this regard, the European Commission requests from the Albanian state a real commitment to ensure all rights to this category in order not to become the object of arbitrary actions. Moreover, from the repeated cases in the European Court of Human Rights regarding the right to property, the Commission has concluded that this right has been violated and continues to be widely violated by Albania, expressing in this way that the efforts of the Albanian state to implement this right have been unsatisfactory.

In conclusion, in the reports on Albania in terms of human rights, it is requested that as a candidate state, it takes all the necessary measures to guarantee due process of law, especially in cases related to property rights. Adequate conditions must also be

guaranteed for detainees, clear respect for freedom of expression, and the elimination of any form of discrimination.

#### **4. Conclusions**

The path of countries that aspire to become part of the European family is getting more and more difficult as time goes by. The EU institutions supervise and evaluate the progress of these countries in a strict and rigorous manner, paying special attention to the political criteria with a focus on democracy, the rule of law and respect for human rights and freedoms. The European Union is one of the main pillars of the promotion of human rights in the region and beyond, therefore the candidate states must fulfil the criteria for the implementation of these rights in order not to have different levels of treatment of human rights within the EU.

According to the conditions set by the EU, each applicant country must meet a series of indicators. As for the indicators, Albania has faced challenges in all indicators, where for long-term periods there has been a lack of complete democratization, the construction of the rule of law and institutional functioning. There is a large lack of respect for human rights, among which the respect for private property, for prisoners, for groups in need, and so on are worth highlighting. Albania still does not have a clear separation of powers, having a mutual control between them. The media and civil society have little capacity to influence public opinion. If these problems are not addressed in time through coherence and cooperation between actors and decision-making factors, but also the public in general, it is difficult to arrive at the doors of the EU earlier than another decade or two.

Albania's European perspective, as that of other Balkan countries, is a stable and irreversible process, although difficult to predict in time. The conditions remain the same: a strong state with a functional administration, strengthening of the rule of law, improvement of economic conditions and expansion of regional cooperation presented to the Albanian government since 1999. Although for a good part of these processes, detailed data is missing that can argue these processes, from reports, studies, analysis, statistical data, etc., it can be concluded that despite the slowness of the process, the public support, the support of the business community, of civil society, the European integration process of Albania has been ranking high, being among the main priorities of the country's development agenda. Despite this and the fact that the Albanian governments of the last decade have been committed to this priority, and in some cases, especially during the last three or four years, they have failed to address them in an appropriate way so as to achieve results in the interest of the country's citizens.

Although the last European Commission report was generally positive in its evaluation, emphasizing and noting the achievements of the political class in Albania, especially in terms of combating criminality, organized crime and trafficking, it was clearly established that Albania still has a lot of work to do, especially in terms of fulfilling some criteria that still keep the European aspiration of Albanians at a distance and that in order to fulfil these conditions, a wider political consensus, political will and engagement of civil society and the political spectrum in general has been requested.

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