



## Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

### Rule of law and 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."*

### Office of the UN High Commissioner for Human Rights (OHCHR)

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.

OHCHR 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's contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner's office (see diagram on the next page).

In line with the scope of the European Commission's Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

# UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

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

## Treaty-based mechanism

### Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

## UN Charter-based mechanism

### UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

#### Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

#### Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

#### Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

# Human rights and rule of law (4 pillars of Rule of Law Report)

## Pillar 1: 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](#)

## Pillar 3: 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 \(CCPR/C/GC/34\)](#)

## Pillar 2: 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](#)

## Pillar 4: 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](#)



## Albania: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
  - The UN Human Rights Committee adopted its concluding observations on Albania ([CCPR/C/ALB/CO/3](#)) on 21 March 2025, at 4213th session and the report was published on 30 April 2025.
  - The UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity visited Albania from 1 to 12 July 2024. The Independent Expert presented the report of the visit ([A/HRC/59/43/Add.1](#)) at the 59th session of the UN Human Rights Council (16 June –11 July 2025).
  - The UN Committee against Torture adopted its concluding observations on Albania ([CAT/C/ALB/CO/3](#)) at its 2232nd and 2233rd session on 27 November 2025.
- **Summary of information which could be of particular relevance to the Rule of Law report:**
  - Under pillar 1 on justice system, relevant findings and recommendations (efficiency of justice system) were issued by UN human rights mechanisms.
  - Under pillar 2 on anti- corruption, relevant findings and recommendations (the institutional framework capacity to fight against corruption) were issued by UN human rights mechanisms.
  - Under pillar 3 on media freedom, relevant findings and recommendation (framework for journalists' protection, transparency and access to documents) were issued by UN human rights mechanisms.
  - Under pillar 4 on checks and balance, relevant findings and recommendations (the enabling framework for civil society, Independent authorities – NHRIs and Initiatives to foster a rule of law culture) were provided the UN human rights mechanisms
- **Forthcoming relevant information (January – May 2026):**
  - N/A
- **Resources:**
  - Rule of Law in Europe [OHCHR](#)
  - Country Page | [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.

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.

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### Efficiency of the justice system – Developments related to efforts to improve the efficiency of the justice

The UN Human Rights committee appreciates the measures taken by the State Party to reform the judicial system, including the establishment of new institutions to ensure the independence and accountability of judges and prosecutors and to improve the system's efficiency. Nevertheless, the Committee is concerned about the implementation in 2023 of the “new judicial map”, which considerably reduced the number of courts in the State Party. That could compromise access to justice for people living in rural or remote areas and risks increasing case backlogs.

The Committee acknowledges the State Party’s commitment to resolving the backlog by vetting cases at the appeal level before the deadline of June 2026. The Committee is, however, concerned about the length of proceedings and the large backlog of cases, particularly at the High Court, the Appeal Court and the Administrative Court of Appeal. The Committee notes with concern that the appointment process of non-magistrate members in the High Judicial Council and the High Prosecutorial Council follows different standards of background checks and asset declarations than those applicable to magistrates, which risks compromising the competence and independence necessary for membership in those institutions.

The Committee acknowledges the delegation’s statement that by December 2027, the standards for non-magistrate members will be aligned with those of magistrates (art. 14). ([CCPR/C/ALB/CO/3](#), para.33)

(a) The State Party should adopt a comprehensive strategy to address the backlog of cases, in particular at the High Court, the Appeal Court and the Administrative Court of Appeal, and reduce the length of proceedings to ensure the right to a fair trial without undue delay, in accordance with article 14 of the Covenant and the Committee’s general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial. It should also:

(b) Ensure the necessary competence and independence of all members of the High Judicial Council and the High Prosecutorial Council, including by applying to non-magistrates the same standards of background checks and asset declarations used for magistrates.

(c) Increase the financial, technical and human resources provided for the administration of justice, support its effective and timely functioning, and ensure its accessibility to persons living in rural and remote areas. ([CCPR/C/ALB/CO/3](#), para.34)

## 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](#)
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### **The institutional framework capacity to fight against corruption – Authorities in charge of prevention, detection, investigation and prosecution of corruption**

The UN Human Rights Committee welcomes the pledge that the State Party submitted to the secretariat of the Human Rights 75 initiative in 2023, in which it prioritizes the punishment and prevention of corruption. However, the Committee is concerned that corruption remains prevalent in both the public and the private spheres and that the preventive measures taken appear to have had a limited impact. The Committee notes the efforts of the Special Anti-Corruption and Organized Crime Structure to combat corruption, but regrets the difficulties faced in the recruitment process to ensure that it is fully staffed, due to a lack of applications from magistrates (arts. 2 and 25). ([CCPR/C/ALB/CO/3](#), para.7)

The Committee recommends that state party should increase its efforts to prevent and eradicate corruption at all levels and to ensure the effective implementation of legislation and policy measures to combat corruption. In particular, it recommends that state party:

- (a) Redouble its efforts to investigate all allegations of corruption at all levels, including in the judiciary and the public and private sectors, promptly, thoroughly, independently and impartially, ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence, and provide redress to victims of corruption
- (b) Guarantee the effectiveness of the Special Anti-Corruption and Organized Crime Structure, including by ensuring that it remains fully staffed and operational.
- (c) Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to report it. ([CCPR/C/ALB/CO/3](#), para.8)

## 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:

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### **Framework for journalists' protection, transparency and access to documents – Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications**

The UN Human Rights Committee is very concerned about reports of journalists being subjected to undue interference, harassment and physical abuse by political parties, business companies and criminal groups, which obstructs their work and pushes them to self-censorship. The Committee is also concerned that the provisions of the Criminal Code on defamation and insult, and the filing of defamation lawsuits against the media, deter journalists from carrying out their professional responsibilities. It notes the potentially adverse impacts of amendments to the Law on Audiovisual Media (Law No. 91/2019) on freedom of expression and media independence (art. 19). ([CCPR/C/ALB/CO/3](#), para.37)

The State Party should take all measures necessary to guarantee the full enjoyment of freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restriction complies with the strict requirements of article 19 (3) of the Covenant. In particular, it should:

- (a) Prevent and combat all acts of harassment, intimidation and violence against journalists to ensure that they are free to carry out their work without undue control or interference, including fear of violence, reprisals or the filing of defamation lawsuits to discourage the publication of critical information on matters of public interest.
- (b) Ensure that all allegations of harassment, intimidation and violence against journalists are investigated, that perpetrators are brought to justice and appropriately punished and that victims receive appropriate reparations.
- (c) Revise legislation that may unduly restrict freedom of expression and consider decriminalizing defamation and insult. ([CCPR/C/ALB/CO/3](#), para.38)

## 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.

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### **The enabling framework for civil society – Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders**

The UN Committee Against Torture is concerned about reports of instances of intimidation, harassment, threats, and violence by politicians, judges, police officers, and other government officials as well as organized crime groups, against journalists and human rights defenders (art. 16). ([CAT/C/ALB/CO/3](#), para.24)

(a) The State Party should ensure that all journalists and human rights defenders are able to carry out their legitimate work in an enabling environment, free from intimidation or other forms of harassment. The State Party should vigorously, promptly, thoroughly and impartially investigate all allegations of intimidation or other forms of harassment of journalists and human rights defenders, prosecute alleged perpetrators, appropriately punish those found guilty and provide victims with redress. ([CAT/C/ALB/CO/3](#), para.25)

### **The process for preparing and enacting laws – Framework, policy, and transparency of legislative process**

The UN Human Rights Committee welcomes the legislation adopted to improve the electoral system, including the use of new technologies, to enhance transparency and reduce fraud, as well as the provisions allowing Albanian citizens residing abroad to vote in the forthcoming general parliamentary elections. Nevertheless, the Committee regrets the continuing scepticism of voters regarding the integrity of the electoral process due to reports of corruption, vote-buying and voter intimidation. The Committee is concerned about the lower level of participation in public affairs by Roma and Egyptian minorities and the lack of adequate infrastructure for persons with disabilities (arts. 25 and 27). ([CCPR/C/ALB/CO/3](#), para.43)

In accordance with article 25 of the Covenant and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote, the State Party should take all measures necessary to ensure the full and effective enjoyment of the right to participate in public affairs. In particular, it should:

- (a) Undertake prompt, thorough and independent investigations into allegations of election-related irregularities and ensure that suspected perpetrators are prosecuted and, if found guilty, punished appropriately.
- (b) Take measures to combat and prevent corruption in elections, such as vote-buying and voter intimidation.
- (c) Strengthen civic education programmes, including for young people, and awareness-raising activities on the importance of participating in public affairs, including specific campaigns to increase the participation of minority groups such as Roma and Egyptians.
- (d) Ensure that all infrastructure for elections and participation in public affairs, including polling stations, is accessible to all people, including persons with intellectual or psychosocial disabilities. ([CCPR/C/ALB/CO/3](#), para.44)

## **The enabling framework for civil society – Measures regarding the framework for civil society organisations and human rights defenders**

The legal framework in Albania is notably strong. The law on protection from discrimination of 2010 provides explicit protections for individuals on the grounds of sexual orientation, gender identity and sex characteristics. Same-sex relations were decriminalized and enhanced penalties for bias-motivated crimes, including those based on sexual orientation and gender identity, were introduced as a result of amendments to the Criminal Code. Other key legislation, such as the Labour Code and the law on social housing, are aimed at protecting marginalized groups and public health laws apply universally without discrimination. These legal foundations place Albania ahead of many countries in the region in terms of formal equality.

(A/HRC/59/43/Add.1, para.13)

However, discrepancies remain between the legal framework and the lived experiences of LGBT people. There are reports from civil society organizations of ongoing discrimination in areas such as employment, healthcare and policing, and of the fact that many such incidents go unreported or are inadequately documented. This situation is compounded by the lack of disaggregated data on incidents related to sexual orientation and gender identity, making it difficult to have an accurate assessment of the situation.

(A/HRC/59/43/Add.1, para.18)

The The UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity recommends that the Office of the Prime Minister:

- (a) Encourage strong and consistent public condemnation of hate speech and violence by political leaders and public authorities.
- (b) Foster greater collaboration among government, civil society and international partners to build a safe and inclusive environment for all. (A/HRC/59/43/Add.1, para.93)

The Independent Expert recommends that the Ministry of Justice:

- (a) Establish an administrative legal gender recognition process that is simple, affordable and based on self-identification.
- (b) Legally recognize same-sex partnerships and extend equal parenting rights to same-sex couples.
- (c) In the drafting of the new Criminal Code, strengthen protections against hate crimes based on sexual orientation and gender identity.
- (d) Adopt comprehensive anti-violence legislation that explicitly addresses online and digital forms of violence, including cyberbullying and hate speech. A/HRC/59/43/Add.1, para.94)

## **The process for preparing and enacting laws – Framework, policy, and transparency of the legislative process**

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