

# Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS  
**HUMAN RIGHTS**  
Regional Office Europe

## RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR, also known as UN Human Rights Office) is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

## OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

# UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [\*National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms; A Practical Guide to Effective State Engagement with International Human Rights Mechanisms\*](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

# INSIDE THE CONTRIBUTION

# ALBANIA

- Period of contribution: January - December 2024
- Contents of contribution:
  - The Committee on Economic, Social and Cultural Rights (CESCR) adopted its concluding observation on Albania on 27 September 2024 and the report ([E/C.12/ALB/CO/4](#)) was published on 17 October 2024.
  - The Committee on the Elimination of Racial Discrimination (CERD) adopted its concluding observation on 25 April 2024 and the report ([CERD/C/ALB/CO/13-14](#)) was published on 23 May 2024.
  - The UPR of Albania was held at its 47th session (4 - 15 November 2024) and the outcome report (A/HRC/58/5, forthcoming) is scheduled to be adopted at the 58th session of the UN Human Rights Council (24 February - 4 April 2025). The current contribution is based on advanced unedited version of the report.
- Forthcoming relevant information (January - May 2025):
  - The Subcommittee on prevention of torture [visited](#) Albania from 12 to 20 April 2024 following the country's ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2023. Report is forthcoming.
  - The Human Rights Committee will consider the State report from Albania at its 143rd session (3 - 28 March 2025).
  - The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity visited Albania from 1 to 12 July 2024. At the end of his visit, the UN independent expert shared a [statement](#). A report will be presented at the 59th session of the UN Human Rights Council in June 2025.
- Resources:
  - [Rule of Law in Europe | OHCHR](#)
  - OHCHR country page - [Albania](#)
  - Universal Periodic Review - [Albania](#)
  - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

## Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

### **Quality of justice – accessibility of courts (legal aid)**

- The Committee on Economic, Social and Cultural Rights welcomes the efforts made by the State party towards guaranteeing access to free legal aid. However, the Committee is concerned that the procedure for obtaining secondary legal aid under Law No. 111/2017 poses significant challenges to accessing timely legal assistance, particularly in domestic violence cases where the expedited nature of trials requires immediate support. The Committee is also concerned about the insufficient resources allocated to the implementation of this law, as well as the lack of awareness of the availability of free legal aid and of the application procedure, particularly among women and girls in rural areas. ([E/C.12/ALB/CO/4, para. 6](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party intensify its efforts to make free legal aid available and accessible to all persons in need. In particular, it recommends that the State party:
  - (a) Review the procedure for obtaining secondary legal aid under Law No. 111/2017 to ensure timely and accessible support for victims, particularly in domestic violence cases;
  - (b) Allocate sufficient human, technical and financial resources to the implementation of Law No. 111/2017 on legal aid guaranteed by the State;
  - (c) Raise public awareness about the availability of free legal aid and the application procedure, particularly among women and girls in rural areas. ([E/C.12/ALB/CO/4, para. 7](#))
- The Committee on the Elimination of Racial Discrimination notes with concern that the number of cases and investigations related to racial discrimination is still low. It is also concerned about reports indicating that cases of racial discrimination remain unreported, which could be due, in part, to the low level of trust that victims of racial discrimination have in the relevant authorities that address cases of racial discrimination. The Committee is also concerned about the challenges faced by victims of racial discrimination in gaining access to legal aid services (arts. 2 and 6). ([CERD/C/ALB/CO/13-14, para. 36](#))

- The Committee on the Elimination of Racial Discrimination recommends that the State party:
  - (a) Adopt appropriate and effective measures to ensure that all victims of racial discrimination have access to effective legal remedies, adequate reparations, and legal aid services;
  - (b) Establish a system to collect disaggregated data on cases of racial discrimination, including action taken in the administration of justice;
  - (c) Strengthen the training of law enforcement officials to ensure that they consider and investigate cases of racial discrimination effectively, and prevent any reprisals against persons who report acts of racial discrimination and punish those engaging in reprisals;
  - (d) Undertake campaigns to make rights holders aware of their rights, of remedies and of the legal framework for protection against racial discrimination. ([CERD/C/ALB/CO/13-14, para. 37](#))
- During the Fourth Universal Period Review, Albania received recommendations on judiciary which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Strongly combat racism and hate speech, improve and implement relevant legislation and ensure effective remedies and legal aid for victims
  - Develop mediation in the judicial field in order to allow better access to justice for vulnerable people, by integrating mediation into the free legal aid system
  - Allocate the sufficient financial and human resources to ensure the sustainability of the free legal aid services, and to build the capacity of lawyers

### ***Quality of justice – resource of the judiciary***

- During the Fourth Universal Period Review, Albania received recommendations on judiciary which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Ensure that the judicial system is equipped with sufficient financial and human resources, including magistrates, to enable the judiciary to function efficiently and independently
  - Allocate sufficient financial and human resources to ensure the sustainability of free legal aid services, and to build the capacity of lawyers

## **Pillar II: ANTI-CORRUPTION**

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

## ***Anti-corruption framework***

- During the Fourth Universal Period Review, Albania received recommendations on anti-corruption measures which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Intensify measures to address and prevent corruption at all levels
  - Intensify measures to address and prevent corruption at all levels, putting an end to impunity, and raise awareness of the direct impact of corruption on the enjoyment of human rights
  - Strengthen measures taken to combat and prevent corruption at all levels, namely by ending impunity
  - Implement effective measures to combat widespread corruption
  - Continue efforts to proactively fight corruption in public administration, inter alia, by ensuring the timely conclusion of the vetting of judges and prosecutors, and the full-staffing and adequate financial resources of anti-corruption institutions
  - Strengthen efforts to effectively implement the vetting process for judges and legal prosecutors (Egypt);
  - Take concrete action to combat existing corruption in public administration
  - Continue its efforts to fight against corruption by finalising and adopting the new draft strategy
  - Continue implementing the Strategy against Organized Crime and Serious Crimes and its Action Plan, and swiftly adopt the new draft 2024–2030 Strategy for the Fight against Corruption
  - Address corruption within the State police through the Police Oversight Agency’s inspections, investigations, and police vetting
  - Take effective measures to ensure accountability for public officials and to combat corruption, including the proper implementation of Constitutional Court judgments
  - Intensify measures to address and prevent corruption and bring the electoral processes in line with Organization for Security and Cooperation in Europe commitments and international standards (
  - Address corruption through a multi-faceted and inclusive approach, including further legal reforms and by increasing the budgets for responsible institutions and actors
  - Implement reforms aimed at strengthening the rule of law, emphasizing the fight against corruption, which is the basic condition for successful implementation of all human rights policies
  - Further enhance the transparency and efficiency of public services by expanding initiatives such as e-governance and digital inclusion, building on Albania's efforts under the Digital Agenda of Albania 2022–2026
  - Continue efforts to promote good governance through effective implementation of cross-sectoral strategies
  - Pursue the implementation of the Intersectoral Strategy for Justice 2021–2025 and its action plan
  - Strengthen the independence of its judicial authorities to operate without undue interference or political oversight
  - Take effective measures to prevent vote-buying in elections, as well as to ensure the secrecy of the vote and protect the editorial freedom of the media



## Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

### **Media authorities and bodies – independence**

- During the Fourth Universal Period Review, Albania received recommendations on the independence of journalists which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Strengthen efforts to safeguard freedom of expression and independence of the media, to ensure a safe environment for investigative journalists and their protection from intimidation and attacks
  - Take effective measures to strengthen freedom of expression and independence of the media by ensuring a safe environment for investigative journalists, their protection from intimidation and attacks, as well as by improving their working conditions
  - Fulfil its obligations to protect freedom of expression, media freedom and the independence of journalists

### **Framework for journalists' protection**

- During the Fourth Universal Period Review, Albania received recommendations on the measures to protect journalists from intimidations which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Implement effective measures to promote media plurality and to safeguard freedom of expression and independent reporting, particularly by ensuring the protection of journalists against intimidation and harassment
  - Continue the efforts to implement the legal framework to protect freedom of expression and shield the journalists against intimidation, death threats and attacks, as well as investigate and punish these attacks against journalists
  - Enhance efforts to ensure secure working conditions for journalists and other media workers, in collaboration with journalists' organizations
  - Align Albanian legislation with the recently adopted European Union anti-strategic lawsuits against public participation directive and ensure that journalists are protected from intimidation and harassment, and that incidents are thoroughly investigated and prosecuted, and victims receive proper compensation
  - Promote and protect independent media, eliminating all forms of intimidation against journalists
  - Promote and protect independent media and eliminate all forms of discrimination against journalists, including women journalists
  - Create a safe and supportive environment for the activities of independent media and civil society
  - Continue to reform the legal and regulatory framework, in accordance with Albania's international obligations, concerning the right to freedom of expression and media, particularly by ensuring the safety of journalists and the transparency of media ownership

## Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

### ***Independent authorities***

- The Committee on Economic, Social and Cultural Rights notes that the People's Advocate Office was re-accredited with A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in 2020, with a number of recommendations for further strengthening its independence and effective functioning. The Committee is concerned, in particular, that the level of funding of the People's Advocate Office is insufficient to meet its human resources needs, including to retain full-time staff in its regional offices. ([E/C.12/ALB/CO/4, para. 8](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party continue its efforts to enhance the effectiveness and independence of the People's Advocate Office, taking into account the observations and recommendations made by the Global Alliance of National Human Rights Institutions in December 2020, particularly by providing it with adequate financial and human resources to enable the institution to discharge its mandate fully, including the promotion and protection of economic, social and cultural rights. ([E/C.12/ALB/CO/4, para. 9](#))
- The Committee on the Elimination of Racial Discrimination welcomes the measures adopted by the State party to strengthen its institutional framework to combat racial discrimination, namely the People's Advocate and the Commissioner for Protection from Discrimination. While the Committee appreciates the measures adopted to monitor the implementation of the recommendations made by those institutions, it is still concerned about their effectiveness and the low level of implementation by public authorities, in particular at the local level, of the recommendations made by both institutions. (art. 2). ([CERD/C/ALB/CO/13-14, para. 10](#))
- Taking into account its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party continue to strengthen the functioning, effectiveness and coordination of the People's Advocate and the Commissioner for Protection from Discrimination. The Committee also recommends that the State party intensify its efforts to strengthen the monitoring of the implementation, by public authorities at the national and local levels, of the recommendations of the People's Advocate and the Commissioner for Protection from Discrimination. ([CERD/C/ALB/CO/13-14, para. 11](#))



- During the Fourth Universal Period Review, Albania received recommendations on independent authorities which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Appoint a new Ombudsperson and a new Commissioner for Protection against Discrimination as soon as possible, taking into account the end of previous mandates
  - Initiate the corresponding actions for the appointment of the Ombudsperson and the Commissioner for Protection against Discrimination, while guaranteeing the independence of their functions
  - Fill the positions of People’s Advocate and Commissioner for Protection from Discrimination
  - Appoint the head of the National Human Rights Institution without delay and strengthen its oversight role, including by ensuring adequate human and financial resources and the implementation of the institution’s recommendations
  - Provide adequate human and financial resources to strengthen the capacity of the National Human Rights Institution and ensure effective implementation of its recommendations
  - Guarantee the independence of the national human rights institution and allocate sufficient human and financial resources to strengthen its capacity and to ensure the effective implementation of its recommendations
  - Continue strengthening the national human rights institution-People’s Advocate- in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)
  - Increase the budgetary resources allocated to the Ombudsman to enable it to carry out its mission in good conditions
  - Empower the Commissioner for Protection against Discrimination to promote the full implementation of the anti-discrimination and the anti-hate speech legislation, and ensure effective legal remedies for victims

### ***The enabling framework for civil society organisations***

- The Committee on Economic, Social and Cultural Rights notes the information provided by the State party during the dialogue about its plans to provide an electronic system for the registration of non-governmental organisations. The Committee is concerned about barriers in the registration process for non-governmental organisations, which is reportedly complex, costly, and centralised in the capital, making it particularly difficult for individuals living in remote areas to register these organisations. The Committee notes with concern that such restrictions may hinder the establishment of organisations dedicated to human rights, including economic, social and cultural rights. ([E/C.12/ALB/CO/4, para 10.](#))
- The Committee on Economic, Social and Cultural Rights recommends that the State party remove any barriers that unduly restrict the registration of non-governmental organisations, including those engaged in the protection and promotion of economic, social and cultural rights. In particular, the Committee recommends that the State party effectively implement the electronic system for the registration of non-governmental organisations and take further measures to simplify procedures, reduce costs and decentralise the process to allow for local registration outside the capital, particularly for individuals living in remote areas. ([E/C.12/ALB/CO/4. Para. 11](#))
- During the Fourth Universal Period Review, Albania received recommendations civil society organizations and human rights defenders which will be examined by Albania. Albania will provide response in due time but no later than the 58th session of the Human Rights Council (A/HRC/58/5, report forthcoming):
  - Take measures to protect human rights defenders from threats and attacks, especially those working to protect the rights of the LGBTIQ+ community, victims of trafficking and domestic violence, as well as investigative journalists
  - Ensure that the current legal framework concerning civil society is fully implemented, in particular regarding the registration procedures as well as consultation processes for civil society organizations

- Revise the regime for the establishment of civil society organisations to make it easy, fast and inexpensive, so that underrepresented communities in particular can be better represented in various consultation processes, including those essential to Albania's European Union accession process
- Amend the framework governing the creation of civil society organisations so that it is quicker and less costly, in order to increase the representation of communities in consultation processes