



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination*

Concluding observations on the combined thirteenth and fourteenth periodic reports of Albania

1. The Committee considered the combined thirteenth and fourteenth periodic reports of Albania,¹ submitted in one document, at its 3061st and 3062nd meetings,² held on 16 and 17 April 2024. At its 3073rd and 3074th meetings, held on 24 and 25 April 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined thirteenth and fourteenth periodic reports of the State party and commends it for its regularity in reporting. The Committee welcomes the open and constructive dialogue with the State party's delegation. The Committee thanks the State party for the updated information provided during and after the dialogue.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

- (a) The adoption of Law No. 124/2020, on 15 October 2020, which introduces new amendments to Law No. 10221 on Protection from Discrimination (2010);
- (b) The adoption of Law No. 10/2021 on Asylum, on 1 February 2021;
- (c) The adoption of Law No. 79/2021 on foreigners, on 24 June 2021, and 27 bylaws for its implementation;
- (d) The adoption of nine bylaws for the implementation of Law No. 96/2017 on the Protection of National Minorities;
- (e) The adoption of the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021–2025), on 18 November 2021;
- (f) The implementation of the National Strategy on Migration and Action Plan 2019–2022.

* Adopted by the Committee at its 112th session (8–26 April 2024).

¹ CERD/C/ALB/13-14.

² CERD/C/SR.3061 and CERD/C/SR.3062.



C. Concerns and recommendations

Statistics

4. While welcoming that the State party carried out a population and housing census in 2023, and that the final results at the national level will be available in June 2024, the Committee regrets the lack of information on socioeconomic indicators disaggregated by ethnic origin, which makes it difficult to adopt adequate measures to combat racial discrimination and to effectively address inequalities in the enjoyment of rights under the Convention (arts. 1 and 5).

5. **Recalling its previous recommendation³ and general recommendations No. 4 (1973) and No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party continue developing adequate tools, based on the principles of self-identification and anonymity, to collect data and compile information on the demographic composition of the population and socioeconomic status, disaggregated by ethnicity, gender, age, religion, language spoken and region. The Committee requests the State party to provide information on the results of the 2023 population and housing census in its next periodic report and recommends that the State party use the data collected to evaluate and develop its policies to combat racial discrimination and inequalities in the enjoyment of rights under the Convention.**

Applicability of the Convention

6. The Committee takes note of the direct applicability of the Convention in the State party's legal order and welcomes the information provided on the training delivered to officials and other actors involved in implementing the Convention. However, the Committee regrets the lack of information on the number of cases and on specific examples of case law in which the provisions of the Convention have been invoked before domestic courts or applied by them (art. 2).

7. **The Committee recommends that the State party redouble its efforts to raise awareness and knowledge of the provisions of the Convention and its justiciability among judges, lawyers and public officials, enabling them to apply the Convention in relevant cases, and to extend those efforts to the members of the parliament and the local authorities. The Committee also recommends that the State party conduct public campaigns, particularly among groups that are the most vulnerable to racial discrimination, to raise awareness of the provisions of the Convention and the remedies available. The Committee requests the State party to include in its next periodic report specific examples of the application of the Convention by domestic courts, including lower courts and administrative bodies.**

Adoption of secondary legislation

8. While the Committee takes note of the progress made by the State party to adopt the bylaws of Law No. 96/2017 on the Protection of National Minorities, it is still concerned that three bylaws are still under consideration, which continues to limit the full and effective implementation of the Law. The Committee is concerned about the slowness in adopting bylaws for the implementation of legislation that are particularly relevant for the protection of ethnic minorities, especially Roma and Egyptians. The Committee is also concerned at the lack of information on the legal scope of the decisions of the Council of Ministers relating to the implementation of legislation and the progress made in applying those decisions (arts. 1 and 2).

9. **The Committee reiterates its previous recommendation⁴ and urges the State party to expedite the adoption of the three remaining bylaws in order to ensure the full and effective implementation of Law No. 96/2017 on the Protection of National Minorities and all pending bylaws for the implementation of legislation that have an important impact on the enjoyment of the rights of minorities, in particular Roma and**

³ CERD/C/ALB/CO/9-12, para. 8.

⁴ Ibid., para. 12.

Egyptians, especially those on the implementation of legislation related to social housing. The Committee requests the State party to provide in its next periodic report information on the applicability of the decisions of the Council of Ministers relating to the implementation of legislation, and the progress made on the situation of minorities following their application.

Institutional framework

10. The Committee welcomes the measures adopted by the State party to strengthen its institutional framework to combat racial discrimination, namely the People's Advocate and the Commissioner for Protection from Discrimination. While the Committee appreciates the measures adopted to monitor the implementation of the recommendations made by those institutions, it is still concerned about their effectiveness and the low level of implementation by public authorities, in particular at the local level, of the recommendations made by both institutions. (art. 2).

11. Taking into account its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party continue to strengthen the functioning, effectiveness and coordination of the People's Advocate and the Commissioner for Protection from Discrimination. The Committee also recommends that the State party intensify its efforts to strengthen the monitoring of the implementation, by public authorities at the national and local levels, of the recommendations of the People's Advocate and the Commissioner for Protection from Discrimination.

Racist hate speech

12. While the Committee takes note of the measures adopted by the State party to combat hate speech, it remains concerned about the persistent reports of racist hate speech, particularly in the media and on the Internet. The Committee is also concerned about reports of the use of racist hate speech by politicians in public debates, in particular against Roma and Egyptians and other ethnic minorities, and notes with concern the low number of cases related to racist hate speech that have been reported and investigated (arts. 2 and 4).

13. Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:

(a) **Adopt effective measures to prevent and combat racist hate speech, including by ensuring that hate speech and media-related legislation is implemented effectively in order to prevent, punish and deter any manifestations of racism, particularly those in the media and on the Internet;**

(b) **Ensure that all incidents of hate speech are investigated and prosecuted and that the perpetrators are punished, regardless of their official status, and provide data on the number of hate speech cases reported, the number of prosecutions and convictions, and the number of cases in which compensation has been provided to victims;**

(c) **Undertake awareness-raising campaigns addressed to the general public on respect for diversity and the elimination of racial discrimination;**

(d) **Ensure that public authorities, including high-level public officials, distance themselves from hate speech and that they formally and publicly reject and condemn racist hate speech.**

Criminalizing racist organizations

14. The Committee continues to be concerned about the absence of legislation that, in accordance with article 4 (b) of the Convention, criminalizes racist organizations and the participation in such organizations (art. 4).

15. **Recalling its previous recommendation,⁵ the Committee urges the State party to take the measures necessary to declare illegal and prohibit organizations that promote and incite racial discrimination, and recognize participation in such organizations or activities as a criminal offence in accordance with article 4 (b) of the Convention. In this regard, the Committee refers the State party to its general recommendations No. 7 (1985) and No. 15 (1993), both on the implementation of article 4 of the Convention, which affirm that all provisions of article 4 of the Convention are of a binding nature.**

Discrimination against Roma and Egyptians

16. The Committee remains concerned about the persistent and widespread structural discrimination against Roma and Egyptians, who continue to face social exclusion and marginalization that prevent them from fully enjoying all rights under the Convention (arts. 2 and 5)

17. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, and its previous recommendation,⁶ the Committee urges the State party to combat structural and systemic causes of racial discrimination against ethnic minorities, in particular Roma and Egyptians. The Committee also recommends that the State party ensure the effective implementation of the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021–2025), including through the allocation of adequate human, technical and financial resources and by guaranteeing the effective and active participation of Roma and Egyptian communities in its implementation.**

Right to education

18. Despite the measures taken to prevent discrimination against Roma and Egyptian children in schools and to promote their enrolment in preschool and compulsory education, the Committee remains concerned about the low attendance rates, low levels of achievement and high rate of school dropout among Roma and Egyptian children. The Committee remains concerned about reports of discrimination against and de facto segregation of Roma and Egyptian children in some schools (arts. 2, 3 and 5).

19. **The Committee recommends that the State party:**

(a) **Continue its efforts to guarantee, in practice, that Roma and Egyptian children have access to education without discrimination and to ensure the effective implementation of measures adopted to increase the enrolment and attendance of Roma and Egyptian children in compulsory education;**

(b) **Take all measures necessary to address the root causes of discrimination against and de facto segregation of Roma and Egyptian children in the education system, including the full implementation of the judgment, dated 31 May 2022, of the European Court of Human Rights in *X and Others v. Albania*;**

(c) **Intensify its efforts to ensure that Roma and Egyptian children enjoy equal opportunities in access to quality education, including preschool education, with the aim of preventing their future segregation in the education system.**

Right to adequate housing

20. The Committee remains concerned that some Roma and Egyptians continue to live in informal settlements in precarious conditions, with no access to basic services, including safe drinking water, sanitation and electricity. Despite the measures adopted by the State party, the Committee is concerned about reports that Roma and Egyptians often lack security of tenure, which exposes them to forced evictions (arts. 2 and 5).

⁵ CERD/C/ALB/CO/9-12, para. 18.

⁶ CERD/C/ALB/CO/9-12, para. 20.

21. **The Committee recommends that the State party:**

(a) **Adopt appropriate and effective measures in order to provide access to adequate housing and to improve living conditions for Roma and Egyptians, with the genuine consultation and participation of the affected communities and individuals concerned;**

(b) **Continue its efforts to ensure that Roma and Egyptian communities have adequate access to safe drinking water, sanitation and electricity;**

(c) **Adopt effective measures to ensure that Roma and Egyptians have security of tenure, that they are provided with effective legal protection against forced evictions, and that, when forced evictions are absolutely necessary, the families and individuals affected are provided with adequate alternative housing and compensation.**

Right to health

22. Despite the efforts made by the State party to improve access to health for Roma and Egyptians, including by providing cards to access free-of-charge health care, the Committee remains concerned about challenges that Roma and Egyptians continue to face in accessing adequate health-care services without discrimination. The Committee is also concerned that Roma and Egyptian women face limited access to sexual and reproductive health-care services (arts. 2 and 5).

23. **The Committee recommends that the State party continue to adopt all measures necessary to ensure the accessibility, availability, quality and cultural acceptability of health-care services for Roma and Egyptians, including by guaranteeing the allocation of sufficient financial, human and technical resources to that end. The Committee also recommends that the State party take the measures necessary to ensure that women belonging to ethnic minorities have access to sexual and reproductive health-care services, facilities and information.**

Civil registration and access to public services

24. The Committee welcomes the efforts made by the State party to provide access to birth registration for Roma and Egyptian children who were not registered at birth, and for migrant, asylum-seeking and refugee children who are stateless. The Committee is, however, concerned that some challenges persist in accessing identity documents and birth registration, in particular for children whose parents do not have identity documents. The Committee is also concerned about the information regarding the lack of digital skills among Roma and Egyptians, which prevents them from gaining access to public services (art. 5).

25. **The Committee recommends that the State party continue its efforts to ensure access to birth registration and identity documents for Roma, Egyptians and members of other minority groups, to Albanians returning from abroad and to migrants, refugees and asylum-seekers, in order to prevent statelessness and ensure that they have access to the rights enshrined in the Convention. The Committee also recommends that the State party adopt the measures necessary to narrow the digital divide for the benefit of Roma and Egyptians, including by providing them with increased access to the Internet and training in its use.**

Political participation

26. The Committee is concerned about the limited participation of Roma and Egyptians in public affairs at the national and local levels, including in representative institutions and decision-making positions (arts. 2 and 5).

27. **The Committee recommends that the State party adopt effective measures to ensure full participation in public affairs by persons belonging to ethnic minorities, in particular Roma and Egyptians, both in decision-making positions and in representative institutions. It also recommends that the State party intensify its efforts to ensure equal opportunities for participation by ethnic minorities at all levels of national and local government, and to promote their participation in decision-making positions in the private sector.**

Multiple and intersectional discrimination

28. While the Committee takes note of the measures adopted by the State party to combat discrimination against women, in particular the National Strategy for Gender Equality 2021–2030, the Committee regrets that the State party has not provided specific information on the measures adopted to combat intersectional discrimination against women belonging to ethnic minorities, in particular Roma and Egyptian women (arts. 2 and 5).

29. **The Committee reiterates its previous recommendation⁷ and recommends that the State party include a gender perspective in all policies and strategies for combating racial discrimination in order to address the multiple and intersectional discrimination affecting women belonging to ethnic minorities, in particular women in the Roma and Egyptian communities. The Committee refers the State party to its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination. The Committee urges the State party to provide disaggregated statistics on this area in its next periodic report.**

30. The Committee is concerned about information received regarding the disproportionate number of Roma and Egyptian children living in public care institutions and thus deprived of a family environment, which might constitute a form of indirect and intersectional discrimination against them based on their ethnicity and social condition (arts. 2 and 5).

31. **The Committee recommends that the State party take all measures necessary to combat the discriminatory causes leading to the disproportionate placement of Roma and Egyptian children in public care institutions. The Committee recommends that the State party provide adequate financial and social support to Roma and Egyptian families in order to avoid the institutionalization of their children.**

Discrimination against people of African descent

32. The Committee notes with concern the lack of information on the situation of people of African descent in the State party, and on their enjoyment of the rights under the Convention (arts. 2 and 5).

33. **Recalling its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party adopt specific measures to combat discrimination against Africans and people of African descent and to include information on their situation in its next periodic report.**

Migrants and asylum-seekers

34. The Committee welcomes the measures adopted to provide protection to migrants and asylum-seekers, and the information on the preparation of a new action plan (2024–2026) to implement the National Migration Strategy for 2024–2030. The Committee is, however, concerned about reports of returns of migrants, including unaccompanied children, without appropriate screening and identification procedures. The Committee is also concerned about the implications of, and the human rights violations against migrants that may result from, the agreement between the State party and Italy to establish facilities in Albania for the reception and detention of migrants (arts. 2 and 5).

35. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of Law No. 10/2021 on Asylum, in particular with regard to the principle of non-refoulement, and ensure that, in practice, migrants and asylum-seekers are allowed to apply for international protection and are referred to asylum authorities and undergo refugee status determination procedures;**

(b) **Redouble its efforts to effectively implement the National Strategy for Migration, including through the adoption of the new action plan (2024–2026), in order**

⁷ CERD/C/ALB/CO/9-12, para. 22.

to promote the full participation and integration of migrants in the country and respect for their rights;

(c) Take the measures necessary to ensure that the agreement with Italy to establish facilities in Albania for the reception of migrants and asylum-seekers does not undermine the State party's legal obligations under the Convention and other instruments of international human rights and refugee law.

Access to justice

36. The Committee notes with concern that the number of cases and investigations related to racial discrimination is still low. It is also concerned about reports indicating that cases of racial discrimination remain unreported, which could be due, in part, to the low level of trust that victims of racial discrimination have in the relevant authorities that address cases of racial discrimination. The Committee is also concerned about the challenges faced by victims of racial discrimination in gaining access to legal aid services (arts. 2 and 6).

37. The Committee recommends that the State party:

(a) Adopt appropriate and effective measures to ensure that all victims of racial discrimination have access to effective legal remedies, adequate reparations, and legal aid services;

(b) Establish a system to collect disaggregated data on cases of racial discrimination, including action taken in the administration of justice;

(c) Strengthen the training of law enforcement officials to ensure that they consider and investigate cases of racial discrimination effectively, and prevent any reprisals against persons who report acts of racial discrimination and punish those engaging in reprisals;

(d) Undertake campaigns to make rights holders aware of their rights, of remedies and of the legal framework for protection against racial discrimination.

Combating racial stereotypes

38. While the Committee notes the information provided by the State party on activities carried out to combat racial discrimination, it is concerned that racial prejudice against and stereotypes regarding ethnic minorities, such as Roma and Egyptians, are still prevalent in the country (art. 7).

39. The Committee recommends that the State party increase its efforts to raise public awareness of the importance of ethnic and cultural diversity and of combating racial discrimination. The Committee recommends that the State party continue its efforts to ensure that human rights education programmes, including programmes on combating racial discrimination and racism, on respect for diversity and on the promotion of equal treatment, are incorporated into school curricula at all levels, and ensure that all teachers are trained on those areas.

D. Other recommendations

Ratification of other treaties

40. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

Amendment to article 8 of the Convention

41. **The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of**

States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

42. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

Follow-up to the Durban Declaration and Programme of Action

43. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

44. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

45. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

46. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, including at the municipal level, and publicized on the website of the Ministry for Europe and Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

47. The Committee encourages the State party to update its common core document, which dates to 28 March 2012, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.⁸ In the light of General Assembly resolution

⁸ [HRI/GEN/2/Rev.6](#), chap. I.

68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

48. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 19 (b) (right to education) and 35 (migrants and asylum-seekers) above.

Paragraphs of particular importance

49. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 7 (applicability of the Convention), 25 (civil registration and access to public services) and 37 (access to justice) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

50. The Committee recommends that the State party submit its combined fifteenth and sixteenth periodic reports, as a single document, by 10 June 2027, taking into account the reporting guidelines adopted by the Committee during its seventy-first session⁹ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

⁹ [CERD/C/2007/1](#).