



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined ninth to twelfth periodic reports  
submitted by Albania under article 9 of the  
Convention, due in 2015\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Republic of Albania has acceded to the Convention “On the Elimination of All Forms of Racial Discrimination” by Law no. 7768, dated 9.11.1993. The Committee considered the reports of the Cycle V-VIII (CERD/C/ALB/5-8) presented in a document at its 2110th and 2111th meetings (CERD/C/SR.2110 and CERD/C/SR.2111), held on 22 and 23 August 2010, at its 2125th meeting (CERD/C/SR.2125), held on 1 September 2011. In its last report, the Committee welcomed the submission of Reports, as well as resuming the dialogue HELD with the High-Level Delegation, and the oral responses provided to the questions posed by Committee members.

2. The actual national periodic report submitted under the article 9 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), was drafted in accordance with the Guidelines on the form and content of reports to be submitted by the States Parties for the period 2011-present. The report contains information on the implementation of the provisions of the Convention and the recommendations of the Committee on the Elimination of All Forms of Racial Discrimination, based even on the Concluding Remarks (September 2011). Significant progress is the progress achieved in the legal and institutional aspect, the drafted policies and the difficulties/challenges for the elimination of all forms of racial discrimination.

3. Considering respect and protection of human rights as one of the main priorities, the Albanian Government is committed to meeting the international obligations deriving from the human rights conventions. Based on the Prime Minister’s Order No. 112, dated 5.3.2014 “On the establishment of an inter-ministerial working group on drafting and participation in the review of reports within the framework of international human rights conventions”, the Ministry of Foreign Affairs coordinates the process of preparation of the national reports on the implementation of conventions on human rights, including the report under this Convention, in cooperation with state institutions and independent institutions.

4. This report is drafted as a result of the coordination of work and the involvement of state institutions, in the areas of their competence on the issues covered by this Convention. The report is prepared in cooperation with the central institutions (Ministry of Interior, Ministry of Justice, Ministry of Social Welfare and Youth, Ministry of Education and Sports, Ministry of Urban Development and Ministry of Culture) and independent institutions (Commissioner for Protection against Discrimination, Ombudsman, Central Election Commission).

5. Pursuant to the domestic legislation, this report was adopted by a Decision of the Council of Ministers (DCM) Nr. 534 dated 4 October 2017.

## **II. Information concerning the implementation of the Conventional Articles and Recommendations of the Convention Experts Committee, on the progress achieved during the period 2011-present**

### **Information on specific Articles**

#### **Article 1: Information regarding the definition and legal provisions about the definition of discrimination**

6. The Constitution of the Republic of Albania sanctions the principles of equality and non-discrimination. Article 18 provides: “Everyone is equal before the law and no one can be unjustly discriminated for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational and social status or affiliation parenting”. Article 16/1 of the Constitution provides that the fundamental rights and freedoms as well as the obligations set forth in the Constitution for Albanian citizens apply equally to foreigners and stateless persons in the territory of the Republic of Albania.

7. Law no. 10221, dated 04.02.2010 “On the Protection against Discrimination”, provides and regulates the implementation and observance of the principle of equality in relation to gender, race, color, ethnicity, language, etc. (Article 1). The Law on Protection against Discrimination defines discrimination as: any distinction, exclusion, restriction or preference based on any cause referred to in Article 1 of this Law, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms recognized in the Constitution of the Republic of Albania, the international acts ratified by the Republic of Albania and the laws in force (Article 3).

8. From the practice of implementing the law “On the protection against discrimination”, year after year it is noted a greater awareness of the general public and special groups on the legal remedies for the protection against discrimination. This is also reflected even in the increase on the number of registered complaints and the implementation of the law “On the protection against discrimination” also in the courts. Based on the annual report of the Commissioner for the Protection against Discrimination (CPD), out of 15 complaints received in 2011, the number of complaints went to 172 in 2014. 164 out of 172 appeals in 2014 are alleged to be racially based discrimination. But even though the number of complaints has increased, population awareness remains a priority for the CPD<sup>1</sup>.

## **Article 2: Information on legal and institution<sup>2</sup> measures against racial discrimination**

9. The Constitution of the Republic of Albania in its Article 18 has sanctioned the principle of equality before the law, providing that no one can be unjustly discriminated for reasons such as gender, race, religion, ethnicity, language, etc. Thus, the Constitution and the law not only do not recognize any limitation or privilege in the rights and duties of citizens for the above reasons, but any act of privilege or inequality in violation of these rights is unconstitutional and is punishable by law, respectively with articles 253/1, 265/2, 266/3 and the following of the Penal Code.

10. The Law on Protection against Discrimination provides protection against discrimination on grounds such as race, ethnicity, language, color and foresees some forms of discrimination such as direct, indirect discrimination, discrimination on grounds of companionship, instruction to discriminate, denial of a reasonable adaptation, victimization (Article 3). Protection against discrimination under this law is guaranteed by any act or omission of public authorities or natural or legal persons participating in the public or private life and sectors that create grounds for denying equality to a person or group of persons or that exposes them to an unfair and unequal treatment, when they are in the same or similar circumstances as compared to other persons or groups of persons, constitutes discrimination. This law provides protection against discrimination in several areas of public life such as goods and services, employment and education.

11. The legal and sub legal framework governing the activity of the State Police has been improved in order to respect human rights and especially those deprived of liberty in the police premises. The legal framework constitutes a guarantee of respect for human rights and freedoms, equal treatment and non-discrimination on grounds of sex, race, color, language, religion, ethnicity, political, religious, philosophical, sexual orientation, educational, social, parental affiliation.

12. Specifically in the Law “On State Police” no. 108, dated 31.07.2014 are set out the basic principles governing the activity of the Police and in particular: non-discrimination and respect for human rights and fundamental freedoms. The Law on State Police foresees the obligation of police officers to comply with the Constitution and the legislation and the protection of human rights, namely “Police officer performs his duties professionally, impartially, without discrimination and in accordance with the law”. This law guarantees police cooperation with the community to exercise the freedoms and rights of persons. Also,

<sup>1</sup> <http://cpd.al/files/1427975691-Report%20Vjetor%202014.pdf>.

<sup>2</sup> Information related to the 9th Recommendation of the Committee.

the law foresees police cooperation with civil society for the protection and respect of the right also of fundamental human freedoms.

13. The law provides legal cases of escorting persons, time of retention and treatment as an escort (not more than 10 hours), the right to inform in the language they understand, about the causes of escort, there is no obligation to make a statement, the right to communicate with a trusted person or a lawyer (articles 109, 122). It has also foreseen the obligation of the police to record and administer the data for the escorted persons and at the conclusion of the procedures, a record is made of the actions performed with the escorted person, of which he has notice. Article 115 sanctions the right of escorted, detained and arrested individuals to file a claim/complaint regarding the position, treatment, treatment conditions, behavior of the police personnel, violations and abuses committed against their rights. Article 133 sets out the rules for the use of force by the Police.

#### **In the field of employment**

14. The Law on Protection against Discrimination (Article 14) provides the duties of the Council of Ministers, the Minister of Labor, Social Affairs and Equal Opportunities (today the Minister of Social Welfare and Youth) and the Minister of the Interior to positive measures against discrimination related to the right to employment, namely:

(a) Raising awareness of this law of the employee and the employer, including providing information on this law;

(b) The establishment of special and temporary policies, based on the causes mentioned in Article 1 of this Law, in order to promote equality, in particular between men and women, as well as persons with full physical and disability skills. Article 15 provides;

(c) The opportunity to appeal against a discriminatory behavior in the field of employment not only to the Commissioner for the Protection against Discrimination and to the Court, but also to specific institutions established in different sectors of employment;

(d) The employer must make a decision on the employer's complaint for discrimination.

15. By DCM no. 191, dated 02.04.2014, some amendments and additions were made to the Regulation on Personnel of State Police, where it was stipulated that "At least 2% of candidates admitted to the police should be from minorities and ethno-cultural groups".

#### **In the area of housing**

16. Pursuant to Law 9232, dated 13.05.2004, "On Social Programs for the Housing of Resident of Urban Areas", as amended, of the Action Plan of the Strategy "On Improving the Living Conditions of the Roma and Egyptian Communities" the European Commission Recommendations for Albania, as well as the "Small Grants" program, the Ministry of Urban Development since 2014 and onwards has implemented the project "Improving Roma and Egyptian Community Housing Conditions". In this context, the terms of reference for projects to improve the housing conditions of Roma and Egyptian communities have been approved, which were sent to all local government units to present their projects.

17. From 2014, the Ministry of Urban Development (MUD) funded the fund of 63,754,473 ALL<sup>3</sup> and the persons that benefited have been from about 340 families of Roma and Egyptian communities in 4 (four) Local Government Units specifically:

- The Municipality of Lushnje drafted and deposited in MUD the project "Emergency intervention in the Roma neighborhood, Saver, Lushnje", the construction of which was completed in December 2014. The funded value was 29,330,889 ALL. Out of this project, 22 households benefited from the reconstruction of houses and about 150 households from sewage and water supply and sewerage.

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<sup>3</sup> About 500,000 Euro.

- Otlak Municipality drafted a two-stage project, which ended in December 2014. Out of this project directly benefited 24 families and 100 indirectly, out of a total of 124 Roma families. The first phase of the project “Reconstruction of Roma community dwellings, infrastructure interventions and sewerage in the village of Morava, Otlak municipality”, amounting to ALL 11,014,844. Out of this project, 19 families benefited from housing reconstruction (direct benefit) and about 50 households from interfering with the sewerage network (indirect benefit). The second phase of the project “Reconstruction of Roma community dwellings, infrastructure interventions and sewerage in the village of Morava”, worth 9,192,610 ALL. Out of this project, 5 households benefited from the reconstruction of housing and about 50 households from the construction of the main collector for wastewater sewage.
- The Municipality of Lezha drafted the project entitled “Reconstruction of 36 Roma and Egyptian dwellings in the Skanderbeg neighborhood”, worth 9,426,848 ALL, which was completed in December 2014 and from the implementation of which 36 Roma residences were reconstructed.
- The Municipality of Permet drafted the project entitled “Emergency intervention in Egyptian community dwellings, Permet”, worth 4,789,282 ALL for the reconstruction of 8 Egyptian dwellings. The project was completed in December 2014.

18. Decision no. 405, dated 01.06.2016, approved for the first time the Social Housing Strategy 2016-2025, coupled with a specific detailed action plan, which highlighted the real housing situation, identified the needs to give support to this sector in the new conditions of administrative-territorial reform, and dictated the need for a new law.

19. The draft law “On social housing”<sup>4</sup> was approved by the Council of Ministers in April 2016. This draft law was initially conceived as a change of Law no. 9232, dated 13.05.2004 “On Social Programs for the Housing of Urban Areas”, amended, which no longer meets the conditions and social policies. From the changes made during the drafting and the additions, the above law was changed in 80% of it. This made it necessary to draft a new law. This bill aims at creating opportunities for affordable housing, for a safe, dignified and peaceful life, relying on the solvency of individuals and families in need of housing and in need of state aid.

20. The draft law “On social housing” aims to provide an accessible approach to people with disabilities, the elderly, children and other groups, thus facilitating the degree of meeting the specific housing needs of these groups. In planning residential areas and housing programs, it is foreseen that the state should make maximum efforts to respect the traditions and cultures of different communities and groups. The purpose of the law is to create opportunities for access to affordable housing for families in need. The law needs to take specific measures to promote, protect and fully and progressively secure this right.

21. The draft law on housing is a good basis for the development of affordable housing programs for vulnerable groups. The combination of the anti-discrimination law and this law also provides protection against discrimination in the allocation of housing and other housing improvements for the Roma and Egyptian community.

22. The second chapter of the draft law sanctions the main principles underpinning social housing policies and programs such as:

- (a) The principle of residence security (Article 5), prohibiting expulsion in any case and providing guarantees to individuals/families affected by the resettlement process;
- (b) The principle of respect for culture, the traditions of communities, where local self-government units are responsible for planning residential areas and housing programs.

<sup>4</sup> Approved by the DCM No. 311, dated 12.04.2017.

### Eliminate spirit-inducing and discriminatory actions

23. The Penal Code provides for provisions punishing the promotion of discriminatory spirit, as follows:

- Article 50/j clearly states that the commission of a criminal offense for racial discrimination will serve as an aggravating circumstance in the determination of punishment.
- Article 84/a provides: “A serious threat to murder or serious injury to a person through computer systems due to ethnicity, nationality, race or religion is punishable by a fine or up to three years of imprisonment”.
- Article 119/a provides: “Public offering or deliberate distribution to the public, through computer systems, of materials of racist or xenophobic content constitutes criminal offense and is punishable by a fine or up to two years of imprisonment”.
- Article 119/b provides: “Intentional public insult, through a computer system, made to a person because of ethnicity, nationality, race or religion, constitutes a criminal offense and is punishable by a fine or by imprisonment of up to two years”.
- Article 253<sup>5</sup> — *Violation of the Equality of Citizens* “Execution owing to the duty and the exercise by the state or public service employee of differences on grounds of origin, sex, health status, religious, political, trade union activity or because of belonging to a particular ethnicity, nation, race or religion, consisting in creating unfair privileges or refusing a right or benefit deriving from the law, is punishable by a fine or up to five years.
- Article 265<sup>6</sup> — Encouragement of hatred or quarrel “Encouraging hatred and contention, because of race, ethnicity, religion or sexual orientation, as well as preparation, dissemination or preservation, with a view to the dissemination of such content written with any means or form, is punishable by two to ten years of imprisonment”.
- Article 266 — Call for National Hate (Amended by Law 144/2013, 2.5.2013, Article 42) 2 “Endangering public peace by calling for hatred against parts of the population, insulting or defaming them, requiring the use of violence or of arbitrary actions against them, is punished by imprisonment of two to eight years”.

24. The legal framework has been supplemented by secondary legislations in implementation of the Law on State Police, as well as administrative acts of the State Police, namely:

- “Warning” no. 7946/1, dated 25.11.2013 “On the prevention and elimination of behavior/attitudes affecting dignity due to ethnic affiliation”. In this attention note the emphasis is on: 1) The same treatment, without discrimination and equal treatment of all citizens by the State Police. 2) Evaluating and addressing all complaints, denouncements made for mistreatment/abuse or violation of the rights of persons belonging to the Roma and Egyptian communities. 3) Continuous monitoring and control of the work of police staff by police service managers, police units, central police structures and the Professional Standards Department. 4) Taking disciplinary measures and the conditions and penalties against the police personnel responsible that by actions or omissions have violated or did not respect and guarantee the legal rights of persons. 5) Enhance cooperation with leaders of Roma and Egyptian associations and organizations to share information regarding respect for the rights of these communities.
- The Rulebook of the State Police<sup>7</sup>, part of which is even the Police Code of Ethics.
- Implementing standard working procedures on the technical rules of escorting to the police<sup>8</sup> station.

<sup>5</sup> Provided for as a criminal offence with the law 144/2013, dated 2.5.2013, article 40.

<sup>6</sup> Amended the law with the article 144/2013, dated 2.5.2013, article 41.

<sup>7</sup> Approved by Decisions of Ministers (DCM), no. 750, dated 16.09.2015.

- Implementing the standard procedure on the control of persons. Review and improve the standard procedure for the treatment and provision of arrested persons, in the police premises, the identification and resolution of their complaints claims<sup>9</sup>.
- Establishing and putting into use of the electronic system on the administration of data for escorted and detained/arrested individuals, which applies to all police units.

25. In accordance with the obligations set forth in Law no. 108/2014 “On State Police”, as amended, have been drafted, approved and implemented the standard police work procedures:

(a) Standard procedure: “Technical rules of escorting to the Police Station”, approved by the order no. 306, dated 31.03.2016, of the Director of State Police;

(b) Standard Procedure: “Notification to Police Officer”, approved by Order no. 373/1, dated 12.04.2017, of the Director of State Police;

(c) Standard Procedure: “Identity Control of a Person”, approved by Order no. 373/2, dated 12.04.2017, of the Director of State Police;

(d) Standard procedure: “Police cooperation with civil society organizations (CSOs) for monitoring the rights of escorted, arrested/detained persons, in the police environment”, approved by Order no. 428, dated 26.04.2017, of the Director of the State Police;

(e) Standard procedure: “Use of force by police officers and reporting on its use”, approved by Order no. 538, dated 18.05.2017, of the Director of the State Police;

(f) Standard procedure: “Treatment and provision of arrested/detained persons in the premises of the State Police, identification and resolution of their claim/complaints”, approved by the order no. 440/3, dated 27.04.2017 of the Director of the State Police;

(g) For the prevention of discrimination, physical and psychological violence, mistreatment, torture, accompaniment, detention/arrest of persons, during interrogation and treatment at police premises, a number of measures are implemented:

(i) Warning no. 972, dated 05.02.2014 “For the strict implementation of legal and sub-legal acts and standard working procedures regarding arrest/detention, physical control and treatment of arrested/detained persons”.

(ii) Carrying out inspections and controls in the police structures at the local level regarding the fulfillment of the obligations deriving from the law on guaranteeing human rights without discrimination.

(iii) Conduct inspections of cases of recorded events or complaints against police officers. For the violations and deficiencies found, the disciplinary action for disciplinary action against the police officers is based on the Disciplinary Regulation.

26. The State Police structures are constantly working to identify all cases of hate speech, because of ethnicity, nationality, race etc., during 2011 and onwards it has identified 5 cases of criminal offense “Inciting hate or quarrel”, Article 265 of the Penal Code, as amended.

#### **Article 5: Legal and Institutional Measures on the Protection and Respect of Fundamental Rights and Freedoms**

27. The Constitution provides for a set of provisions on guaranteeing the exercise of fundamental rights and freedoms for all persons regardless of gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social or parental affiliation. The Constitution also guarantees that every individual, for the protection of his or her constitutional and legal rights, freedoms and interests, or in the case of charges brought against him, has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal provided by law. On the other

<sup>8</sup> Approved by the Order no. 308, dated 31.03.2016.

<sup>9</sup> Approved by the Order of the General Director of the State Police, no. 440/3, dated 27.04.2017.

hand, the legal and secondary legislation framework in the fields aims at guaranteeing and enforcing human rights (women's rights, children, people with disabilities, minority rights), etc.

28. The Constitution in Article 55 provides for the equal enjoyment of every citizen's right to health care. As a fundamental right, the state plays a key role in guaranteeing patient safety, based on the principle of non-discrimination.

#### **In the field of union formation**

29. Article 46 of the Constitution provides that: Everyone has the right to be collectively organized for any legitimate purpose.

30. Trade union freedom is protected by law (Art. 10 and 181 of the Labor Code).

31. All employees regardless of race, language, ethnicity, etc., are free to create and join a trade union established on the basis of the law. (Article 9 of the Labor Code).

### **Article 7: Legal and Institutional Measures against Discrimination in the Field of Education, Culture and Information**

#### **In the field of education**

32. Law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania". The law on the pre-university education system has as its main objective the guarantee of the constitutional right to education for all, according to the respective legal framework, for the functioning of the pre-university education system in the Republic of Albania (RA). Like all other normative acts of this kind, the law is comprehensive. In this context, the law supports the education and education of all children indiscriminately, and in this sense supports the education of Roma/Egyptian children as well as of other differentiated levels of society. "The pre-university education system aims at preparing each individual in order to face the challenges of the future, to be responsive to the family, the society of the nation (Article 3).

33. This law focuses on the development of our heritage, cultural diversity and respect for the traditions of other peoples. "Right to education" (Article 5, point 1) guarantees the right to education of all citizens without discrimination on grounds of race, sex, color, ethnicity, language, etc. Specifically, the right to education of Albanian, foreign and stateless persons is guaranteed, without being discriminated against by gender, race, color, ethnicity, language, sexual orientation, political or religious beliefs, state, economic or social status, age, limited or for other reasons as defined in Albanian legislation.

34. In Article 10 of Law no. 69/2012, dated 21.06.2012 "On the pre-university education system in the Republic of Albania".

- Persons belonging to national minorities are provided with the opportunity to learn and learn in their native language, to learn their history and culture, according to curricula.
- To enable active and equal participation in the economic, social, political and cultural life of the Republic of Albania, students of national minorities create conditions for learning Albanian language and recognition of Albanian history and culture.
- Plans and curricula, as well as reports on the use of native language and official language in the teaching process are defined by special acts of the minister.

#### **In the field of culture**

35. In relation to the measures taken for non-discrimination in the field of culture and the promotion of minority culture, a special sector has been created in the Ministry of Culture, which deals inter alia with the protection and promotion of diversity of habits cultural heritage and the exercise of cultural rights. In this context, the strategy "Show Your



Culture”<sup>10</sup> is designed, a strategy aimed at inventorying, preserving and promoting the intangible heritage and cultural habits of communities, including all ethnic groups and ethnic and linguistic minorities. This Strategy is being realized through cooperation with the communities that have the primary role in the identification and registration of their intangible heritage elements as they are presented today.

36. In the financial plan, the Ministry of Culture annually foresees an increase in its allocated budget for cultural activities and for the public involvement in them. Also, other funds are donated by different donors in order to protect and preserve the cultural identity and revitalization of the cultural life as a whole as well as communities in particular. The transparent distribution policies of these funds are oriented in such a way as to benefit all the social groups concerned.

### **In the field of information**

37. In the framework of inclusive and non-discrimination in the field of information, Law No. 97/2013 “On Audiovisual Media in the Republic of Albania”, provides that the Audio Broadcasting Service: 1) Operates, is owned and managed by the community to which it serves. 2) It is offered for non-profit purposes, reflecting the cultural, linguistic, demographic, community-based needs. 3) Provide programs of special importance to the community, including but not limited to development issues, health care, basic information, general education, environmental issues, reflection of local culture, etc.

38. Based on the main goals of the Albanian Radio Television (ART), the aim is to: programs reflect the various human and cultural elements and pay special attention to the distinctive elements of Albanian culture and language; provide a full range of Albanian language programs that reflect cultural diversity, entertain, educate and educate the public, provide coverage for sport, religious and cultural activities, and meet the expectations of the general public as well as individuals who belong to the social minorities, respecting in any case human dignity.

39. Law no. 97/2013 “On Audiovisual Media in the Republic of Albania”, whose basic provisions and principles include articles and protocols for the prohibition of programs that contain or promote racial discrimination or other types of discrimination. Specifically, Article 32 of the Law “General Rules for Audio and/or Audiovisual Media Services Providers”, point 4, states that Audiovisual Media Service Providers do not broadcast content programs that incite hatred on racial, gender, religious, ethnic, national and any other form of discrimination”. In this law, it is stipulated that: “Audiovisual broadcasts of all kinds respect the right of equality and non-discrimination for any cause protected by Albanian legislation”. Also commercial communications in audiovisual broadcasting are not permitted to “include or support discrimination based on sex, race or ethnic origin, nationality, age, religion, religion, disability or sexual orientation”; Audio-visual media service providers should be open to different ideas, opinions, political, social, cultural and religious trends; Audiovisual broadcasts should preserve and promote ethnic and cultural, artistic and environmental heritage at the national and local level “; “Audiovisual information broadcasts should not contain directly or imply discriminatory messages for reasons such as gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status or any other cause”.

<sup>10</sup> Launched in 21 may 2014 on World Cultural Diversity Day.

### **III. Information on the issues and recommendations submitted by the expert committee after the review of the report of Albania**

#### **Recommendation 6: Census Information**

40. Amendments to the Law “On the Population and Housing Census” in 2011 stipulate that “Census” is the collection of information by questionnaires and the processing of such data, in order to ensure a full count of all households, families and dwellings and buildings used for residential purposes within the territory of the Republic of Albania, at a single point in time, as well as production of statistics related to the demographic, economic and social characteristics of the Albanian population. Regarding the “obligation to respond, the law provides that” all persons with Albanian or foreign citizenship as well as stateless persons, with the exception of diplomatic personnel accredited in Albania, who at the moment of the census are within the territory of the Republic of Albania, should provide the information required in the Population and Housing Census questionnaires, according to the provisions of this law.

41. The census law contains a special provision on public disclosure of the purpose and the census procedures, as well as the legal obligations related to it being made public through the media and a wide-ranging information campaign run by INSTAT. The information campaign starts 8 weeks before the census day and concludes with the preliminary results of the census. “The law has defined the violations and the corresponding sanctions with a fine that constitute criminal offense: 1) Refusal to make a false declaration or declaration 2) Failure to comply with the rules of confidentiality and the other rules set forth in this law, as well as the law on the census, has also provided for the right to appeal against sanctions for administrative offense, according to INSTAT information as the responsible institution for assessing administrative offenses. There was no case of enforcing a fine for false disclosure of data including ethnicity data.

42. The 2011 Census Population and Housing Questionnaire during the preparation phase was subject to a stakeholder consultation process, where a series of meetings were conducted with respect to the questions that the questionnaire would contain. These meetings aimed at informing the public on the process and importance of the Census, as well as to enable reflection of user requirements.

43. In the questionnaire of the 2011 census in Albania, as in most countries of the region, was included a question on ethnic, religious affiliation question and the question of language. According to international standards, questions about ethnic and cultural characteristics in the population and housing censuses refer to data on language, ethnicity and religion. Questions related to ethnicity and religion have been optional questions (not mandatory) and are based on the free declaration of persons and allowed the respondents not to respond. Ethnic affiliation is defined as “a common understanding of the historical and territorial origins of an ethnic group or community including special features that include language, culture, religion, customs, and lifestyle. The question of ethnicity created the opportunity to self-declare ethnicity, or to choose the alternative for non-response.

44. With regard to optional questions, no pre-coding modalities and data processing process were foreseen, resulting in 430 responses to data on ethno-cultural affiliation. Data collection through open questions was a complex process and this approach created the opportunity for respondents to self-declare their ethnicity. Classification procedures and the preparation of data tables on optional questions (such as the question of ethnicity) is based on international standards on language, ethnicity and religion, as well as the recommendations of the European Statisticians Conference (EUROSTAT) for census population and housing. The mother tongue question is processed and analyzed, regardless of the answers to the question of ethno-cultural group or religion<sup>11</sup>.

<sup>11</sup> On INSTAT website, have been published data on question on native language and religious affiliation.

45. Regarding data categories and their use, the law provides that: 1) The data collected from the census are categorized into: a) Identifying and personal of individuals; b) identifying and structuring of buildings, dwellings, and collective living quarters. 2) The data collected from the census will be used only for statistical purposes, in accordance with the law “On official statistics”, and with international standards and recommendations. This law explicitly stipulates that the data collected from the census will not be used for any electoral list or for updating any civil registry and any other administrative register. The confidentiality of the data collected by the census is protected by the provisions of this law and the legislation in force. Statistical results, census-generated, are published nationally and locally, ensuring that they are presented in a form that excludes direct or indirect identification of the individual.”

46. In fulfilling international commitments, self-identification as a subjective criterion and objective criteria related to the identity of the person will constitute the basic criteria for identifying the ethnicity of the population. In the draft law on the protection of minority rights, an important place occupies the right to self-identification of ethnicity, in accordance with Article 3 of the Framework Convention, as well as the Constitution of the Republic of Albania guaranteeing the right of every person to belongs to a national minority to freely choose to treat or not as such and to guarantee the rights associated with this election, individually and in community with others.

**Recommendation 7: Review of the criteria on the basis of which the distinction between national minorities and linguistic minorities is based, in consultation with relevant groups and non-discrimination in terms of protection or enjoyment of rights**

47. Albania has and continues to have a permanent engagement with regard to the constant improvement of standards regarding the protection and respect of human rights and fundamental freedoms, integral part of which is also the rights of minorities. Currently, Albania bases the process of recognizing the national minorities (in the legal situation where the definition of a national minority is lacking) in the historical tradition, as well as the criteria established by international conventions, such as objective criteria that relate to the existence of ethnic, cultural characteristics, religious, special and lasting language, from the rest of the population of this group, as well as the emergence of the will to preserve their culture, traditions, religion, language, and the criterion that implies personal choice to be part of minority.

48. The Greek, Macedonian and Serbian-Montenegrin minorities have historically been recognized as national minorities, while the Roma and Aromanians are known as ethno-linguistic minorities. It is important to note that the status of a national or ethno-linguistic minority from a legal point of view has not had any negative or discriminatory effect on respecting and protecting the rights of these minorities<sup>12</sup>.

49. Considering the preservation and expression of the national religious and cultural identity of minorities as an important element of the Albanian society, the main objectives in the field of respect for human rights are the further improvement of the protection of their rights, in accordance with European standards and in accordance with the commitments Albania has received in the framework of international organizations, as well as the realization of these rights in practice.

50. The preparation of the draft law on minorities is one of the main commitments of the Albanian government in implementing the obligations stemming from membership in the Council of Europe’s Framework Convention for the Protection of National Minorities and in meeting the recommendations of the monitoring bodies of the Framework Convention. Also in the context of the European integration process and specifically on the fulfillment of the 5 priorities recommended by the European Commission, the objective is to “improve

<sup>12</sup> This position is also presented in the 4 reports on the implementation of the Framework Convention “On the Protection of National Minorities” submitted to the Council of Europe (specifically in 2001, 2007, 2011, 2011): <http://www.coe.int/en/web/Minorities/Albania>.

the legal framework and policies for the protection of minorities following a broad consultation process that should take into account the recommendations of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities, and the Council of Europe's Committee of Ministers' resolution<sup>13</sup>.

51. In order to improve the legal, sub-legal and institutional framework on minorities, the Albanian Government undertook the initiative to draft a specific law on minorities in order to fill legal gaps and clarify policies towards persons belonging to national minorities, eliminating any cause for differentiated treatment between categories of national and ethno-linguistic minorities. The draft law conceived as a framework draft law addresses a number of issues related to the definition, the legal criteria for recognition, the avoidance of differences between national and ethno-linguistic minorities, and contains legal provisions for the guarantee and exercise of rights, mechanisms of representation, etc. This draft law was approved by a decision of the Council of Ministers in April 2017 and based on domestic legislation will be reviewed and approved by the Assembly of the Republic of Albania.

52. This draft law includes the definition of national minorities by avoiding the current division into two categories of minorities (national and ethno-linguistic minorities). In terms of this draft law, national minorities are: the Greek, Macedonian, Serbian, Montenegrin, Vlach/Aromundian minorities, Roma as traditionally recognized minorities, minorities that have a continuity also according to census data. Within the meaning of this draft law, both the Bosnian minority and the Egyptian minority are envisaged as national minorities, based on the provisions of the Framework Convention (Article 3 self-identification), objective criteria, census data (population census), local bodies data as well as requests submitted by associations representing minority groups, or communities (such as the Bosniak, Egyptian). Also based on the provisions of the Framework Convention, on the broad scope of implementation, this law provides for the possibility of recognizing new minorities in the future, based on the legal criteria.

### **Recommendation 8: Exercise of Minority Rights without Discrimination**

53. The Framework Convention of the Council of Europe "On the Protection of National Minorities", ratified by Albania, constitutes the basis upon which the protection of minority rights and the implementation of minority policies in Albania is based. The Albanian state's policy on the protection of minority rights is based on:

- Legal guarantee and practical implementation of the right to non-discriminatory treatment of persons belonging to minorities in the full enjoyment of all human rights as well as civil rights and political freedoms, which the Constitution and the legislation guarantee to all Albanian citizens.
- Taking concrete measures to protect and respect the rights of persons belonging to minorities, such as: the right to freely express their affiliation, to maintain and develop their identity, mother tongue education, cultural activity, religious worship etc.

54. The Constitution and the domestic law guarantee protection against discrimination due to ethnicity, the exercise of their rights and freedoms in full equality before the law, their right to freely express their ethnic, cultural, religious and language, and guarantees the conditions to maintain, develop their national, cultural and religious identity and civil and political rights. Persons belonging to minorities have the right to learn and to be taught in their mother tongue, to join organizations and associations to protect their interests and

<sup>13</sup> Opinion of the Advisory Committee on the Framework Convention on the Status of Minorities in Albania (November 2011). Resolution of the Committee of Ministers of the Council of Europe (February 2014). These documents are published alongside the English language both in Albanian and in the minority language: <http://www.coe.int/en/web/minorities/albania>.

identity, and to be represented in public and political life at all levels central or local government.

55. In the context of the fulfillment of international commitments, the draft law on national minorities is in accordance with the Constitution, the obligations stemming from the Council of Europe Framework Convention for the Protection of National Minorities, as well as a series of international acts which underpinned the protection of the human rights. At the same time, its drafting was based on analogous laws of some European Union countries and the region, and the following elements were considered and analyzed:

- Identification and analysis of legal models and good practices regarding legal, institutional regulation and addressing minority issues in the countries of the region and South Eastern Europe.
- Legal regulation in accordance with international law and specific recommendations of international organizations.
- Legal regulation in accordance with international law and specific recommendations of international organizations.
- International expertise provided by the Council of Europe and the OSCE High Commissioner for National Minorities.

56. The draft law on the protection of national minorities regulates the exercise of the rights and enjoyment of individual and community freedoms of persons belonging to national minorities in the Republic of Albania in accordance with the principles laid down in the Constitution and the Council of Europe's Framework Convention for the Protection of national Minorities. Its purpose is to ensure the exercise of specific human rights for any person belonging to a national minority that is necessary for the protection and promotion of their distinctive identity as an essential component of an integrated society and guaranteeing non-discrimination and full equality before the law. In exercising these rights, persons belonging to national minorities must respect the rule of law, territorial integrity and sovereignty of the Republic of Albania.

57. The bill has an important place in the rights and freedoms of national minorities. Its provisions guarantee the right of a national minority to freely choose to be treated as such, without any disadvantage from this choice or from exercising the rights that are related to this election. Minorities exercise their rights and enjoy freedoms individually as well as in community with others throughout the territory of the Republic of Albania.

58. The draft law provides for the prohibition of discrimination of national minorities resulting in differences, exclusions, limitations or preferences, based on his or her ethnic, linguistic, cultural and religious identity which has as its object or effect the prevention or rendering impossible rights in the same way as others.

59. The draft law reads the following provisions: freedom of organization and right of representation; the right to choose and to be elected, being an active part of the political life in the country; the exercise of religious freedom by any person belonging to national minorities. The draft law focuses on providing conditions for any person belonging to national minorities to participate in the public, cultural, social and economic life of the country. This participation is guaranteed to be equitable and effective, and in particular for matters relating to the conservation, protection and promotion of the minority culture, traditions and identity in which they belong. In order to support the activities and projects aimed at preserving and promoting the exercise of the rights and freedoms of national minorities, the establishment of the National Minorities Fund is foreseen.

60. An important place in the draft law is legal regulation regarding the right of persons belonging to national minorities to preserve their linguistic, cultural, religious and cultural heritage throughout the territory of the Republic of Albania. It also provides for the right of persons belonging to national minorities to be educated in minority languages alongside education in Albanian. to express, inform and disseminate information in minority language. Provisions of the draft law foresee the creation of opportunities for exercising the right to use the language of persons belonging to minorities alongside the Albanian language, namely: their name and surname; signs, inscriptions and other information of a personal

nature, visible to the public in any activity of their social, economic and cultural life. The draft law provides for provisions on the right to information (print media and audio-visual media).

61. In the drafting and implementation of the legal framework, secondary legislation and policies related to the guarantee of minority rights, a process of consultation with associations representing minorities, civil society and interest groups is of great importance, based on the law on public consultation and in the function of conducting a broad and transparent consultation process.

**Recommendation 9 — Follow up efforts to strengthen the national institutional framework against racism and racial discrimination by combining, allocating sufficient budgetary and human resources to ensure their proper functioning**

62. In order to guarantee effective protection against discrimination, the Law on Protection against Discrimination provides for the establishment of the Office of the Commissioner for Protection against Discrimination (CPD) as a public institution, independent in the exercise of his duty and the only responsible authority that “Provides effective protection against discrimination and any form of conduct that incites discrimination” (Article 21 paragraph 1). The Commissioner has his own independent budget, funded by the State Budget and various donations.

63. The Commissioner for Protection against Discrimination is a national institution established under the Law on Protection against Discrimination. The Commissioner for Protection against Discrimination exercises his functions in compliance with the Constitution and other legal acts in force. The Commissioner has the following main competences: a) to review complaints from persons or groups of persons claiming to have been discriminated; b) to review complaints from organizations that have a legitimate interest in acting on behalf of and with the written consent of individuals or groups of individuals claiming discrimination has occurred; c) to carry out administrative inquiries and impose administrative sanctions according to the definition of this law; d) to promote the principle of equality and non-discrimination, particularly by being informed on these issues; e) to make recommendations to the competent authorities for any matter related to discrimination; f) directly address the public opinion on any matter related to discrimination; g) upon the request of the court examining the case, to make a written statement on any matter relating to discrimination; etc.

64. With regard to people’s awareness of legal and compensatory measures, the Commissioner has been widespread awareness of the law “On Protection against Discrimination” and the legal remedies against discrimination in the event of discrimination during the years of the activity. The number of appeals for racial discrimination, as presented in the CPD, has been increasing year after year and this fact proves the community’s awareness of the CPD.

**Actually, these complaints have been filed**

- For **2010**, there is no discrimination complaint because of race causes.
- For **2011**, 2 complaints were filed for race discrimination.
- For **2012**, 36 cases of discrimination related to race were dealt with, of which in 6 cases the cases were initiated mainly by the CPD (ex officio investigations). Discrimination complaints have been in the field of employment, housing and education.
- For the year **2013**, 149 cases of race discrimination were dealt with, of which in 12 cases the cases were initiated mainly by the CPD (ex officio investigations). Discrimination complaints have been in the field of employment, housing, education and service.

- For 2014, 164 cases of discrimination due to race have been dealt with, of which in 4 cases the cases have been initiated mainly by the CPD (ex officio investigations). The issues raised in these complaints relate to allegations of: — unfairly benefiting economic aid treatment.

65. During its activity, the Commissioner has addressed legislative recommendations. The CPD has provided legislative recommendations on: the Labor Code; Penal Code; The Code of Administrative Procedures; Code of Civil Procedure; Law “On Census of Population”, Law No. 69/2012 dated 21.06.2012 “On the Pre-University Education System in the Republic of Albania”; Recommendations for Changes to the Broadcasting Code, recommending that Audio Broadcasting of All Kinds Respect the Principle of Equality and Non-Discrimination for Any Cause Foreseen by Albanian Legislation. These proposals in most cases have been taken into account by relevant institutions and have aimed at aligning these laws in accordance with the Law on Protection from Discrimination, with the aim of comprehensive protection of individuals without discrimination.

66. The race continues to be the main cause of discrimination. Approximately 50% of the total complaints filed by the CPD for 2015 occupy them due to race. During this year, 88 complaints and 7 cases initiated initially by the Commissioner with alleged discrimination on grounds of race were dealt with. The problems raised by Roma community complainants are related to: 1) Unfairness and unjust treatment of economic assistance; 2) Uneven treatment in the field of employment both in the state and in the private sector; 3) Failure to comply with their right to housing and non-residency of their dwellings undergoing legalization.

67. During 2015, the review of the cases for 62 complaints made by the subjects and 5 issues initiated by the Commissioner was completed. The CPD has in some cases provided assistance to the Roma and Egyptian communities, to supplementing the documentation on the benefit of economic assistance, to enroll their children in schools, to register in the civil status, to benefit from social housing, and to benefit from student fees etc. It is noted that there continues to be a structured discrimination that does not refer to an individual, but to the entire group. From the analysis of the cases handled, it is evidenced that members of the Roma and Egyptian communities are not well informed about the rights and services they benefit or the ways to provide these services.

68. For the year 2014, 160 complaints and 4 issues initiated initially by the Commissioner with alleged discrimination on grounds of race were dealt with. They account for 12% of all complaints filed with CPD. The concerns raised in these complaints made by individuals of the Roma and Egyptian communities are related

- Unfairness and unjust treatment for the benefit of economic assistance, as provided by law no. 9355, dated 10.03.2005 “On Social Assistance and Services” as amended, as well as sub-legal acts issued pursuant to this law.
- Incorrect allocation of the amount of economic aid or termination of economic assistance.
- Uneven treatment of employment, both in the state and in the private sector.
- Use of offensive language and underestimation of complaints by law enforcement forces.
- Respect for the right to housing and non-demolition of their housing that are in the process of legalization.

69. During 2014, a review of 108 issues has been completed. In most cases, complaints by cause have not been investigated by the Commissioner, as they do not meet the criteria provided by Law 10221/2010 “On Protection from Discrimination”. At the conclusion of the administrative review and investigation, the CPD issued the following decisions:

- 6 cases of discrimination.
- In 83 cases there was not found discrimination.
- In 4 cases the complainant has withdrawn the complaint.

- 12 cases have not been accepted for non-compliance with legal requirements.
- 1 case is given a fine.
- 2 cases have been adjourned to review the complaint because of the impossibility.

70. The CPD has provided assistance to the Roma and Egyptian community in completing the documentation for obtaining economic assistance, for registering their children in schools, registration in the civil status, social housing benefit, and student fee benefit.

71. With regard to the People's Advocate, the Ombudsperson Institution exercises its duties under the organic law "On the People's Advocate". Based on this law (Article 2) "it is determined that" the People's Advocate protects the rights, freedoms and legitimate interests of individuals from unlawful acts or omissions of irregular organs of public administration, as well as third parties acting on its behalf". The special competence defined in the law for the Ombudsman effectively defines the protection of human rights, freedoms and the legitimate interests of the individual. At this broad margin of definition, the logic of organic law naturally includes the right to protection from discrimination, which derives from the constitutional principle of equality of citizens before the law. A narrow interpretation of the legal provisions can be said that, despite the broader competence of the People's Advocate in the protection of human rights, specifically defining the competence of the Commissioner for Protection from Discrimination, to ensure effective protection against discrimination for any individual, makes this competence exclusively to the Commissioner and not to the People's Advocate.

72. In a broad interpretation of legal provisions it can be said that while the organic law of the People's Advocate includes as general competence the right to protection from discrimination and equality before the law, there is no legal obstacle to the latter also to treat these issues, where allegations of discrimination rise. Thus, there is effectively a division of labor between the two institutions of the People's Advocate and that of the Commissioner for Protection against Discrimination. This division is not in itself a well-defined matter within the law than a matter of good practice, established between the two institutions.

### **Recommendation 9: Representation of National Minorities in the State Committee of Minorities**

73. The State Committee on Minorities (CSC) was established by a decision of the Council of Ministers no. 127, dated 11.03.2004 "On the establishment of the State Committee on Minorities", and has a consultative status for drafting and implementing national minority policies. It consists of elected representatives of minorities/minority associations. The State Committee for Minorities aims to encourage the participation of persons belonging to minorities in public life, as well as to suggest measures for the exercise and protection of their rights and freedoms. The State Committee for Minorities is a central institution with legal personality, subordinated to the Prime Minister. The State Committee of Minorities cooperates with the central and local government bodies, as well as with legitimate organizations and associations, carrying out activities for the exercise of the rights and freedoms of persons belonging to minorities. The State Committee for Minorities is chaired by the chairman (Greek minority representative) and deputy chairman (currently a representative of the Aromanian/Vlachian minority) and comprises five members (from a representative of the Greek minority, the Macedonian minority, the Montenegrin minority, the Roma minority and the minority Aromanian/Vlach).

74. Among the recommendations of the Council of Europe monitoring mechanisms and recommendations of the European Commission is the improvement of the institutional framework for dealing with minority issues and structuring dialogue with their representatives. The draft law on the protection of national minorities devotes a special place to the minority representation mechanism. Concrete provisions are provided for the establishment and functioning of the Committee on National Minorities in order to ensure the protection and promotion of the rights and interests of national minorities in accordance



with the provisions of this law and relevant legislation in force. This draft law provides for the powers of the Committee on National Minorities, mainly related to the provision of recommendations and opinions related to the drafting of legislation, policies and programs related to the rights of national minorities, cooperation with institutions, with a view to implementing this law. The draft law envisages the composition, selection process and structure of the Committee, as well as the manner of its functioning. In the meaning of this draft law, the National Minorities Committee is composed of representatives of national minorities in the Republic of Albania identified in this draft law, namely: national minorities such as Greek, Macedonian, Serbian, Montenegrin, Vlach/Aromanian; Roma, Bosniak and Egyptian communities, thus guaranteeing the inclusion of new minority groups, such as Bosniak and Egyptian minorities, based on objective criteria and subjective criterion (self-identification).

### **Recommendation 10: The principle of self-identification; the process of consulting the draft law**

75. Self-identification is one of the key elements of minority rights, in line with international conventions (Article 3 of the Framework Convention). This implies the right of every individual to self-declare whether or not to belong to a minority. As noted above But the subjective choice of the individual is also linked to objective criteria related to the identity of a minority. The draft law on minorities guarantees the right of a national minority to freely choose to be treated as such, without having any disadvantage from this choice or from exercising the rights that are related to this election. Minorities exercise their rights and enjoy freedoms individually as well as in community with others.

76. This draft law recognizes persons belonging to minorities, the right to declare their belonging based on the right of self-identification, the periodic censuses of the population and the cases provided for in this draft law. This article guarantees to minorities that, in a national census, no one will be forced to disclose any kind of information related to their affiliation to a national minority. The draft law provides for the method of collecting data related to the identification of persons belonging to national minorities based on the right of self-identification of these persons and the data they submit to prove this belonging.

77. In the framework of meeting the five priorities recommended by the European Commission in the Roadmap on the implementation of these priorities, regarding the protection of minorities as part of priority 5 “human rights” is included as an objective: “Improving the legal framework and policies for the respect and protection of minorities. In this regard, the implementation of the existing legal framework should be clarified and encouraged, following a broad consultation process that should take into account the recommendations of the Advisory Committee of the Council of Europe Framework Convention “On the Protection of National Minorities”. For the implementation of minority engagements, the Working Group “On the Assessment of the Legal and Minority Policy Framework” (Order No. 117, dated 10.03.2014 of the Prime Minister) was established with representatives of central institutions, the State Committee for Minorities, People, the Commissioner for Protection from Discrimination, etc. During the period 2014-2015, under the direction and coordination of the Ministry of Foreign Affairs, a broad consultation process was held with the aim of: 1) Assessing the current legal framework and policies for the protection of minorities; 2) Identifying issues and issues related to respect for minority rights; 3) Presenting the necessary proposals on improving the legal framework and policies for minorities.

78. In the course of 2016, the Inter-Institutional Working Group was established with the Order of Prime Minister No. 121, dated 27.07.2016 “On the Establishment of the Interagency Working Group for Drafting the Draft Law” On the Protection of National Minorities in the US”. In the framework of the development of a wide minority consultation process, periodic meetings of the inter-institutional working group were held with representatives of central and independent institutions and the State Minority Committee.

79. In the framework of the consultation process, two roundtables, namely a separate round table with national and international experts, representatives of minority associations,

civil society, representatives of international organizations, were held in 2016 for the purpose of exchanging opinions and identification of issues and issues on minorities, in order to address them in the draft law. In October 2016, a Consultation Conference was held with representatives of central and independent institutions, representatives of international organizations, diplomatic corps, national and international experts, academics, minority associations, and civil society.

80. The Draft Law on Minorities has been subject to public notification and consultation process in accordance with Law No. 146/2014 “On Notification and Public Consultation”, with a view to involving all interested actors by receiving as many comments and recommendations as possible. At the conclusion of the consultation process it is noted that comments from a number of associations of Greek, Macedonian, Serbian, Montenegrin, Roma, Egyptian and Bosnian minorities, as well as civil society, experts and academics have been submitted. During the drafting process of this draft law, the international expertise of the Council of Europe and the OSCE High Commissioner for National Minorities have been consulted and kept in mind.

### **Recommendation 12: Addressing the situation of persons belonging to the Aromanian minority**

81. As noted above, the Constitution and the domestic law guarantees protection against discrimination because of ethnicity, the exercise of their rights and freedoms in full equality before the law, their right to freely express their belonging ethnic, cultural, religious and linguistic as well as guarantees the conditions for preserving, developing their national, cultural and religious identity and civil and political rights for all minorities including the Aromanian minority. The adoption of the Draft Law on Minorities will ensure effective and non-discriminatory protection of all minorities<sup>14</sup>.

### **Recommendation 11: Information on measures taken to improve the conditions of Roma and Egyptians in the fields of education, housing, employment, health and social services**

82. In the framework of the implementation and monitoring of anti-discrimination measures of Roma and Egyptian communities, apart from the progress reports drafted by civil society organizations on the implementation of the strategic framework for Roma, such as: The civil society monitoring report on the implementation of the National Roma Integration Strategy and the Decade Action Plan in 2012 and 2013 in Albania, the Government of Albania prepared a progress report in 2010 and another analysis in the year 2014. The 2014 final analysis on the progress of the implementation of the National Strategy for the Integration of the Roma Community in Albania and the National Action Plan for the Decade of Roma Inclusion 2010-2015 was carried out in the framework of efforts to monitor implementation, identify areas and aspects for further intervention as well as to prepare the National Plan for the Integration of Roma and Egyptians in the Republic of Albania 2016-2020.

83. The National Action Plan for the Integration of Roma and Egyptians is a document drafted by the Albanian Government and under the coordination of the Ministry of Social Welfare and Youth (MSWY). This Plan, a new 2016-2020 engagement targeting the two communities concerned, represents an escalation of the measures implemented and also envisages the launch of new activities to promote the integration of Roma and Egyptians with the foreseen funds from the state budget, but by identifying the financial gap for the period 2016-2020 and the possibility of financing through coordination with foreign aid. The Action Plan has been drafted in close consultation with responsible line ministries, representatives from the Roma and Egyptian communities as well as other actors. After receiving the EU candidate status in 2014, the Albanian government intensified the reforms needed to adhere to it, including promoting equal access to services and equal rights for all

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<sup>14</sup> Refer to the information presented in paragraphs 42, 46-50 above.

citizens. In this context, special attention is devoted to measures that can overcome the barriers faced by Roma and Egyptians with regard to access to services, improvement of their living conditions through integration and promotion of intercultural dialogue.

84. The principles governing the National Action Plan for the Integration of Roma and Egyptians are:

- Encouraging Social Inclusion — Action Plan Activities aim to promote the inclusion of Roma and Egyptians in society and not to create parallel systems to use by these communities.
- Use of a Targeted/Targeted Approach to address specific exclusion issues — The Action Plan also proposes targeted measures to respond to 4 emergency situations that cannot be addressed through general resources. Targeted interventions will not create discrimination (e.g., through shelter or separate classes for Roma and Egyptians), but aim to link Roma and Egyptians to the overall system and improve their access to existing public services.
- Respecting differences — The Action Plan respects the differences between the Roma and Egyptian communities, as well as within the communities themselves. The Action Plan addresses the vulnerable members of these communities, recognizing the fact that some Roma and Egyptians are already integrated into society.
- Emphasizing on the engagement of Roma and Egyptians — The Action Plan includes mechanisms for engaging Roma and Egyptians in drafting, implementing and monitoring public policies.
- Encouraging co-operation between different stakeholders — Creating and implementing the Action Plan is based on cooperation between central, regional and local government, civil society, the international community and especially the communities themselves.
- Promoting cross-sectoral links — The Action Plan addresses needs in a number of key areas including: education and promotion of intercultural dialogue, health, housing and urban integration, employment and vocational education and training, social protection, civil registration and access to the justice system, with a view to fostering integration in a comprehensive and sustainable way.
- Measuring Progress — The Action Plan is provided with indicators for measuring progress implementation and initial indicators (from where it will start work) whenever possible.
- Gender dimension awareness — The Action Plan recognizes that Roma and Egyptian women are more likely to suffer gender exclusion and discrimination. The document also calls for the collection of disaggregated gender data for each relevant indicator.
- Budgeting for implementation — Line ministries have identified a budget for the implementation of each activity. In cases where public funding is insufficient, ministries have identified funding gaps where donor assistance may be sought.

85. The Action Plan Matrix describes the goals, objectives and activities, deadlines for implementation, the authorities responsible for implementation and control, the values of the indicators and the starting point, the sources of information, the relevant strategic documents, and the funds required for the implementation of the Plan Action. Priority Sectors are specifically: 1) civil registration and access to justice; 2) Education and promotion of intercultural dialogue; 3) Employment, vocational education and training; 4) Health Care; 5) Housing and urban integration; 6) Social protection.

86. Following the work and efforts of the MoSWY to establish an effective mechanism for monitoring and evaluating the progress at national level of the National Action Plan, as well as the interaction between the line ministries and government institutions/offices, the electronic system online “ROMALB” as a system in which data on Action Plan Indicators 2016-2020 will be rolled out and updated and will contribute to: i. Facilitate the activity of

the Department of Social Inclusion and Gender Equality at the MoSWY in collecting data and harmonizing real-time statistics for different levels of intervention in Roma and Egyptian communities; ii. Monitoring and analysis of national level data on Action Plan indicators; iii. Improve the quality of the reports generated by the DSIGE staff; iv. Computerized data collection for Roma and Egyptians in order to monitor interventions and assess the situation for improving their quality of life. Coordination and harmonization of this system with similar electronic systems will be followed from the very first steps of work in order to avoid overlapping and to increase efficiency.

87. The MSWY has taken measures for the training and provision of ongoing technical assistance to the users of the electronic system “ROMALB” for the recording of the monitoring indicators data, their updating and the proper management of this system. In view of the effective use of the “ROMALB” DSIGE system, as a coordinator of the implementation and reporting of this Action Plan is cooperating and coordinating the work, with all line ministries, with other independent institutions as well to propose measures for the efficiency of the electronic system and its upgrading in the future.

88. Law no. 10383, dated 24.02.2011 “On compulsory health insurance in the Republic of Albania”, amended, determines the manner of insurance for each individual or category of people to benefit health service. All persons belonging to minorities are Albanian nationals and health services are guaranteed under this law. In Article 5 of this law, “Insured Persons” item 2/e, for certain categories of persons defined by laws of special, include groups or categories whose health insurance contribution is covered by the state.

89. Primary Health Care and Secondary Health Institutions (specialized outpatient and hospital services) operate on the basis of their contracting with the Compulsory Health Care Fund. Health Centers provide services under the Basic Care Services Package.

90. The Ministry of Health, through the Institute of Public Health, has conducted promotional activities with Roma populations regarding child care, nutrition, vaccination and family planning. Initially, identification and coverage of immunization services for marginalized/endangered groups in each district was made (especially the Roma population in rural areas). Vaccination is a free service for the entire population, including Roma and Egyptian children. The Institute of Public Health surveys the areas where Roma and Egyptian families live to identify unvaccinated children. All Roma and Egyptian children are vaccinated free of charge even when they do not have documents. Educational and promotional activities have been developed in health centers addressing mainly issues of reproductive health, mother and child health, appropriate measures for protection from HIV/AIDS in these communities, awareness raising programs for personal hygiene and residential areas.

### **Recommendation 13: Effective participation in public and political life of minorities**

91. The State Committee on Minorities (SCM) was established by the Council of Ministers Decision no. 127, dated 11.03.2004 “On the establishment of the State Committee on Minorities”, and has a consultative status for drafting and implementing national minority policies. It consists of elected representatives of minorities/minority associations. The SCM functions as the collegial consultative body of state institutions and is an important structure for transmitting the voice of minority interest groups to the government and decision-makers by providing advice on minority issues. However, since its formation, the SCM has little evolved and has failed to present the required dynamics of the minority associations it represents. The State Committee for Minorities has been represented and contributed to the Inter-Institutional Working Group on Legal Framework Assessment and Minority Policies.

#### **Political participation: election process and representation**

92. The Constitution in Article 45 guarantees every citizen, the right to choose and to be elected. This right is equally guaranteed to all Albanian citizens, including Albanian nationals belonging to national minorities. In this context, they are free to join political

parties, and to create a political party itself, in the exercise of the rights and freedoms recognized by the Constitution. Pursuant to this provision, national minorities have the right to choose and to be elected, being an active part of political life in the country. Every person is free to start a political party, and to join a particular political party, if he has the same ideas, convictions or legitimate interests, which finds support also in Article 1 of Law no. 8580, dated 17.2.2000 "On Political Parties", as amended, which, although not specifically provides for the provision of or relating to national minorities, provides for the definition of political parties, which are "voluntary union of citizens on the basis of ideas, convictions and views or common political interests, which aim to influence the life of the country through participation in the elections and the representation of the people in the elected bodies of power". This law does not prevent the creation of parties by national minorities, as long as they meet the conditions provided by the law for their creation.

93. The Electoral Code of the Republic of Albania (Article 7/4) guarantees that any Albanian citizen who has reached the age of 18 even on the Election Day, regardless of race, ethnicity, gender, language, political belief, physical fitness or economic status has the right to choose and to be elected, in accordance with the rules provided in this Code. (Article 3/3 of the Electoral Code, as amended). Albanian citizens, who meet the conditions provided for in this Code (Article 63), whether or not belonging to a particular national minority, have the right to vote and be elected. Also, in the candidacy documents (Article 72), candidates do not declare ethnicity and in these conditions there are no statistics on how many candidates belong to minorities and how many of them are elected. Article 165 of the Electoral Code defines the system of local elections according to which mayors and municipal councils are elected by direct voting by voters residing in the territory of the municipality or commune. Their members are elected on the basis of multi-name lists submitted by political parties, coalitions, or nominated candidates by voters. Political parties registered as a coalition in the CEC submit only one joint candidate for mayor of a municipality or commune.

94. The Central Election Commission, pursuant to its competence, stipulated in article 21, paragraph 9, of the Electoral Code, takes measures and organizes programs for electoral education of citizens, where for national minorities it conducts special programs of education and training. These specific programs aim to strengthen the electoral culture for nationals of national minorities through the provision of electoral information on the constitutional right to choose and to choose in languages according to their ethnicity.

95. In order to guarantee political, civil and social rights for national minorities, electoral education campaigns were conceived as closely as possible. All promotional materials produced in Albanian language were also produced in their respective languages. Specifically, newsletters and information leaflets, awareness-raising, full information on the type of elections, voting schedules, voting procedures, the importance and value of the vote, the importance of voting, forbidden acts in elections and actions prohibited in polling stations, were produced in Macedonian, Greek, Aromanian, Montenegrin, Romani languages. Production and distribution of these materials was made on the basis of information provided by INSTAT about the areas and number of population of national minorities. Promotional materials in national minority languages target all voter categories: the elderly, the young, the women, the disabled and the voters for the first time. This CEC activity against national minorities had an assessment of the OSCE-ODIHR observer missions in the final election observation reports.

#### **Representation of minorities in running for general elections and local elections and winning candidates belonging to minorities<sup>15</sup>**

96. In the Elections for the Albanian Parliament in 2013, a list of names of all national minorities was presented for many electoral zones: PBDNJ, PDIU, MEGA, AMIE. According to the final result of the elections, PBDNJ won a candidate and PDIU won four candidates in the Albanian Parliament.

<sup>15</sup> Information submitted by the Central Election Commission.

97. Local Government Elections 2015: Municipalities where HRSP has submitted multilateral lists (total of 36 municipalities): Finiq; Field -Arrëz; Gjirokastra; Gramsh; has; Himare; Kavaja; Këlcyrë; Klos; Konispol; Korca; Kucova; Kukes; Kurbin; Lezha; Libohovë; Librazhd; Big Malici Maliq; mat; Mirdita; Patos; Permet; Pogradec; Poliçan; Prrenjas; Puke; Roskovec Saranda; Selenicë; Shkodra; Tirana; Tropoje; Vlora.

98. Municipalities where PBDNJ (United Human Rights Party) has nominated candidates for mayor: Dibër, Dropull, Finiq, Himarë, Konispol.

99. Municipalities where MEGA has presented multi-name lists: Dropull, Finiq, Konispol, Saranda.

100. Municipalities where MEGA has nominated mayoral candidates: Dropull, Finiq. Municipalities where AMIE has submitted multi-name lists: Belsh, Berat, Bulqizë, Devoll, Elbasan, Kavajë, Korçë, Kuçovë, Lushnjë, Maliq, Pogradec, Prrenjas, Pustec, Shujak, Tiranë, Ura Vajgurore.

101. There are received mandates for representation in the Municipal Councils.

- PBDNJ: Konispol (one mandate), Mirditë (one mandate), Sarandë (one mandate), Dropull (three mandates), Himarë (four mandates), Finiq (six mandates).
- MEGA: Dropull (one mandates), Sarandë (one mandates), Pustec (seven mandates).
- AMIE: Progradec (one mandate), Maliq (one mandate), Pustec (seven mandates).
- MEGA candidate has won the mandate of Mayor Finiq, while the mandate of Mayor Pustec has been won by the candidate of the Alliance for European Albania Coalition, which is the Chairman of the AMIE Party.

#### **Civil service**

102. Law no. 152/2013 “On the Civil Servant” and the secondary legislation for its implementation aim to create a sustainable, professional civil service based on merit, moral integrity and political impartiality. The principles of admission to the civil service are 1. Admission to the civil service is based on the principles of equal opportunities, merit, professional skills and non-discrimination and is carried out through a transparent and fair selection process. 2. The selection process is based on assessing the professional skills of candidates through a national competition involving a written test, an oral test, and any other appropriate form of skill verification as well as the candidate’s professional skills appraisal.

103. With regard to the general requirements for admission to the civil service, this law stipulates that a candidate must meet the general requirements: a) to be an Albanian citizen; b) have full capacity to act; c) to have knowledge of the Albanian language, written and spoken; d) be in health conditions that allow him to perform the respective task; e) not to have been sentenced by a final decision for committing a crime or for committing a criminal offense intentionally; f) no disciplinary measures of removal from the civil service have been taken against him, which has not been extinguished under this law; g) meet the special requirements for the level of education, experience and other special requirements for the category, grade, group and position concerned.

#### **Recommendation 15: Measures to stop discriminatory practices and training of the officials of law enforcement bodies**

104. Prison system legislation relies on international acts and basic principles of treatment of persons with limited liberty, which guarantee the treatment of dignity and respect for the human rights of pre-detainees and prisoners in the penitentiary system by prohibiting any form deliberate violence that violates life or causes denigration and discrimination of these categories.

105. Law no. 8328 “On the Rights and Treatment of the Prisoners” amended, sanctions the basic principles of the treatment of persons with limited liberty, according to which pre-detainees and convicts are treated unbiased and without discrimination on grounds of race,

race color, ethnicity, language, religion, nationality or affiliation to a particular group or any other cause of discrimination.

106. Law no. 8328 “On the Rights and Treatment of Prisoners and Pre-detainees” Amended in 2014 also sanctions measures for preventing violence and the treatment of victims in the penitentiary system. Pre-detainees and convicts who have experienced physical, psychological or sexual violence before or during their stay in the institution are immediately offered protection measures, support and legal counseling as well as individualized programs designed to rehabilitate them. In cases of use of violence in the institutions of execution of criminal decisions, the authorities of the institution, in any case, allow the immediate commencement of an independent investigation by the competent structures and bodies entrusted to the law, respecting the principle of privacy, protection and personal safety.

107. Amendments adopted in 2014 in Law No. 10 032, dated 11.12.2008 “On the Prisons Police” provide for rules of control, use of force and restrictive means, based on the principle of non-discrimination.

108. Pursuant to Law no. 8328 “On the Rights and Treatment of Prisoners” as amended, monitoring the situation of persons with limited freedom in the prison system is done by the People’s Advocate, in the framework of fulfilling his role as a National Mechanism for Prevention of Torture, which conducts inspections in prisons and provides relevant recommendations through the Torture Prevention Unit.

109. The new Prison Regulation, adopted by DCM no. 437 dated 20.05.2015, in addition to the principles of non-discrimination and human treatment, regulates procedural aspects and provides for mechanisms that guarantee treatment according to standards and regular monitoring of the prison system. This regulation is based on the Council of Europe Committee of Ministers’ Recommendations on European Prison Rules, Code of Ethics for Prison Staff, etc.

110. Independent monitoring is carried out by international bodies such as the Committee for the Prevention of Torture (CPT), representatives of international organizations in the country, such as the OSCE, as well as domestic and foreign NGOs. These organizations have been allowed to conduct an inspection of detention and prisons facilities at all times, as well as to get direct contact with the detainees under conditions of confidentiality. Also, an internal inspection mechanism functions in the General Directorate of Prisons.

111. In preventive measures against discrimination in prisons, an important aspect is the recruitment of professional staff and its training. The training and evaluation process is based on the “Training Center Regulation”, an important document approved in November 2014. The trainings are conducted in partnership with international and domestic organizations. For the period 2011-2015, a total of 4780 basic role staff and multidisciplinary staff were trained. In the ‘Prison Communication’ manual developed in cooperation with the Albanian Helsinki Committee, the theme of “Non-discrimination” was also included. This topic is regularly handled as part of the annual training program of the GDP training center, mainly with the employees of the core role.

112. Law no. 8328 “On the Rights and Treatment of Prisoners and Pre-detainees” Amended, sanctions measures for the protection of personal privacy, correspondence, health-related information and rehabilitation of persons with limited liberty. The General Directorate of Prisons and Penitentiary Institutions take measures to enforce the applicable legislation on the protection of personal data for detained and convicted persons without distinction, guaranteeing a level of security throughout their processing and preservation.

113. In each penitentiary institution, the mechanism of a claim is maintained, while maintaining and respecting confidentiality in each case. After being admitted to the institution, the detainee or convict is informed by the Reception Committee regarding the right to file a request or complaint, in writing or exceptionally orally, to the staff of the institution, the General Directorate of Prisons, the Minister of Justice, the Ombudsman The people, international organizations, local and foreign NGOs, the court of the place of execution of the criminal decision, the prosecutor in the judicial district court, and other persons who visit the institution.

114. Strengthening the partnership in order to promote and monitor the respect of the rights of persons with limited freedom in the prison system is a major priority of the work of the General Directorate of Prisons (GDP) for the prevention and elimination of any form of discrimination on a racial or wider basis. For this purpose, GDP has signed cooperation agreements with 14 non-governmental organizations. Two of these organizations belong to the Egyptian community and are aimed at monitoring the respect of the rights of prisoners and detainees of this community in the prison system.

115. Individualization of treatment for persons with limited freedom is indiscernible, assessing their individual psychological, social, gender and health conditions of detainees and pre-detainees.

116. Following the measures taken to create an effective rehabilitation system for persons with limited freedom, in 2014 a cooperation agreement was signed between the Ministry of Justice and the Ministry of Social Welfare and Youth on issues of rehabilitation and preparation for release, creating opportunities for successful reintegration after their release.

117. Specific information is collected and used by social workers in criminal justice enforcement institutions in order to develop programs for individualized treatment for each individual in order to prepare them for reintegration into society.

### Best practices

118. In cooperation with partner organizations, it is possible to offer childcare services after their release for minors in conflict with the law. Statistics on minors of Egyptian and Roma communities, dealt with during the period 2011-2014, for which provision of vocational training and post-release employment services are provided, are presented in the table as follows:

<i>Year</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>Total</i>
Minors treated with services (after release)	8	7	9	11	9	10	54

119. Leaflets are prepared for the recognition of prisoners and pre-detainees with their rights in order to increase self-awareness for the protection of their rights, especially in terms of preventing discrimination. The health service in the institutions of the execution of criminal decisions is organized without discrimination. Prisoners and detainees indiscriminately benefit from all the services provided by the health insurance scheme.

120. A Cooperation Memorandum was signed between the Ministry of Justice and the Ministry of Health in July 2014. This agreement has enabled the provision of specialized medical services in state and private hospitals for all categories of persons in the prison system.

121. In each institution, the Istanbul Protocol applies to documenting cases of violence. An important policy document on vulnerable groups in the prison system, including persons belonging to national minorities, is being implemented since 2015.

122. Within the framework of respect for human rights, the Directorate of Professional Standards, which is directly subordinate to the State Police Directorate, is established and functions in the State Police Directorate and has the duty to carry out controls/inspections on all structures local and central police regarding the performance of duties according to approved standards and procedures.

123. Part of the controls carried out by this structure are those for the verification of measures taken and implemented in the treatment of escorted, detained and arrested individuals, respect for their legal and procedural rights; verifying and handling complaints made by this category of persons against the police officers for violating and abusing with their rights (beatings, physical ill-treatment, etc.). This structure has the competence to initiate disciplinary investigations for responsible persons and, at the conclusion, provides the appropriate disciplinary measures (light and severe disciplinary measures).



124. In cases where the conditions and acts or omissions constitute a criminal offense, the materials are passed for prosecution to the Service of Internal Affairs and Complaints at the Ministry of Interior which have the attributes of the judicial police for initiating a criminal process. State Police has substantially increased the transparency of work for the treatment and observance of human rights and fundamental freedoms and in particular for persons deprived of their liberty by establishing cooperative relations with civil society organizations that protect human rights such as:

- Cooperation Agreement between the State Police and the European Institute of Tirana with no. 1627, dated 25.03.2013 and no. 27, dated 25.03.2013 “On improving the training and respect for the rights of persons deprived of their liberty in the State Police”.
- Cooperation Agreement between the State Police and the Albanian Helsinki Committee with no. 1626, dated 25.03.2013 and no. 68, dated 26.03.2013 “On improving the training and respect for the rights of persons deprived of their liberty in the State Police”.
- Agreement of cooperation between the Albanian Center for Trauma and Torture and General Directorate of State Police with no. 106, dated 26.06.2013 and no. 3512, dated 08.07.2013 “On the prevention of torture, ill-treatment and increase of the level of respect for the freedoms and rights of persons deprived of their liberty, in State Police premises”.
- Cooperation Agreement between the General Directorate of State Police and the Commissioner for Protection from Discrimination with no. 469/2, dated 17.01.2012 and no. 23, dated 16.01.2012.

125. Representatives of these civil society organizations and state institutions have been provided with provisional entry permits to conduct monitoring visits in the premises of security and escort rooms in police directorates and police commissariats in the field of respecting and guaranteeing the rights of this category of people.

126. The CPD evaluated as effective the training of the staff of the institution to increase their capacity to deal with cases of racial discrimination and training of police staff with regard to CPD. With the support of UNDP, the employees of the Office of the CPD were trained and a handbook on dealing with cases of discrimination due to race was prepared. On the other hand, the CPD has drafted a module on equality and non-discrimination for its inclusion in the training curricula of the Police Training Center and has prepared a training calendar.

127. The following measures have been taken to prevent violence and ill-treatment against persons who are escorted, detained and arrested by the State Police.

### **Planning and development of trainings**

128. In accordance with the obligations stipulated in the cooperation agreements between the State Police and some civil society organizations for the protection of human rights, NGOs/NPOs have been developing training aimed at increasing the technical and professional level of personnel for the implementation of international and domestic legal acts that sanction and protect human rights, persons deprived of their liberty in police facilities, prevention of torture, violence and ill-treatment against this category of persons, etc.

129. Developing specialized training with police personnel, focusing on recognizing international and domestic acts that sanction human rights and fundamental freedoms and respecting and guaranteeing them in the activity of the State Police:

- Albanian Helsinki Committee (AHC) in cooperation with the Department of Public Safety, during June 2014, organized a one day training, with five teaching groups with 26 participants for each teaching group (total of 130 police officers), with police staff from public order, serious crimes and organized crime. The subject of this training was: “Prevention of torture and ill-treatment in police commissariats”.

- In June 2014, experts from the Council of Europe conducted training with a teaching group of 30 police officers of public order structures, open crimes, serious and organized crime, the first level of leadership and enforcement, with a two-day duration, with the topic “Adequate treatment of detainees/arrestees in police premises”.
- The European Institute of Tirana during the period June 2014 — February 2015, organized trainings that were conducted in 12 District Police Directorates, with 12 teaching groups with a two-day duration for each group with the participation of 20 police officers for each teaching group (a total of 200 police officers). The subject of this training was “Prevention of torture and respect for human rights, escorted persons, detainees and arrestees in the police premises”.
- Training in 2015 of the three teaching groups developed by the Department of Public Safety at the Security Academy premises, with 25 police officers per group, with a three-day duration for each group, with employees of public order structures of the implementation level and the first one of the direction. One of the training days is devoted to recognizing the definitions made by law no. 108/2014 “On the State Police” regarding the escort of persons, escort cases, rights of this category of persons, etc.
- Training of the three learning groups developed by the Department of Public Safety with the participation of 25 employees for each group, with a three-day duration for each learning group. The training focused on “Standard Rules and Procedures for Laying and Administering Data for Accompanied and Detained/Arrested Persons in the ADAM System”, developed during 2016.
- Training of three teaching groups organized by the Department of Public Safety with the participation of 25 employees per each group, with a three-day duration for each learning group. The training was focused on “Legal Assignments for Escorting, Escorting, Treatment of Accompanying Persons and Determinations in Standard Working Procedures: Technical Rules of Escorting in Police”, revised and approved by Order no. 306, dated 31.03.2016, of General Directorate of Police. This training was held during 2016.
- Two days training with all police personnel of local and central police structures regarding the recognition of the requirements of the State Police Regulation adopted by DCM no. 750, dated 16.09.2015. This training was held during 2016.

### **Monitoring of police activity**

130. Police representatives have held various meetings with members of minorities who have expressed the commitment of the Police Organization for any kind of support and cooperation. Among the other measures we can mention:

- Planning and conducting inspections and controls by central police structures (departments according to services and Directorate of Professional Standards) to local police officers for the fulfillment of obligations in respecting the rights of escorted, detained and arrested individuals.
- Conduct inspections and monitoring visits from other state institutions or structures outside the State Police and independent institutions, to the activity of police structures.

### **Recommendation 16: Information on measures to guarantee the effective right to education of children belonging to minorities**

131. The legal framework in the field of education guarantees the right to education in the native language to persons belonging to national minorities, enabling the functioning of schools and classes where native language, history and culture of the country of origin are taught. The basic education curriculum enables all schools to develop a school-based curriculum. For this purpose, all classes have free lessons in the curriculum, where

members of national minorities themselves, through parents' boards in schools, decide on the subjects to be developed. This creates opportunities for minorities to enter their language as a subject of choice in the curricula and in this case, the school directorate provides the program and the materials needed for the correct development of the lesson.

### **School textbooks**

132. Since 2011, 96 subject curricula (grades 1-9) have been revised for Albanian language, social subjects, arts and sports, topics related to Roma history and culture. About 300 teachers (Korça, Gjirokastra) have been informed about the integration in the basic education curricula of Roma and Egyptian language, culture and traditions. The package of modules "History, Roma Culture and its inclusion in the curriculum" was developed and published.

133. Based on the instruction of the Ministry of Education "On the education of the native language of minority people", Greek textbooks are used in Greek minority schools, while 46 are translations of the Albanian language. Even in the schools of the Macedonian national minority the textbook structure used is the same; 11 authentic Macedonian language texts and 46 others, translations from Albanian. The cost of publishing and distributing textbooks for national minority schools, due to small circulation, is very high. In Greek minority schools, Greek is taught from the first grade up to the 12th grade, and new subjects are enrolled in the 9-year education, such as: "History of the Greek People", "Greek Geography", "Birthplace".

134. Based on the order of the Minister of Education and Science, no. 530, dated 26.10.2011 "On the adoption of the Altertekst 2012 information package", one of the criteria for the evaluation and approval of texts has been the reflection on gender, race, national and religious equality and the democratic principles of non-discrimination. In order to fulfill the requirements of minority schools with all the number of textbooks needed, in 2012 by the Ministry of Education and Science was created the publishing house BOTEM dealing only with these texts.

135. Based on the joint agreements between Albania and Greece, all students of the Greek national minority, who teach in the public schools of the Regional Educational Directorate (RED) Gjirokastra (316 students), the Educational Office (EO) Delvina (134 students), EO-s Saranda (356 students) were given free textbooks. The cost of these texts is very high for the Albanian state due to the extremely low circulation they have. The number of texts used in the schools that teach Greek national minorities, among them Greek subtitles, translated titles, titles of special subjects that are developed only in the schools of this category, is too high, almost the same as that of education Albanian base. The curricula and curricula have been developed in cooperation with the teachers of the Greek national minority and the specialists of the RED Gjirokastra. Some of these teachers are authors of textbooks that use the children of this minority. In the Greek minority schools, there are 98 teachers teaching about 777 students, ie. a teacher for about 8 students, while this ratio is at a national level of 1:20.

136. Regarding students of the Macedonian minority in the jurisdiction of RED Korça, Liqenas municipality (135 total pupils in 9-year and secondary education), and Gorica Gorica small municipalities (105 pupils in 9-year education), structure of the titles is the same as that of the Greek minority. There are 11 genuine Macedonian subtitles in the hands of the students, but completely missing translation titles and special ones for learning the Albanian language. There are currently free textbooks for students of national minorities, Saranda for 279 students, Gjirokastra for 271 students, Korca for 129 students and for Delvina for 121 pupils. Minority students are provided with case texts in Albanian language.

137. The state of texts of national minorities, according to the syllabus on 1 September 2013 was: Of the 66 titles in the Macedonian mother tongue, 32 titles were produced, 34 titles were missing. Regarding the situation created for the lack of textbooks, the Ministry of Education and Sports took measures to draft and publish texts for Macedonian national minorities and for 2013 were published 15 new titles. Also for the first time during the school year 2013-2014 were published and multiplied 17 texts translated from Macedonian to Macedonian. For the academic year 2014-2015, the fund for texts of national minorities

has been doubled. From the Ministry of Sports and Sports all the measures have been taken to enable textbooks and the infrastructure of educational institutions where the children of the Macedonian minority are living, such as the Municipality of Pustëști, is also closely cooperating with the local government.

138. By 2015, textbooks for national minorities meet European standards. For this reason, work is being done to translate new texts into the mother tongue of minorities, as well as the adaptation of some texts related to the provision of accurate information on national minorities in the respective countries. In the document “Pre-university Education Development Strategy 2014-2020” one of the activities envisaged in the plan for its implementation, is the continuation of providing free textbooks for national minorities, as well as providing textbooks to provide teaching qualitative for national minorities according to contemporary standards.

### **Qualification of teachers**

139. The Department of Slavic and Balkan Languages at the University of Tirana as well as the Department of Greek Language, Literature and Civilization at the University “Eqerem Çabej” of Gjirokastra, prepare teachers to work with students of national minorities. In the secondary pedagogical school of Gjirokastra there is the “Teaching subject degree” branch for the Greek minority that prepares teachers for the national Greek minority.

140. MES in the years 2010-2014 has supported with auxiliary teachers about 450 Roma and Egyptian children for homework assistance, preparation for examinations, etc., organizing them in supplementary/reinforcing classes to curb the abandonment of the school by these children, in the Municipal Unit No. 4, Allias area, respectively in the 9-year schools “Bajram Curri” and “Ramazan Jarani”. It is also provided the training of teachers teaching the national minorities for the new curriculum, classes I, II, V, VI for competency learning for 2016.

141. Regional Education Departments and Educational Offices have appointed experienced teachers, committed to work and good in communication, in the schools and classes attended by Roma children. Of about 1000 teachers working with Roma students, over 800 of them have university education and over 140 with pedagogical secondary education with over 20 years of work. In the schools of Roma and Egyptian communities there are 63 boards. 98 Roma and Egyptian parents have joined in these boards. For the attendance and progress of students in the learning process, support groups have been set up and have functioned in schools with the participation of the tutor, psychologist, school board, student government and members of the Roma community.

142. In the secondary pedagogical school of Gjirokastra there is the “Teaching degree subject” for the Greek minority, where teachers for national Greek minority schools are being prepared. At the University “Eqerem Çabej” in Gjirokastra operates the branch of Greek Language. Also the Macedonian language is studied as a subject in the second and third year at the Department of Slavic and Balkan Languages at the Faculty of Foreign Languages of the University of Tirana. The course has 4 credits (40 hours) for each semester, thus in total 16 credits for two years of study.

143. Human rights are part of the curriculum package of pre-university education and occupy an important place:

- In the standards of pre-university education.
- In the official curricula of civic subject as well as in the pre-university education, in the 1st-12th grade.
- HR matters are addressed in textbooks in the subjects of citizen education and in various activities that are carried out at school in pursuit of the objectives of the curriculum.
- HR is also addressed in the context of cross-curricular and extracurricular activities (out-of-school activities). Numerous publications by NGOs also support the development of these activities.

- Human Rights Education has become part of numerous unified training and qualification programs for civic education teachers.

### **Access of Roma community to education**

144. The existing legal and sub-legal framework supports the education of children from Roma and Egyptian communities.

- Decision of the Council of Ministers no. 672, dated 7.8.2013 “On the financial quotas for food in dormitories, state scholarships and student payments in public education institutions, for the 2013-2014 school year”, receive a scholarship with Council decisions of Municipalities or Municipalities all Roma and Egyptian students or students.
- According to the Decision of the Council of Ministers no. 565, dated 27.6.2013 “On admission quotas and tuition fees in public institutions of higher education in the first cycle of full-time studies and in integrated programs of second cycle studies for the academic year 2013-2014 “, point 9,” Roma children, Balkan-Egyptians, are excluded from the annual tuition fee”.
- Decision of the Council of Ministers no. 517, dated 1.08.2015 “On admission quotas and tuition fees in public higher education institutions in the first cycle of full-time studies and in integrated programs of second cycle studies for the academic year 2015-2016 “, Roma, Balkan-Egyptian children, are excluded from the annual tuition fee”. For the academic year 2015-2016 there were 20 quotas for Roma and Balkan Egyptians. This academic year for second cycle quotas is foreseen a 33% increase for specific categories. Also, these candidates benefit from a 50% reduction in tariffs for the second cycle and 100% for the first cycle.
  - MES Guideline no. 21, dated 08.08.2014 “On increasing the attendance of pre-school education by Roma children”.
  - MES Guideline no. 38, dated 07.10.2014 “On the criteria of auxiliary teachers for students with disabilities in public institutions of pre-university education”.
  - Joint Order (MoES, MoI and MoH) No. 2, dated 05.01.2015 “On the approval of the Regulation on the implementation of the Cooperation Agreement dated 02.08.2013” On the identification and registration of school children of all school-age children”.
  - In the Instruction No. 23, dated 08.08.2014 “For the school year 2014-2015 in the pre-university education system”, Chapter II point 1/c, the Regional Education Directorates and Offices are instructed to meet the needs and requirements of teaching native language to national minorities. Starting from the school year 2011-2012, children from the Roma community, in compulsory education, receive free textbooks at the school where they are enrolled. During the 2014-2015 school year, 3446 Roma students received free texts.
  - For the school year 2015-2016, free textbooks were taken by Egyptian students, pursuant to the DCM no. 707, dated 28.08.2015 “On some amendments and additions to Decision no. 107, dated 10 February 2010 of the Council of Ministers “On publication, printing, distribution and sale of textbooks of the pre-university education system”, as amended.

145. The provision of educational services for Roma and Egyptian communities and the real creation of equal opportunities at all levels of the education system in recent years is particularly based on the “National Action Plan for the Decade of Roma Inclusion 2009-2015” of recommendations for inclusion of the Roma community in the framework of Albania’s EU integration. The action plan contains: measurable objectives, statistics of the Roma community, and data for Roma children 3-6 years. Each RED/EO, in addition to the documentation on indicators and progress under the initiative, cooperates with the core units of local government in cases where: the parent does not have the necessary

documentation; when kindergartens and schools do not have Roma children; to provide special care from the psycho-social service for Roma children attending kindergarten; for the provision of transport for Roma children of pre-school age.

146. With the aim of improving the quality of service in schools, differentiated work and additional teaching for pupils from Roma communities with modules prepared by EDI (Educational Development Institution) continue; continues the organization of trainings in schools with the parents of Roma children, focusing on: Helping to learn Albanian language. A system of statistical data collection for the identification of students abandoning the school coming from the Roma community has been improved; areas where the second chance can be used (considering the number of children who have dropped out of school by age group); clear documentation has been drafted for students who attend any form of education with a view to their integration into schools.

147. Through inter-institutional cooperation, it is realized an integrated “school with food” approach. In this context, the school “Naim Frashëri” in Korça, in the school year 2012-2013 was supported with 335 scholarships/food quotas for Roma and Egyptian students. By the Decision of the Council of Ministers no. 665, dated 07.08.2013 “On admission quotas and tuition fees”, this support continues during the school year 2013-2014. Starting from 2009, each academic year, with a Decision of the Council of Ministers, is accepted by 20 Roma and Egyptian students at each level of study, 100 students each year (bachelor studies full time and part-time, professional master degree part-time and full-time, and master of science degree). The tuition fee for Roma and Egyptian students is also determined annually by a Council of Ministers Decision and is at the 50% -100% scholarship level.

148. In the academic year 2013-2014, the number of Roma children part of the pre-university education system was 4219 in total, compared to 4085 in the 2012-2013 school year. In the school year 2014-2015, 4437 Roma students enrolled in compulsory education and in secondary education 408 Roma students.

149. Memorandum of Cooperation no. 254/1, signed on 21.11.2014 between MES and ARSIS (Youth Support Organization) in partnership with MES and MWSY, with the support of Roma Education Fund (REF), has started implementing the project titled “Improving the educational achievement of Roma and Egyptian youth (R/E) of the ninth grade and pursuing them up to secondary education”. Within this project, 80 social scholarships are distributed to Roma and Egyptian students of the 9th grade (30 Euro/month for each selected student, 300 Euro/year).

150. MES and MWSY, in partnership with ARSIS (Youth Support Organization) and Roma Education Fund (REF) support, have launched the project entitled “Improving the educational achievements of Roma and Egyptian youth in the ninth grade and pursuing them until graduation of secondary education”. Within this project, 80 social scholarships were distributed to Roma and Egyptian students of the 9th grade (30 Euro/month for each selected student, 300 Euro/year).

151. During the academic year 2013-2014, there were identified 93 Roma and Egyptian teachers, graduated for teaching, of whom 86% (80 teachers) were employed in the system: 10 in pre-school education, 21 in grades I-V; 35 in grades VI-IX (1 Egyptian school director in Diber) and 14 in secondary and higher education. The 35 Roma teachers are employed according to the degree subject they own. Starting from the 2011-2012 school year, Roma children in compulsory education receive free textbooks at the school they are enrolled. The number of Roma students who received free textbooks for the academic year 2013-2014 was 3370 and for the academic year 2014-2015 was 3219 students. Free school textbooks are benefited by over 3,200 Roma students. In 2009, the DCM set 20 quotas for admission to the university for Roma/Egyptian students for each level of study.

152. Regarding the civil status registration during 2014, meetings were held in 12 district centers where Roma families are most concentrated. The aim was to identify unregistered cases and determine their way of judicial administrative settlement. On the other hand, the process of registering cases previously identified has continued on a regular basis. Out of this process, during 2014, 147 children were registered as late records.

153. Within the program “School as a Community Center”, a series of measures have been taken to reduce the phenomenon of school abandonment and to improve the educational situation of the Roma and Egyptian community. In cooperation with the local government, one of the successful approaches is the organization of supplementary/reinforcing classes to curb the abandonment of the school by Roma children. MES has taken a number of measures aimed at: Registration and attendance of children in pre-school and compulsory education; eliminating exclusionary and inferior attitudes towards Roma in the school community; preservation and development of the cultural identity of students and Roma minority students. With the aim of improving teachers’ qualifications in terms of highly sensitive issues such as ethnic diversity, in the framework of the “Program for the Integration of Roma History and Culture” in the curriculum there was also intervention in the program “Preparation of Trainers in Education”.

154. The Ministry of Education and Sports is giving priority to the education of Roma children since early childhood. For this purpose, in implementation of the initiative “Every Roma child in kindergarten”, all pre-university education institutions have developed an action plan for increasing the attendance of kindergartens and the integration of Roma children into kindergartens. The use of the booklet “A School for All” aims at involving Roma/Egyptian children and other educational difficulties. Within the “International Day of Roma”, a series of activities have been organized in different cities of Albania with the aim of raising public awareness of this layer of population with the motto Peace and development for all Roma in the world. In summer 2013, in 11 RED and 7 EO-s, in cooperation with UNICEF and other associations, 60 summer camps were opened and operated, out of 2677 children in total, 722 were Roma and Egyptians.

#### Statistical data for Roma children within the education system 2011-2015

School year	Pre-school education		Basic Education		Upper secondary education		Total in Pre-University Education	
	Total	±	Total	±	Total	±	Total	±
2009/10	681		2 866		29		3 576	
2010/11	516	-165	2 888	+20	94	+65	3 498	-78
2011/12	560	+44	3 435	+547	113	+19	4 108	+610
2012/13	664	+104	3 231	-204	200	+87	4 095	-13
2013/14	619	-45	3 370	+139	176	-24	4 165	+70
2014/15	921	+302	4 437	+1 067	422	+246	5 780	+1 615

155. Statistics present positive indicators in achieving the goals and objectives announced in the field of education.

- In the academic year 2012-2013, secondary education was attended by 200 Roma students (or 87 young Roma more than a year ago).
- In the academic year 2013-2014, the number of Roma children in the pre-university education system was 4165, compared to 4095 in the 2012-2013 school year.
- In the academic year 2014-2015 in the pre-university education were registered: 5780 Roma children and students (1615 more compared to the previous school year), in pre-school education: 921 Roma children, in primary education: 4437 Roma students (4371 in education public, 66 in non-public education), in secondary education: 422 Roma students (408 in public education, 14 in non-public).
- Out of 917 children who attended the “Second Chance”, 625 of them are Roma and Egyptians.
- In the internal regulations and annual work plans of school directories, measurable objectives for inclusion have been set and, based on these indicators, a two-month analysis is carried out with the parents, the school board and the community.

- RED/EOs during 2013 trained 563 teachers for counseling Roma parents and conducted 442 awareness campaigns with the participation of over 1500 Roma parents.
- In order to respect the cultures within the school and to harmonize the interests of the students, the school directorates, in cooperation with the children, the parents and the community, plan intercultural activities with parents and Roma and non-Roma students. During 2013, in 96 schools were organized 602 intercultural activities with the participation of over 4800 students.
- RED/EO have appointed experienced teachers, dedicated to work and communication ethics in schools and classes attended by Roma children. Out of about 1000 teachers working with Roma students, over 800 of them have higher education and over 140 with secondary pedagogical education with over 20 years of work.
- In the schools of Roma and Egyptian communities there are 63 boards. There are 98 Roma and Egyptian parents in these boards.

### **Recommendation 20: Information on Cooperation with Other States and Organizations to Address Minority and the Roma Community Problems**

156. Concerning interstate cooperation, the Albanian government continues its efforts to cooperate with other states in the Western Balkans region and beyond in addressing the problems of the Roma minority in Albania. During 2012-2014 a series of intergovernmental roundtables were held to address Roma issues at regional and wider level.

157. In the framework of interstate cooperation in the area of minority education, there is also “Agreement on cooperation in the field of science between the Council of Ministers of the Republic of Albania and the Government of the Republic of Macedonia” (approved by DCM No. 781, dated 22.09.2015), signed on 2 July 2015. Article 3 of this agreement provides for cooperation between the parties with a view to the education of national minorities in their mother tongue in accordance with national legislation, but also taking into account the Framework Convention for the Protection of National Minorities.

158. The Ministry of Education and Sports has made available to the Greek Party all Albanian textbooks of history, geography, language and literature and economics for their evaluation in accordance with the Protocol of the 2nd Meeting of the Joint Committee Albanian-Greek Conference, held in Tirana on 19 November 2014. The Greek side has made available the electronic format of its textbooks of history, geography, culture and economy.

159. There is also “Agreement on Cooperation in the Field of Science between the Council of Ministers of the Republic of Albania and the Government of the Republic of Macedonia” (approved by DCM No. 781, dated 22.09.2015), signed on July 2, 2015. Article 3 of this agreement provides for cooperation between the parties with a view to education of national minorities in their mother tongue in accordance with national legislation, but also taking into account the Framework Convention for the Protection of National Minorities.

160. Regarding the Roma community, Memorandum of Cooperation no. 254/1 prot., Signed on 21.11.2014 between the MES and the ARSIS (Youth Support Organization) Center. ARSIS, in partnership with MES and MSWY, with the support of the Roma Education Fund (REF), has started implementing the project “Improving the Educational Achievements of Roma and Egyptian Youth (R/E) of the ninth grade and their pursuit until the graduation after finishing secondary education”. Within this project, 80 social scholarships are distributed to Roma and Egyptian students of the 9th grade (30 Euros per month for each selected student, 300 Euros per year).



**Recommendation 21: Ratification of the Convention on the Rights of Persons with Disabilities**

161. With regard to the ratification of the Convention on the Rights of Persons with Disabilities, this Convention was ratified by Albania in 2012.

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