



Analyzing the Development of Political Rights and Civil Liberties in Albania during the Country's Democratic Transition: A Comparative Assessment from Freedom House Report Data

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Abstract

A nation's ability to develop directly correlates with the preservation of citizens' political rights and civil liberties. These elements are vital for national growth and development. The level of respect for these rights and liberties must, therefore, be examined to understand and assist in the progress of a nation. A primary source of analysis for this study is Freedom House reports, with a focus on two essential components of democracy: political rights and civil liberties. The study focuses on investigating democratization from the start of political reforms in Albania following the collapse of the communist system to this present day. These parameters are further divided into subgroups to provide more detailed analysis. By using the Freedom House index, the study aims to determine whether democratic characteristics in Albania have remained constant or undergone changes. The analysis incorporates developments in these dimensions during the transition, focusing specifically on minority groups, such as voting patterns, political pluralism, freedom of expression and associations, etc. Moreover, the study examines specific areas of concern in Albanian society, including corruption, the rule of law, and other important areas.

Keywords: *political right, civil liberties, democratic consolidation, freedom of press, free and fair elections*

1. Introduction

With the dissolution of the communist bloc, Albania underwent a wave of democratization in the early 1990s. Thus, this is with the declaration of political pluralism serving as a prerequisite for embracing a liberal democracy and ensuring human rights (Malaj, 2018). The nation experienced a time of political unrest marked by frequent changes in leadership, which left the populace in a paralyzed state. As a result, transitioning to a new system was challenging due to the lack of popular culture among the political elites, a weak civil society, and an unstable legal frame (Feka, Wilson, & Wilson, 2022). Despite making some progress, Albania still faced issues regarding civil rights, media suppression, and attacks on the opposition. In summary, Albania's trip toward a democratic state was marked by significant political rights and civil liberties obstacles, particularly in comparison to other countries in the region (Lubecki, 2021). However, this study analyzes the level of democracy in Albania using Freedom House reports from the political system's transformation to the present. Freedom House is a well-known organization that monitors democracy conditions in numerous countries. The two main facets of democracy that will be investigated in this research are civil freedoms and political rights. In addition, these categories will be further subdivided to provide a more in-depth analysis. The evolution of these two aspects from

the start of the transition period to the present is the main subject of the study. The subcategories of political plurality and involvement, the electoral process, and governmental operations will all be included in the analysis of political rights. The examination of civil liberties, on the other hand, would encompass the subcategories of individual and societal rights, freedom of expression and belief, the rule of law, and personal autonomy (Hogstrom, 2013). The main objective of this study is to determine whether Albania's democratic characteristics are consistent or sporadic. Furthermore, the research will offer a comprehensive examination of certain concerns within Albanian society, including but not limited to corruption, the rule of law, and other significant elements. The findings of the analysis will provide useful information about the nation's democratic status and aid in assessing the advancements made in this area.

2. Methodology

Consequently, to achieve the investigation's goals, a methodology based on a thorough analysis of Freedom House reports in Albania from the time of the political system change to the present is being employed. Political rights and civil liberties are assessed by dissecting them into more manageable categories and applying a systematic methodology to monitor developments in these domains over time. Conducting an impartial and transparent assessment of Albania's degree of democracy was made simpler through the use of the Freedom House index as a neutral instrument. Furthermore, current events in Albanian society were also analyzed, including the increase in corruption, the efficiency of the legal system, and the effectiveness of the government.

3. The Relevance of Freedom House in the Measuring of Democratization in Albania

To comprehend and assess the condition of freedom and democracy in Albania and around the world, it is critical to apply the Freedom House grading system for actions that protect fundamental rights and liberties. By using a comprehensive review to ascertain the effectiveness and observance or lack thereof of these rights, this organization offers an unbiased and independent assessment of the degree of political rights, civil liberties, and freedom (Nieswiadomy & Strazicich, 2004). Additionally, Freedom House's reports offer a real-time monitoring of events via multiple sources, enabling the global community to observe patterns and comprehend the impact of legislative modifications and reforms. The assessments conducted by Freedom House are likely to influence the decisions made by lawmakers and the formulation of policies in a given country. Subsequently, by helping to identify barriers and providing suggestions for meaningful advancements, their assessments provide vital support to countries striving to implement enhancements and advancements pertaining to rights and freedoms (Gorokhovskaia, Shahbaz, & Slipowitz, 2023). A crucial part of increasing the responsibility and accountability of governments is played by Freedom House's implementation of its mission through the application of unwavering transparency and standards. This public evaluation encourages institutions to make high-quality modifications and advancements in fundamental freedoms and rights, acting as a catalytic converter. (Repucci, 2020)

4. Albania's Evolution of Civil Liberties since the Country's Political System Changed

A transitional phase was implemented in Albania following the communist regime's collapse in 1992. This phase was marked by efforts to restore democratic institutions and fundamental human rights. The New Constitution adopted in 1998 marked a significant turning point in this trend because it was designed to safeguard citizens' liberties and fundamental rights (Biberaj, 1999). The establishment of an elected parliament, the emergence of a multi-party system, and the preservation of an independent judiciary were the hallmarks of the democratic system that followed 1992. From 2000 until the present, Albania has focused its efforts on European integration by aligning its domestic laws with the European ones and, in doing so, securing civil and political rights (Lula, 2022).

From 2016 to 2020, the justice system will undergo reforms aimed at addressing issues related to corruption and inadequacies in the judiciary, as well as strengthening the autonomy and efficacy of the judicial system (Freedom House, 2016, 2017, 2018, 2019). Although Albania has not successfully protected the rights of minorities and guaranteed press freedom, the country has adopted a strong stance by acknowledging the necessity of continuous efforts and an unwavering dedication to continuous improvement. Also, the ongoing commitment to promoting a society that upholds and advances democratic norms and fundamental human rights was emphasized by the evolution of these rights. The path of Albania's effort toward guaranteeing civil and political rights for citizens has shown progress, but at the same time, it has been marked by the persistence of challenges. (EU, 2022)

These challenges are evident systematically, as many problems perceived by citizens, such as corruption, inequality, and crime, serves as obstacles to prosperity and progress (Ramet, 2020).

In this context, the fulfillment of certain institutional criteria to overcome these challenges is essential, as democracy is a dynamic process that remains unfinished if some criteria are not meant to prevent regression (Solioz, 2020).

Political freedom and the rule of law have been the most important points that have served as a measure of the country's development. The analysis of these issues has had a special importance in the progress of the process of Albania's entry into the European Union (Saravakos, Schizas, Vidali, & Rompapas, 2023).

The multi-year evolution shows an unwavering commitment to consolidate the democratic concept, and this concept aligns with adequate standards for the European integration process. Securing civil and political rights involves several demanding challenges that require joint attention and commitment (OECD, 2022). Also, corruption is a pervasive and damaging problem that severely limits the effectiveness of governance. However, it undermines the independence of the judicial system and other key establishments, leaving little room for fair and just practices. Despite numerous efforts to bring about reforms and improve the execution of laws and justice procedures, the persistent issue of delays continues to hamper progress and hinder the achievement of desired outcomes (Freedom House, 2023). It is imperative that strong and assertive action should be taken to address this issue and ensure that justice is served quickly and fairly. The issue of minority rights regarding political rights and civil liberties is still a matter of concern due to discrimination in the enforcement of these rights and restrictions in terms of their participation. Although there has been some progress in recent years, the situation remained unchanged until 2010 (Freedom House, 2010).

From the data gathered by Freedom House, it can be inferred that, in summary, despite advances in media freedom, the undue influence from media owners and restrictions on free speech still persist. It is undeniable that this situation has remained stagnant since 1998 and up until 2023 as per the report (Freedom House, 1999-2023). Meanwhile, the access to social services and benefits remains unequal in some cases, hindering the guarantee of social and economic rights. In these circumstances, fostering a culture of tolerance and respect for diversity is crucial in building societies that can easily accommodate people from different ethnic, cultural, and religious backgrounds. Therefore, it is important to make continuous efforts to uphold the rights of all individuals. Addressing the various challenges in creating a society that is inclusive and based on the principles of human rights is vital for Albania's sustained development.

5. Investigation and Evaluation of Albania's Political Rights and Civil Liberties following the Transition from Communism to Democracy

Albania went through a difficult transition towards democracy after the fall of the communist regime. The lack of democratic values and the trauma caused by the previous regime have led to political tensions and a lack of cooperation. The economic situation was also dire, resulting in a significant decline in the Gross Domestic Product and issues in the industrial and agricultural sectors. Corruption and weak institutions further hindered the establishment of a democratic system. International aid from organizations such as the World Bank and the International Monetary Fund helped with economic recovery, but the privatization of enterprises was met with criticism for favoring the former communist elite (Biberaj, 1999).

While economic reforms were implemented in 1992, they caused social and economic tensions. Also, the ongoing party warfare and political tensions weakened the fragile democracy and its institutions. Despite international support and membership in the Council of Europe in 1995, the transition to democracy in Albania was difficult and uncertain. The country continued to face challenges in the legal, social, political, and economic spheres, which affected the functioning of the state (Lazebeu, 2018).

In 1997, Albania faced a lot of challenges in its path towards democracy. There were internal divisions and partisan warfare, which made progress difficult. Despite changes in government, issues such as corruption, social tensions, and administrative weakness persisted, hindering democratization. The country's post-election crisis in 1996 also had a significant impact on its democratization efforts (Fron, 2021). Currently, Albania is classified as "partly free" by the Freedom House report. While there have been some improvements, political tensions, institutional disputes, and problems with justice and corruption remain significant challenges for the country's path to democracy (Freedom House, 2023).

In 2020, Albania faced significant challenges in the field of democracy, including pressure on civil society and independent media, economic challenges, and problems with public administration (Freedom House, 2021). This period has highlighted that the challenges for democracy in Albania are ongoing, and efforts must continue to strengthen

democracy and the rule of law in the country. While Albania has ratified international human rights instruments, there are still challenges in protecting fundamental rights in a democratic society.

5.1 *Civil Liberties and Political Rights in Albania*

Albania, the last remaining communist stronghold in the region, faced significant challenges in the post-communist era until 2000. Biberaj at that time emphasized that Albania was unprepared for major reforms compared to other former communist nations, as evidenced by the difficult transition to pluralistic democracy and a market economy in 1992 (Biberaj, 1999).

High levels of crime and corruption persisted until 1997 due to economic hardship and political crises. Despite attempts at reform, the country's Civil and Political Rights rating remained suboptimal, only changing from 4 to 5 in 1998 due to increased unrest and corruption. In 1998, data from Freedom House highlighted issues such as restricted freedom of speech, particularly through state-controlled Albanian Radio-Television. While there were some positive aspects, such as unrestricted religious activity, there were still lingering issues related to properties confiscated during communism (Freedom House, 1998).

Challenges in the judicial sector continued in 1999, marked by inefficiency and corruption. The issues with religious community properties were reflective of broader societal problems that arose during the period of collectivization under communism. Freedom of assembly was also restricted, and media freedom, despite a 1997 law, suffered from sensationalism and biased coverage that favored the government. This situation persisted until 2001 when there was a tentative effort to build democratic policies. In 2000, discussions about the electoral code took place, and new provisions were adopted despite opposition boycotts. The 2001 report noted improvements in Political Rights and Civil Liberties, but challenges to women's freedom persisted, particularly in combating trafficking for prostitution (Freedom House, 2001).

Albania has made significant improvements in personal freedoms and political rights over the last decade, yet it still faces several challenges. The country has implemented legal and fundamental rights reforms to address these issues, but progress has not been without obstacles. A primary focus has been on improving the judicial system and upholding the rule of law, which has involved the reorganization of courts and prosecution, as well as efforts to combat corruption and create a more just and efficient environment for its citizens. (Freedom House, 2021) Additionally, there has been progress in terms of press freedom and freedom of expression.

Although laws related to media and freedom of speech have improved, concerns regarding media independence and censorship still exist. Challenges persist in strengthening democratic structures and preventing political pressure on institutions. To ensure accurate representation of these processes, reports from international human rights organizations, such as Freedom House, should be consulted for an analysis of certain issues.

5.2 *Corruption and Government Accountability*

In Albania, corruption and government accountability are major issues in the post-communist era (Balliu, 2023). The corrupt practices of public officials are of particular concern. Even those in high positions of power have taken advantage of their economic status by diverting funds intended for economic growth. Unfortunately, this harmful tradition continues, as some individuals resort to illegal means in search of financial gain, perpetuating the same privileges reminiscent of the communist era. Despite the government's claims to be fighting corruption, their efforts were not comprehensive enough and failed to create a culture of punishment. Furthermore, government accountability encountered difficulties after the 1992 elections, when discussions about political systems resulted in a hybrid presidential-parliamentary model. As a result, there was no clear oversight of the executive branch by parliament (Biberaj, 1999).

Between 1992 and 1996, cooperation among the government branches was generally positive, as the Democratic Party had a comfortable majority. However, the absence of transparency in the policy-making process hindered the government's responsiveness, which eventually led to an estranged electorate. Moreover, the introduction of the electoral system in 1992 worsened the situation by ignoring the representation of specific population groups, thereby diminishing people's trust in the system (Freedom House, 1998).

During this period, Albania made some progress in fighting corruption and promoting transparency in public administration, although there were still some significant problems. While human rights were respected, corruption remained a major issue, particularly in specific sectors that were identified with high rates of corruption (Freedom House, 2023). As a result, the government has taken various legal measures to combat corruption, including establishing specialized investigative bodies and striving to enhance transparency in the public sector. The report aims to identify

emerging challenges and needs in the fight against corruption by providing a situation assessment and recommendations. The goal of these reports is to shed light on the developments in corruption and government responses in Albania over this period.

5.3 *Judicial System and the Rule of Law*

Albania has faced major challenges in its legal system and rule of law over the years. Crime, including muggings, robberies, rapes, prostitution, and smuggling, is prevalent in the society, drawing attention from foreign publications. Reports have highlighted the failure of official institutions to prosecute criminal groups, resulting in an increase in street crime. Constitutional laws were drafted in 1992 to implement necessary reforms and address the shortcomings of post-communist political structures in Albanian law. The initial version aimed to establish a balanced distribution of powers among the executive, legislative, and judicial branches to safeguard their autonomy, which is fundamental for a functioning democracy. The independence of the judiciary was the cornerstone of the most significant constitutional reform. Therefore, it requires a complete overhaul of the judicial system, focusing on establishing a strong framework to enforce laws, appointing trustworthy professionals, and enhancing infrastructure. Despite diligent attempts, the challenges still remained and a significant number of judges were replaced with inexperienced and unskilled individuals, leading to a deficiency in the sector. Over the years, persistent problems within the judicial system, including corruption and the presence of unqualified judges, have persisted. International observers, as highlighted by a series of reports by Freedom House (2002, 2003, 2004), expressed concern over the inefficiency and susceptibility to corruption of Albania's judiciary. While attempts have been made to combat corruption, the enforcement of judicial decisions remained ineffective, especially in cases that went against the interests of the government (Freedom House, 2006). The reports from Freedom House between 2005 and 2008 raised concerns about police violence and insufficient investigations into such incidents, despite the ongoing human rights training (Freedom House, 2005, 2006, 2007, 2008). Living conditions and medical remedy for prisoners have been intricate until 2012 (Freedom House, 2012). In 2019, Albania initiated justice reforms by establishing key bodies, which includes the High Judicial Council and the Special Anti-Corruption Prosecution. Transparency issues in appointing members to judicial bodies persisted (Freedom House, 2020). Public trust in the judiciary remained low, exacerbated by the impact of COVID-19 pandemic on the vetting system. While the Special Anti-Corruption Prosecution achieved great progress, challenges still persist in addressing full-scale corruption. Thus, the Constitutional Court and High Court confronted problems that affected the legitimacy of the prison conditions (Freedom House, 2021). In 2022, Albania confronted demanding situations in finishing the vetting process for magistrates, leading to an extension until December 2024. A proposed judicial map drew criticism for its potential negative outcomes on citizens' access to justice, which results to protests and a loss of trust inside the judiciary (Freedom House, 2023).

5.4 *Free and Fair Elections*

Election management in Albania has always been a challenging task, whether it involves municipal or parliamentary elections. The country has a history of numerous allegations of vote manipulation, family voting, vote rigging, and vote stealing, among other issues. The opposition has disputed the results of all elections since 1992, citing rigging as the main reason. In 1996, the Socialist Party (SP) participated in the elections, which were marked by conflicts and boycotts. However, the SP managed to win the 1997 elections, which were considered fair despite concerns from the international community about the integrity of the process (Sotiropoulos et al., 2013). Unfortunately, election-related issues have had a significant impact on political stability in Albania, leading to conflicts and boycotts. Political unrest, opposition boycotts, concerns about electoral integrity, and issues with party funding marred the most recent elections in 2019, 2021, and 2022. Despite some progress, these problems still persist, highlighting the urgent need for improvement in Albania's voting system (Freedom House, 1999-2023).

5.5 *Freedom of Association*

Although there are still limitations in place, Albania legally protects freedom of association. There have been several instances of law enforcement using force and tear gas to disperse organizations during demonstrations, although most of these protests have been peaceful (Freedom House, 2005). Reports from 2008 to the present show a decline in the influence of non-governmental organizations (NGOs), with a focus on financial barriers and limited impact on political beliefs (Freedom House, 2008; 2012; 2014). In 2019, the civil sector faced significant obstacles because of political

conflicts, restrictions on media freedom, and limitations on legal proceedings (Freedom House, 2020). The 2021 report highlights the shrinking of civic space due to legal measures and government actions, including allegations of excessive force and lack of accountability (Freedom House, 2021). Even in 2022, civil society continues to face challenges, particularly for the LGBT community, despite the growth of organizational capabilities within civic movements (Freedom House, 2022). The state of challenges for civil society persists into 2023, with threats directed toward organizations and inadequate protection provided by public institutions (Freedom House, 2023).

5.6 *Freedom of the Press*

There is an interdependence between freedom of the press and democracy. The limitation of a free press is characteristic only in autocratic countries, where there is a connection between these phenomena. The role of the media in ensuring transparency, particularly in political elections and government control, is significant (Masferrer, 2023).

Albania is undergoing a transition towards democracy, but it faces significant challenges in protecting fundamental rights and liberties. Despite efforts to safeguard these freedoms, there have been repeated instances of violations. One troubling instance involves the suppression of complaints about police brutality, as authorities dismiss them as isolated incidents involving individual officers. The imposition of harsh prison sentences upon the editors of *Koha Jone*, an opposition newspaper, was an obvious symptom of the state of affairs in Albania. By exposing state secrets, the newspaper revealed the alarming truth that the country was regressing into a single-party regime where the autocratic president had complete control over the media (Elsie, 2010). In the realm of journalism, Albanian reporters have shown a remarkable sensitivity towards various obstacles that impede freedom of the press. These include physical assaults, threatening situations, and governmental interference, which all jeopardize the accuracy of news reporting. This issue was strongly emphasized in the 2018 reports and, unfortunately, continues to prevail in subsequent years. According to reports from 2018 and ongoing years, there are notable challenges that still exist. One major development in 2021 was the decrease in the rating of civil society's freedom of association. This was because of aggressive actions against protesters and security forces during the demolition of the National Theater in Tirana, as well as a citizen being shot by the police. Furthermore, media freedom also suffered a decline because of legal harassment and the negative rhetoric directed at independent journalists from politicians. These journalists faced numerous barriers, including threats, harassment, and unfavorable working conditions (Freedom House, 2021). In 2022, Albania's press freedom deteriorated because of mounting political pressure and hefty fines aimed at media outlets that criticized the government. Journalists faced verbal and physical assaults and difficulty in understanding the reasons behind the fines due to media ownership. Journalists faced restrictions on access to press conferences and experienced abuse while covering protests. Defamation lawsuits also increased, seemingly aimed at discrediting the work of journalists and civil society. These developments have significantly hindered Albania's press freedom in recent years, according to Freedom House's report in 2023 (Freedom House, 2023).

5.7 *Academic Freedom*

Albanian law guarantees academic freedom, but in the years of transition, this freedom has not been absolute. Freedom House reports from 2002 to 2003 state that there is limited academic freedom (Freedom House, 2003). Political meddling is one of the main obstacles to academic independence. According to a 2006 report, the government has interfered in educational institution appointments, but it does not substantially restrict academic freedom (Freedom House, 2006). 2009 saw ongoing coverage of this problem, including scandals involving phony degrees—one of which was awarded to a member of parliament—and interventions up to the ministerial level. As per Freedom House's report in 2009, "the Education Ministry certified fake degrees in March 2008, including a law degree for a member of parliament who allegedly assaulted a reporter when confronted about it". Pressure to participate in or vote during election campaigns is another way that politics has an impact on educational institutions. This is especially true for teachers and students. According to the Freedom House reports from 2011, 2014, and 2016, "although the government generally does not limit academic freedom, students and teachers have faced political pressure ahead of elections" (Freedom House, 2011; Freedom House, 2014; Freedom House, 2016). In addition, Freedom House's annual reports state that Albania's academic freedom has encountered a number of difficulties.

6. Recommendations

All the components used and analyzed above are decisive determinants of the various levels of a democratic system (Lewczuk, 2021).

In this context, this scientific paper assessed Albania's level of democratization by thoroughly examining all of Freedom House's reports over the years. After analyzing every issue pertaining to civil and political rights, it was determined that Albania presented problematic results in nearly every category under review, maintaining its status as "partly free." Furthermore, this status remained consistent across all years 1998–2023. Lack of free and fair elections, corruption, respecting and ensuring media freedom, civil society organization, and limiting free expression are some of the most evident issues. The country's democracy state is actually reflected in these issues. To set objectives and move past the seemingly never-ending transition period, Albania must make every effort to ensure the respect of political rights and individual freedoms.

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