



CHAPTER

# 23

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## JUDICIARY AND FUNDAMENTAL RIGHTS



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NATIONAL RESOURCE CENTRE  
OF CIVIL SOCIETY IN ALBANIA



**PARTNERS**ALBANIA  
FOR CHANGE AND DEVELOPMENT

# Albania's Scorecard On Progress And Level Of Preparation Regarding EU Accession During 2023–2024

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November 2024, Tirana



# Albania's Scorecard On Progress And Level Of Preparation Regarding EU Accession During 2023 – 2024

*BASED ON THE ASSESSMENTS OF THE EUROPEAN COMMISSION 2023 AND 2024 COUNTRY  
REPORTS*

## Context

The European Commission (EC) monitors Albania's progress and level of preparation in meeting EU membership requirements on an annual basis. The country is working on the transposition of the Acquis according to the National Plan on European Integration (NPEI), which serves as a tool for fulfilling the obligations arising from the Stabilization and Association Agreement (SAA). The First Intergovernmental Conference held on July 19, 2022, marked a major milestone for Albania, symbolizing a key technical step in the EU integration process. This conference set the stage for the European Commission's approval of the negotiation framework and initiated the groundwork for the screening process. With the screening process completed in November 2023, Albania reached another significant achievement on October 16, 2024, by officially opening negotiations for Cluster 1 – Fundamentals.

This Scorecard on Albania's Progress and Level of Preparation towards EU membership takes as its starting point the situation described in the EC 2023 Country Report and reflects the development throughout the reporting period crystallized in the EC 2024 Country Report. It aims to display in a more simplified way 1) the Political Criteria 2) Chapter 23 (Judiciary and Fundamental Rights) and 3) Chapter 24 (Justice, Freedom and Security).

The Scorecard presents an assessment concerning the main fields of each chapter. The evaluation includes an elaboration on progress and preparation in each area, as well as a graded assessment (where 10 is the highest grade and 4 the lowest), taking into account the terminology used in each case in the European Commission Reports for progress and level of preparation.

Furthermore, it considers the frequency and the relevance of the issue (new legal initiatives or strategies are generally viewed as more important than routine trainings). Particular attention has been drawn to the evaluation of the implementation of the legislation as one of the most important problems that our country faces. The methodology applied by EMA constitutes a snapshot of several components that shape a subfield, field and then chapter.

TERMINOLOGY USED FOR PROGRESS:	GRADE
Backsliding	4
No progress	5
Limited Progress	6
Some progress	7
Good Progress	8-9
Very good progress	10

TERMINOLOGY USED FOR PREPARATION	GRADE
n/a	n/a
Early stage	5
Some level of preparation	6
Some level / moderately prepared	7
Moderately prepared	8
Good level of preparation	9
Well-advanced	10

### How Should We Read This Scorecard?

Albania's Scorecard presents grades for each area analyzed by the European Commission for the preparation level and progress made regarding the European integration process for the reporting period covered by the reports of 2023 and 2024. The evaluation was carried out taking into account several criteria such as:

- Assessment of the fulfillment of requirements and obligations arising from the process concerning the legislation drafting framework;
- Reviewing whether the recommendations of the previous year were taken into consideration;

This document's main objective is to offer civil society actors, academics, governmental bodies, students, businesses and other interested citizens a clear and accurate reading, beyond the political debates, of Albania's progress in all areas that are part of the Copenhagen Criteria for EU membership.



# SCORECARD FOR CHAPTER 23: JUDICIARY AND FUNDAMENTAL RIGHTS

CHAPTER 23	EC REPORT 2023	EC REPORT 2024	CHANGE
<p>Functioning of the Judiciary</p>	<p><b>Preparation – Grade: 8</b></p> <p>Albania is <b>moderately prepared</b> on the functioning of the judiciary. The Ministry of Justice <b>reports regularly</b> on the implementation of the 2021-2025 cross-sector justice strategy and its action plan. All judicial institutions, <b>have developed</b> plans to align their activities with the cross-sector strategy. Albania <b>needs to ensure</b> effective cooperation between justice institutions.</p> <p>The SoM <b>needs to intensify</b> its efforts to improve the quality of academic staff and to <b>ensure</b> a competitive and transparent recruitment process. The overall quality of the initial and continuous training at the School of Magistrates (SoM) <b>requires further improvement</b>. SPAK, comprising the Special Prosecution Office (SPO) and the National Bureau of Investigation (NBI), <b>continued</b> to be fully operational.</p> <p>The quality of final court decisions <b>need to be further improved</b>. The efficiency of the judicial system and access to justice <b>continued to be affected</b> by the length of proceedings, the increased workload and the large backlog of cases, which <b>remains significant</b>. Attempts to stabilise the backlog have <b>not yet produced results</b>. The courts with the largest backlog are the High Court, the Appeal Court and the Administrative Court of Appeal. It is necessary <b>to improve</b> citizens' awareness of alternative dispute resolution. Implementation of the new judicial map <b>has started</b>.</p>	<p><b>Preparation – Grade: 8</b></p> <p>Albania is <b>moderately prepared</b> on the functioning of the judiciary. Implementation of the Cross-cutting Justice Strategy 2021-2025 still <b>needs to be improved</b>, as both the implementation rate and reporting capacity of the competent judicial institutions <b>are still low</b>. The HJC and the HPC are <b>in place</b>, but their efficiency in appointing, promoting, transferring and evaluating magistrates is <b>very low</b>. Their coordination with the Ministry of Justice, the High Justice Inspector (HJI) and other judicial institutions on key judicial policies and their systemic follow-up to operational conclusions also <b>remains weak</b>. The vetting process <b>has continued</b> and its completion in first instance is <b>imminent</b>, which is a major milestone with <b>11 remaining cases</b> out of 805 as of 3 October 2024. The independence and impartiality of the judiciary is <b>satisfactory</b> in the higher-level courts, including courts of appeal, and <b>needs to be improved</b> in the courts of first instance. The Councils, the HJI and the HIDAACI should make <b>further efforts</b> in performing thorough asset checks and, background checks on magistrates and candidate-magistrates.</p> <p>The fact that magistrates who have been dismissed through vetting are not prohibited from taking up positions of training staff <b>remains a concern</b>. The new judicial map was implemented, but there are <b>still challenges</b> with the quality and efficiency of justice. Some preparatory acts were <b>adopted</b> on the roll-out of an integrated case management system, but the necessary budget allocations <b>are lacking</b>, especially for the court component.</p>	<p>0</p>
<p>Functioning of the Judiciary</p>	<p><b>Progress – Grade: 8</b></p> <p><b>Good progress</b> was made during the reporting period, with the <b>continued</b> implementation of the justice reform. The vetting process for judges and prosecutors <b>has advanced</b> with <b>overall good results</b>. The SPAK <b>achieved further results</b>, and conducted investigations in <b>several high-level cases</b>, which include the involvement of two former ministers. However, <b>concerns continued</b> to be raised about alleged attempts to interfere with and exert pressure on the judicial system. <b>Progress</b> was made in addressing judicial vacancies through the appointment of a <b>significant number</b> – 40 – of new magistrates. A new Chief Special Prosecutor was elected in December 2022 after <b>a sound process</b>. The roll-out of a modern integrated case management system <b>has been long pending</b>, and it <b>remains necessary</b> to improve the efficiency and transparency of the justice system. However, <b>progress</b> was made with the establishment of the interoperability working group in June 2023 and the adoption of the interoperability framework setting the basis for the roll-out of the system. The High Justice Inspector (HJI) <b>continued to be operational</b>, initiating and conducting disciplinary investigations against magistrates. A robust implementation plan for the new judicial map <b>is still missing</b> and needs to be <b>urgently put in place</b>.</p>	<p><b>Progress – Grade: 7.5</b></p> <p>Albania has made <b>some progress</b> on the functioning of the judiciary. Albania <b>continued</b> implementing the justice reform and the vetting process, which led to significant improvements in the functioning of the judiciary that <b>must be maintained</b>. The satisfactory operation of the HJI and the <b>continued good progress</b> in implementing justice reforms have strengthened accountability. On 21 October 2024, the vetting institutions <b>had completed</b> 798 vetting cases at first instance amounting to 99% of the total. The HJC and the HPC's membership was renewed. However, the appointment of non-magistrate members to the Councils had been delayed and <b>remained heavily influenced</b> by Parliament, presenting shortcomings in the background checks and assets verification and meritocracy of the process. The HPC has conducted only <b>one evaluation</b> since the start of the implementation of the 2016 justice reform, which is of concern. There was <b>no specific progress</b> in the performance of the School of Magistrates' comprehensive revision of the annual entry exam, the review of initial and continuous training curricula, and the quality and integrity of its staff. <b>Serious delays</b> are experienced with the legal deadlines on publishing the reasoned decisions by courts.</p>	<p>-0.5</p>

CHAPTER 23	EC REPORT 2023	EC REPORT 2024	CHANGE
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<p><b>Fight against corruption</b></p>	<p><b>Preparation – Grade: 7</b></p> <p>Albania has <b>some level of preparation</b> in the fight against corruption. Albania <b>is party</b> to all international anti-corruption conventions, including the United Nations Convention against Corruption. The vetting of judges and prosecutors <b>continues to bring results</b> in the fight against corruption within the judiciary. Albanian institutions <b>need to ensure</b> systematic judicial follow-up on vetting cases where criminal offences have been indicated. Prosecution services <b>are encouraged</b> to proactively <b>initiate</b> criminal proceedings against judges and prosecutors whose vetting process revealed <b>criminal elements</b>. Corruption <b>remains prevalent</b> in the health and property sectors and within the police. Internal checks and inspection mechanisms in the public administration <b>remain weak</b> and <b>ineffective</b>. The central ministries, all agencies of the Ministry of Justice, and 22 additional municipalities <b>adopted</b> integrity risk assessment and integrity plans. Their effective implementation <b>is yet to be ensured</b>. The implementation of the inter-sectoral strategy against corruption <b>is overall on track</b>, although <b>important weaknesses remain</b>. A new strategy for 2023–2030 <b>is in preparation</b>.</p>	<p><b>Preparation – Grade: 7.5</b></p> <p>Albania is between having <b>some level of preparation and a moderate level of preparation</b>. SPAK, comprising the Special Prosecution Office (SPO), the NBI and specialised courts, has continued to deliver good results in high-level corruption cases. The GDAC <b>faces challenges</b> with its efficiency despite its recent transfer to the Ministry of State for Public Administration and Corruption. The thorough verification of assets, especially those concealed through proxy ownership arrangements, <b>is hindered</b> by the administrative boundaries of HIDAACI’s mandate. The state police remain <b>highly vulnerable</b> to corruption, and accountability remains weak. The legal framework for the fight against corruption is <b>largely in place</b>, but preventive measures and law enforcement <b>need to be improved</b> institutional roles and coordination for prevention, especially in the areas of conflict of interest, financing of political parties, donations and sponsorships, whistle-blower protection, the fight against fraud, and seizure of assets and their confiscation. Albania <b>needs to promptly and effectively</b> address the outstanding recommendations of GRECO.</p>	<p><b>+0.5</b></p>
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<p><b>Fight against corruption</b></p>	<p><b>Progress – Grade: 7</b></p> <p>Despite <b>some progress</b> and <b>continued efforts</b> in fighting corruption, including a number of high-level convictions and financial investigations at high level it remains an area of <b>serious concern</b>. The 2022 recommendations were <b>only partially implemented</b>, thus they remain valid. In March 2023, GRECO concluded that Albania <b>implemented or dealt satisfactorily</b> with only 5 of the 24 recommendations. Anti-corruption measures <b>continue to have a limited impact</b>, notably in the most affected areas such as infrastructure, property rights, customs, tax, education, health, public procurement and government contracts. <b>Some progress</b> was made in awareness-raising and efforts in this area need to be sustained.</p>	<p><b>Progress – Grade: 7</b></p> <p>Albania has shown <b>some progress</b> in anti-corruption efforts. SPAK’s capacity in financial investigations <b>has increased</b> and the systematic use of financial investigations and asset confiscations <b>has improved</b>. Another <b>direct outcome</b> of vetting was registered in September, as the IQC referred 19 vetting cases with <i>prima facie</i> criminal elements to SPAK for judicial follow up. The adoption of a <b>broad criminal amnesty law</b> led to 40 individuals convicted by SPAK courts and being fully pardoned and 65 others having their sentence reduced, which <b>raises concerns</b>. The GPO and the state police, <b>still face challenges</b> in detecting and effectively investigating corruption. The number of whistle-blower reports <b>remains low</b>. Targeted risk assessments and dedicated measures <b>are needed</b> to address corruption in the most vulnerable sectors, including police, customs, land and property management, state cadastre and public procurement.</p>	<p><b>0</b></p>
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Fundamental  
Rights

**Preparation – Grade: 7**

Albania **has not signed** the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Convention on Economic, Social and Cultural Rights. On the promotion and enforcement of human rights, the Ombudsperson (People’s Advocate) **continued to exercise** their mandate **satisfactorily**. On the prevention of torture and ill-treatment, the medical and custodial staff in prison hospitals are **generally satisfactory**. However, **poor material conditions** still prevail, as well as structural deficiencies. Legislation on the protection of personal data **needs to be urgently aligned** with the EU General Data Protection Regulation (GDPR) and the EU law enforcement Directive. Albania **should take urgent measures** to prevent the recurrence of massive breaches of personal data and improve their handling. The persistence of child marriage **remains a matter of concern**. However, since 2021 the government has prioritised **addressing child marriage** in its budgeted national policy framework.

**Preparation – Grade: 7**

Albania’s legal framework sets out a **generally good basis** for the protection of fundamental rights. The country **has not signed** the Optional Protocol to the International Convention on Economic, Social and Cultural Rights. Albania **needs to develop** a comprehensive monitoring and data collection system to assess the level of implementation of human rights legislation, policies, and strategies. Albania **faces challenges** in implementing ECtHR judgments. There are currently **16 cases** under enhanced supervision by the Committee of Ministers, more than double the figure of 2023 (7 in 2023). The Ombudsperson (People’s Advocate) continued to exercise its mandate **satisfactorily**; however, staff shortages **persist**, affecting the functioning of its regional offices. Conditions for prisoners with mental health issues and forensic patients are **a serious concern** due to overcrowding, a lack of medical and therapeutic staff and inadequate facilities. **Concerns remain** about the handling of personal data by private companies and public administrations as well as about the weaknesses of government IT systems. The capacity of the Office of the Information and Data Protection Commissioner (IDP) **needs to be strengthened**.

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Fundamental  
Rights

**Progress – Grade: 7.5**

Overall, Albania **continues to be party to most** international human rights instruments. Albania continues to **ensure good cooperation** with the European Court of Human Rights (ECtHR). On the right to life, **limited progress** was made in investigating cases and strengthening the institutional and legislative framework on persons missing since the communist era. **No systemic illtreatment** in prisons or by the police has been reported, by the People’s Advocate. The prison system and detention centres **remain a serious issue of concern**. Patients with medical conditions from the Kruja and Zaharia detention facilities were transferred to the Lezha prison, **implementing** the 2021 recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the judgments of the ECHR. **Progress** was made on the use of alternatives to detention and, in particular, the **probation service**. Overall, freedom of thought, conscience and religion **was generally upheld**. The restitution of properties belonging to religious groups that were expropriated during the communist era remains **an unresolved issue**.

**Progress – Grade: 7.5**

Albania **is party** to the main international human rights instruments. **Progress** during the reporting period included the adoption of a new strategy for the protection of crime victims, as well as the preliminary results of the national population and housing census published in June. Albania continues to **ensure good cooperation** with the ECtHR. The Court **found breaches** of the European Convention on Human Rights relating mainly to the right to respect for private and family life, the right to a fair trial, and the right to liberty and security. Albania **generally complies** with its obligations on the prohibition of torture and ill-treatment. The functioning of the National Preventive Mechanism is **satisfactory**; however, the follow-up of its recommendations **remains low**. Despite **some progress**, corruption, poor healthcare and a shortage of staff in the penitentiary system and detention centres **remain a concern**. The probation service is **operational** and offers alternatives to imprisonment, including for juvenile offenders. Implementation efforts **need to intensify overall**, particularly in the areas of violence against women, protection of property rights and rights of persons belonging to minorities.

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Freedom of  
Expression

## Preparation – Grade: 6.5

Albania **is in between some and moderate level of preparation** in the area of freedom of expression. The constitutional right to freedom of expression **continued to be generally upheld. It is essential** that any change to the legal framework **be in line** with European standards, and is subject to **extensive consultations** with media organisations and civil society. The provisions of the Criminal Code on insult and defamation **need to be repealed** or fully aligned with European standards. Limited job security and poor working conditions **pose serious risks** of self-censorship. Albania **is a signatory** to the Declaration for the Future of the Internet of April 2022. The national strategy for cybersecurity and its 2020–2025 action plan **have been adopted**. The strategy includes a chapter **on the protection of children online** as a priority for the country. The state **generally refrains** from filtering and blocking online content. Digital media **continue to be strongly influenced** by political actors, businesses and by third parties in terms of funding and content. Large information technology platforms **remain unregulated and unregistered** in Albania. Freedom of artistic expression **is broadly guaranteed**. Laws on hate speech **are in line** with international standards. Better enforcement and greater awareness raising **are needed to eliminate** hate speech, particularly in rural and remote areas.

## Preparation – Grade: 6.5

Albania is between having **some level of preparation and a moderate level of preparation** in the area of freedom of expression. The framework for the protection of journalists **is in place**, but verbal and physical attacks and smear campaigns **continued**. The use of SLAPP **increased** to 73 reported cases in 2023 (up from 42 in 2022). The Criminal Code **does not provide** for special protection for journalists against violence, attacks or threats while exercising their profession. The Law on access to information is **broadly aligned** with European standards; however, shorter and binding deadlines for answers to journalists **need to be set** based on best European practices. In April 2024, the Parliament **established** an *ad hoc* parliamentary committee on tackling disinformation and foreign interference, without the support of the opposition. Media independence **continues to be negatively influenced** by the overlap of political and businesses interests in terms of funding and content and high ownership concentration. The cybersecurity capacity of media outlets is **generally weak**. Several cyberattacks against the media **were reported** during the reporting period. Journalists **face serious hardships** in terms of limited financial and human resources and the **limited possibility** to set up effective cooperation with the government to promote the interests of independent media.

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Freedom of  
Expression

## Progress – Grade: 5.5

**Limited progress** was made, in particular through the **amendment of the Law on audiovisual media, to align** with the 2018 EU Directive on audiovisual media services. The atmosphere of verbal and physical attacks, smear campaigns and intimidation lawsuits against journalists **has not improved**. The anti-defamation legal package **was removed** from Parliament's agenda in November 2022. The Audiovisual Media Authority **adopted** a revised Audiovisual Broadcasting Code. High-profile business groups **further increased** their economic penetration in the media market. Market and audience concentration and lack of transparency of media funding continue to **remain issues of concern** as regards media freedom in the country.

## Progress – Grade: 5

Albania made **no progress** in this area. A solid track record of prosecution and judicial follow-up **has yet to be established** to safeguard the safety of journalists. **No progress** was made in aligning the legislative framework with the EU *acquis*, including the Media Freedom Act, also in addressing high market concentration and the transparency of media ownership. Implementation of the Law on access to information is **weak**, due to delaying replies to answers. The Law on audiovisual media lays down **limited safeguards** against the concentration of media ownership and monopolies. The state **generally refrains** from filtering and blocking online content. However, media freedom organisations claim that there are **no specific legal provisions** to enforce net neutrality.

-0.5

Gender  
equality/  
non  
discrimination

**Preparation – Grade: 6**

Provisions on referral mechanisms between different levels of care, training for healthcare providers, youth friendly services, and outreach to vulnerable groups **have not been addressed** in the Law on reproductive health. The 2021–2030 national strategy on gender equality and its action plan **are more affirmative** in addressing the rights of all women and men. However, implementation **needs to be stepped up**. Women living in rural and remote areas, Roma and Egyptian women and LGBTIQ **face limited access** to primary health care, and to sexual and reproductive healthcare services. Social services **continue to be donor-driven** and often delivered by civil society organisations active in the field. A dedicated state budget and other resources **are still needed**. The legal and policy framework on the rights of the child **increasingly reflects international standards and EU requirements**. The 2021–2026 national agenda on the rights of the child (NARC) set out the strategic framework, in line with the national and international commitments. In 2022, the Commissioner for Protection from Discrimination (CPD) **continued to handle a stable number of cases**, mostly in the areas of employment and services. The 12th Tirana Pride **took place peacefully** on 20 May 2023. However, public awareness and acceptance of LGBTIQ persons **remain low**, particularly in rural areas. In March 2023, the **government announced the suspension** of initiatives related to the establishment of the investors’ citizenship scheme. Albania **should refrain** from developing such a scheme which would **pose risks** as regards security, money laundering, tax evasion, terrorist financing, infiltration by organised crime, and **would be incompatible with the EU acquis**.

**Preparation – Grade: 6**

The legal and institutional framework for gender equality is **partially aligned** with the EU *acquis*. **Weaknesses** remain in implementing the National Strategy for Gender Equality 2021–2030 and its Action Plan. The application of gender responsive budgeting **continued** in 2023, with 48 out of 75 budget programmes in 11 line ministries and Central Institutions. The Ombudsperson **set up** a Femicide Watch to report and monitor cases of femicide. Support services for victims of violence continue to be **donor-driven and insufficient**, particularly in healthcare, the funding of shelters, free legal aid, and the reintegration and rehabilitation of victims of violence. In 2023, The Commissioner for Protection from Discrimination (CPD) **handled** six cases of hate speech, **confirming** hate speech in two of the cases. In 2024, two new cases are **under review**. Coordination mechanisms **need to be significantly improved** in the areas of child trafficking, cybercrime, child marriage, child sexual abuse and the right to healthcare and education. The quality of education for children with disabilities, especially children with a hearing impairment, **continues to cause concern**. Albania **does not have legislation** recognising civil cohabitation or same-sex marriage. Most of the LGBTIQ National Action Plan 2021–2027 **has yet to be implemented**. A new cross-cutting Strategy for the Protection of Crime Victims 2024–2030 **was approved** through a decision of the Council of Ministers. The FCNM’s Advisory Committee noted that national minorities have **limited opportunities** for political participation, particularly at national level, and recommended reviewing the procedures for selecting the members of the Committee on National Minorities. Overall, access to education for the Roma community **continues to be problematic**, and segregation in schools is still an issue.

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Gender  
equality/  
non  
discrimination

**Progress – Grade: 6**

On gender-based violence, the national legal framework **needs to be further harmonised** with the provisions of the International Labour Organization Convention on Violence and Harassment in the World of Work, ratified in February 2022. The current legal framework **is not fully aligned** with international standards, including the Istanbul Convention, and **lacks focus** on the reintegration of, and access to services for, victims and survivors of violence. **Some progress** was made on the rights of persons with disabilities. Albania’s framework legislation on the rights of persons with disabilities **remains only partially** in compliance with the UN Convention on the Rights of Persons with Disabilities and gaps **must be addressed**. Albania **needs to ratify** the Optional Protocol to the Convention. The application of gender-responsive budgeting **has continued to improve**. Discrimination against LGBTIQ persons **is still very prevalent** in Albanian society, especially as regards access to healthcare, education, justice, employment and housing. **Limited progress** was made on the social inclusion of the Roma and Egyptian minorities. On citizenship rights, there **were no new developments**.

**Progress – Grade: 6**

The legal framework for gender-based violence **is not fully aligned** with the Istanbul Convention. Violence against women and girls **remains a pressing issue** that needs to be addressed. Laws on hate speech are in line with European standards; however, better enforcement capacity and awareness-raising **are needed**. **No progress** was made on child-friendly justice. The laws to protect minors from child marriage are **generally ineffective or applied inconsistently**. The framework legislation on the rights of persons with disabilities is **only partially compliant** with the UN Convention on the Rights of Persons with Disabilities, and the country **has not ratified** the Optional Protocol to the UNCRPD. The adoption of the medical protocol for transgender and gender diverse persons is a **positive step** in facilitating the right to healthcare but implementation **not adopted yet** and corresponding legal changes **still need to be ensured**, including changes to identity documents. There was **no progress** in addressing issues related to the procedural rights of suspects and accused persons. There has been **poor implementation** of the national action plan for equality, inclusion and participation of Roma and Egyptians in Albania (2021–2025) and the Poznan commitments.

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