



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

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Committee on the Elimination of Racial Discrimination

**Combined thirteenth and fourteenth periodic
reports submitted by Albania under article 9 of
the Convention, due in 2021*, ****

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



List of Acronyms

PA	People's Advocate of Albania (Ombudsman)
EU	European Union
CERD	Committee on the Elimination of Racial Discrimination
GDSP	General Directorate of State Police
GDP	General Directorate of Prisons
DFLA	Directorate of Free Legal Aid
CoE	Council of Europe
CC	Criminal Code
CPC	Criminal Procedure Code
CPD	Commissioner for the Protection from Discrimination
MESY	Ministry of Education, Sport and Youth
MEFA	Ministry for Europe and Foreign Affairs
MFE	Ministry of Finance and Economy
CMRDV	Coordinated Mechanism for Referral of Domestic Violence Cases
MHSP	Ministry of Health and Social Protection
NPO	Non-Profit Organization
CSO	Civil Society Organization
UN	United Nations
NRCAS	National Reception Center for Asylum Seekers
RA	Republic of Albania
FO	Final Observations
VT	Victims of Trafficking
PVT	Potential Victims of Trafficking

Introduction

1. Republic of Albania was adhered to the International Convention “On the Elimination of all Forms of Racial Discrimination”¹ with the Law no. 7768, dated 9.11.1993.
2. Based on article 9, point 1/b of the CERD Convention, Albania has presented to the Committee of the Convention (CERD Committee), national Reports for periodical cycles on the implementation of the provisions of CERD Convention and recommendation of the Committee of the CERD² Convention.
3. The CERD Committee considered the combined ninth to twelfth periodic reports of Albania, presented in a document, in its meetings held on December 2018³ and adopted concluding observations on 11 December 2018.⁴
4. This Report is drafted in accordance with reporting guidelines.⁵ The first part of the Report covers the measures undertaken for the implementation of the provisions of the Convention and the main developments in the legal institutional framework as per the areas. The second part covers the measures for the implementation of the final observations and recommendations of CERD Committee. The Report includes information during the period January 2019–April 2021. It also includes information on the developments and achievements before this period, upon the issues covered by CERD Convention.
5. In the appendixes, which are part of the Report, additional information upon its implementation is presented.
6. The Constitution of the Republic of Albania, the ratified international agreements that are part of the internal legal system and the internal legal framework, guarantee the implementation in practice of the human rights.
7. Based on law no. 43/2016 “For international agreements in the Republic of Albania”, (article 25 point 3), Ministries and the competent institutions inform periodically the Ministry for Europe and Foreign Affairs (MEFA), in regards to the drafting of the national reports for the implementation of the international agreements on human rights, in which the Republic of Albania is a party country. Based on point 4 of this article, MEFA leads the process of drafting of the national reports for the implementation of the human rights, and presents them for approval in the Council of Ministers.
8. Based on the Order of the Prime Minister nr. 112, dated 5.3.2014 “For the establishment of interministerial working group for drafting and participation in reviewing of the reports on the framework of the international conventions on human rights”, MEFA coordinates the process of preparation of the national reports on the implementation of the convention on human rights. This report is drafted by coordinating and including the contribution of the central institutions like the Ministry of Justice, Ministry of Internal Affairs, Ministry of Finance and Economy, Ministry of Health and Social Protection, Ministry of Education, Sport and Youth, Ministry of Culture, General Directorate of the State Police. This Report also includes the contribution of the independent institutions as the People’s Advocate of Albania and the Commissioner for the Protection from Discrimination and National Minorities Committee.
9. The periodical Report on the implementation of CERD Convention is approved with the Decision of the Council of Ministers, no.387, dated 30.06.2021.
10. In the appendixes that are part of this Report additional information is also presented according to the issues and areas covered by the Convention.

¹ Hereinafter CERD Convention. The English version of the Convention - Convention on the Elimination of All Forms of Racial Discrimination.

² Hereinafter CERD Committee.

³ CERD/C/SR.2693 and 2694.

⁴ CERD/C/ALB/CO/9-12.

⁵ CERD/C/2007/1; General Assembly resolution 68/268.

I. Information on the Implementation of the Articles of CERD Convention

Article 1: Legal definition and legal provision on the definition of discrimination

11. Albanian Constitution (amended), sanctions the principles of the equality and non discrimination. According to article 18: "All are equal before the law and no one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage". Article 16/1 of the Constitution, foresees that the fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania.

12. Law no.10221, dated 04.02.2010 "On Protection from Discrimination" (amended), defines discrimination as: is any distinction, exclusion, limitation or preference on the basis of any of the grounds referred to in Article 1 of this law whose purpose or consequence is hindering or rendering impossible the exercise, in the same manner as with others, of fundamental rights and freedoms recognized by the Constitution of the Republic of Albania, international acts ratified by the Republic of Albania as well as the laws in force. (article 3).

13. With the Law no.124/2020 "For some additions and amendments to law no.10221, dated 4.2.2010 "On protection from discrimination" approved on October 15, 2020, legal ammendment of the law "On Protection from discrimination" which entered into force on November 18, 2020. New grounds of discrimination are added such as the discrimination of nationality, sex characteristics, living with HIV/AIDS and outer appearance. With the new legal ammendments new form of discriminations are foreseen such as: multiple discrimination, intersectorial discrimination, hate speech, exclusion, sexual harassment. "Severe forms of discrimination" are foreseen which deserve to be punished more severely and to be prevented wherever they appear.

Article 2: Information on legal institutional measures against racial discrimination

14. Law no.96/2017 "On the protection of national minorities in the Republic of Albania", article 5 in regards to the exercise of the rights foresees that: 1.Every person belonging to a national minority has the right to freely choose to be treated as such, without any disadvantage from this choice or exercise of the rights that are related to this choice. 2.Persons belonging to national minorities exercise their rights and enjoy the freedoms guaranteed by this law, individually and in community with others, throughout the territory of the Republic of Albania.

15. Article 8 "Prohibition of Discrimination" provides that:

(a) Any form of discrimination against any person on account of his/her belonging to a national minority shall be prohibited;

(b) Public institutions, both central and local, shall approve and implement the necessary measures:

(i) To guarantee full and effective equality in the economic, social, political and cultural life between persons belonging to a national minority and those belonging to the majority;

(ii) To protect persons belonging to national minorities against threats, discrimination, hostility or violence due to their distinct cultural, ethnic, linguistic, religious or traditional identity;

(iii) To strengthen intercultural dialogue;

(iv) To foster reciprocal respect, understanding and cooperation among all the citizens of the Republic of Albania, without any distinction as to their distinct cultural, ethnic, linguistic, religious or traditional identity.

(c) The measures adopted in accordance with paragraph 2 of this Article shall not constitute acts of discrimination.

16. Law no. 10 221, dated 4.2.2010 “On Protection from Discrimination” has been amended by the Law no. 124/2020 “For some additions and amendments to law no. 10221, dated 4.2.2010 “On protection from discrimination”, which was approved on October 15, 2020:

- Addition of the protected grounds based on which discrimination is prohibited: *citizenship, sex characteristics, living with HIV/AIDS and appearance*;
 - Eight new forms of discrimination referring to international practice, and current social circumstances such as: multiple discrimination, intersectional discrimination, hate speech, segregation, sexual harassment, structural discrimination, incitement to or aiding another to discrimination, proclaimed intention of discrimination);
 - A separate provision on “Severe forms of discrimination”, when the discriminatory behavior is motivated by more than one ground, committed more than once, which has lasted for a long period of time, or when it has caused particularly harmful consequences for the victim, is considered a severe form of discrimination. In such cases the law has provided for a doubling of sanctions. (Article 3/1 and Article 33);
 - Active role of the organisations with legitimate interests is foreseen, enabling them to file complaints directly to the institutions or they could present trusted information to start an investigation by the Commissioner;
 - Obligation of the public authorities to promote equality and non-discrimination;
 - Amendments also ensure the possibility of grouping of the cases, that come from different subjects but refer to the same claimed discriminating behaviour;
 - The CPD Commissioner is trusted with a new competence, in addition to the monitoring of the Law “On the Protection from Discrimination”:
- To consider complaints from persons or groups of persons claiming to have been discriminated, according to the Law “On Protection from Discrimination”, and the Law “On Gender Equality in Society”;
 - To monitor the implementation of the Law “On Gender Equality in Society” has also been added;
 - To consider complaints from organizations that have a legitimate interest in acting on behalf and with the written consent of individuals or groups of individuals alleging discrimination or on their behalf in matters relating to collective interest;
 - To file lawsuits, defending the principle of equality and non-discrimination, on issues related to collective interests, – to initiate a proceeding before the Constitutional Court, when during its activity it finds that the law or normative act violates the fundamental rights and freedoms of individuals. (Article 32).

17. Legal and secondary legislation that regulates the activity of the State Police constitutes and guarantees respecting of freedom and human rights, equal treatment and without discrimination despite of gender, race, color, language, religion, ethnicity, political, religious, philosophical convictions, sexual orientation, economical, educational, social situation, parentage belonging. Law no.108 dated 31.07.2014 “On the State Police” determines the fundamental principles directing the activity of the Police in particular: non-discrimination and respect of the fundamental freedoms and human rights.

18. In article 115 it is guaranteed the right of the escorted, detained and arrested persons to file a request/complaint in regards to the attitude, treatment, conditions of treatment, conduct of staff of the police, the violation and abuses committed against them. In article 133 the rules for the use of force by the Police are determined.

19. Law no.10/2021 “On asylum in the Republic of Albania”⁶ guarantees the right to asylum to foreign nationals and stateless persons, who find themselves outside their country of nationality or their habitual place of residence and are unable or unwilling to ask for protection in that country on account of their well-founded fear of persecution for reasons of race, religious belief, nationality, membership of a particular social group, or political convictions.(Article 5).

Article 4:Elimination of the incitement of hatred and discriminating actions

20. In Criminal Code (ammended) provisions that punish the incitement of the discriminating spirit are:

- Article 50/j where it is clearly foreseen that commitment of an offense due to racial discrimination motives, will serve as a burdening evidence in the decision on the punishment;
- Article 84/a foresees: “Serious threat to murder or serious injury to someone, through computer systems, because of their ethnicity, nationality, race or religion affiliation shall be punished to a fine or up to three years imprisonment”;
- Article 119/a foresees: “Offering in public or deliberately disseminating to the public through computer systems materials with racist or xenophobic content constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to two years”;
- Article 119/b: “Intentional insulting of a person in public, through a computer system, because of ethnicity, nationality, race or religion constitutes a criminal misdemeanor and is punishable by fine or imprisonment of up to two years”;
- Article 253: Violating equality of the citizens. Discrimination by a person holding a state function or public service conducted because of his capacity or during its exercise, when the discrimination is based upon origin, sex, sexual orientation or gender identity, health situation, religious or political beliefs, trade union activity or because of belonging to a particular ethnic group, nation, race or religion, which consists in creating unfair privileges or in refusing a right or benefit deriving from law, is punishable by a fine or up to five years of imprisonment;
- Article 265: Incitement of hatred or disputes – “Inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms, shall be punishable by imprisonment of from two to ten years”;
- Article 266: Calls for national hatred – “Endangering public peace by calling for national hatred against other parts of the population, by insulting or defaming them, or by requesting the use of force or arbitrary actions against them, is punishable by imprisonment of from two to eight years”.

21. New legal amendments in law no.124/2020 “For some additions and amendments to law no.10221 dated 4.02.2010 “On protection from discrimination” enable the obligation from national media to publish the decisions of the CPD Commissioner that have found discrimination through hate speech. With the aim of raising public awareness, the recent legal amendments in the law on Protection from Discrimination (article 33 point 17) foresees that: “State media operators are obliged to publish the summary of final decisions of the Commissioner on hate speech.”. In the framework of legal amendments it is foreseen the obligation of the public authorities to promote equality, in order to prevent discrimination during the discharge of their functions. (article 7/3).

22. Obligation of publication only for this form of discrimination is related with the fact that this behaviour is consummated publicly so the decision taken should also resonate publicly; secondly, it is related to the effect of the decisions of the Commissioner in regards

⁶ This was in force until the new law on asylum entered into force, law no. 10/2021 “On Asylum in the Republic of Albania”, approved by the parliament on 1.02.2021.

to use of hate speech from public persons. Establishing of such an obligation will enable better effectivity of it.

Article 5: Equality before the law without distinction of race, color, ethnic or national origin in regards to the political, civil, social, economical and cultural race

23. Constitution foresees a number of provisions on the guarantee of the exercise of the rights and fundamental freedoms for all persons despite their gender, race, religion, ethnicity, language, political, religious, philosophical convictions, economic, educational, social situation or parentage dependency/belonging. As well the Constitution guarantees that every individual, for the protection of his constitutional rights, freedoms and interest or in the case of charges pressed against him, has the right of a fair and public trial from an independent and unbiased court appointed by law. The legal and sub-legal framework as per the areas, aims to guarantee the application in practice of the human rights (women rights, children's rights, the rights of the persons with disabilities, the rights of the national minorities etc).

24. Law no. 124/2020 "For some additions and amendments on law no. 10221 dated 4.02.2010 "On protection from discrimination" adds as new "the shift of the burden of proof", by transferring it to the subject toward whom the committing of discriminating conduct is claimed. Ensuring the transfer of the burden of proof in Law "On Protection from Discrimination" will ensure the implementation of this principle in every area and in all cases when it is claimed that the principle of equality and non-discrimination is not being applied.

25. These legal amendments have also foreseen the competence of the Commissioner for the Protection from Discrimination (CPD) to sue in protection of the principle of equality and non-discrimination, for issues related to collective interests and to address them to Constitutional Court, in cases when during his activity he verifies that the law or the normative act violates the rights and fundamental freedoms of the individuals. With the legal amendments, the decisions with fines of the Commissioner CPD will be considered as "Executive Titles" for facilitating the procedures of the execution of the fines (after court decisions for the issuing of the executive order).

The right to elect and to be elected

26. Electoral Code amended,⁷ in article 3 "General principles", foresees the constitutional warranties for all Albanian citizens of the right to elect and to be elected, by providing that:

- Elections shall be conducted through free, secret, equal and direct voting, in accordance with the rules provided for in this Code. Voters shall freely exercise their right to vote;
- Every Albanian citizen, who has reached the age of 18, till election day, without distinction according to race, ethnicity, gender, language, political conviction, religion, physical ability or economic status, shall have the right to vote and to be elected in compliance with the rules provided for in this Code".

27. In article 63 of the Electoral Code, it is provided that: "An electoral subject shall be a political party or a coalition of political parties that submit a list of candidates, in accordance with the rule provided for in this Code.

- An electoral subject may also be an Albanian citizen with the right to vote who is proposed as a candidate for deputy or for local government bodies by a group of voters in accordance with the rules set out in this Code;
- A candidate shall be a citizen who fulfils the criteria provided for in Article 45 and Article 69 of the Constitution and who registered as a candidate for deputy with the CEC or as a candidate for mayor or for local councils;

⁷ Approved by law no. 10019, dated 29.12.2008 and amended with laws no.74/2012, dated 19.07.2012, no. 31/2015, dated 02.04.2015, no. 101/2020, dated 23.7.2020, and no. 118/2020, dated 5.10.2020.

- Every Albanian citizen who has the right to vote, has the right to be elected as a candidate of a political party, candidate of a coalition of political parties or supported by a group of voters.

28. Electoral Code, amended, provides that the National Commissioner of the Elections competence is to raise awareness on voter education, voter informing. For the parliamentary election of April 25th, 2021, CEC has worked for drafting the program of voter education, voter informing and awareness raising among voters for the parliamentary election.

29. Law no. 96/2017 “On protection for national minorities in the Republic of Albania” provides the legal guarantees, the guarantee of the rights of the national minorities (individual rights), the rights and fundamental freedoms, such as the civil, political, social rights etc that the Constitution and the legal and sub-legal framework as per the areas provide for for all Albanian citizens. Guarantee of the rights of the persons belonging to national minorities is based on the criteria determined from the international conventions; the objective criteria which are related to the existence of the special and sustainable ethnic, cultural, religious, linguistic characteristics, from the rest of the population of this group, the willingness to preserve their culture, traditions, religion, language, as well as the criteria that implies the personal choice to be or not to be part of the national minority.

30. Law no. 96/2017 completes legal and institutional framework for the national minorities in Albania, as well as serves for the clarification of the policies for the minorities, by addressing the recommendation of the Advisory Committee of the Framework Convention. This law addresses a number of issues that are related with: definition, the legal criteria of acknowledging, the avoiding of distinction among national minorities and the ethno-linguistic minorities as well as includes legal provisions for the guarantee and exercise of the rights and mechanisms of representation. This law foresees the definition of a national minority by eliminating the distinguishment of two categories of the minorities (national minorities and ethnic-linguistic minorities) and the formal acknowledgement of the minorities as national minorities. For the purposes of this law, the national minorities in the Republic of Albania are: Greek, Macedonians, Vlachs/Aromanians, Roma, Egyptians, Montenegrins, Bosnian, Serbian and Bulgarian.

31. Guarantee of the rights of the persons that belong to the minorities/national minorities is based on the criteria provided for in the international conventions: objective criteria related to the existence of the criteria provided in the international conventions; the objective criteria which are related to the existence of the special and sustainable ethnic, cultural, religious, linguistic characteristics, from the rest of the population of this group, the willingness to preserve their culture, traditions, religion, language, as well as the criteria that implies the personal choice to be or not to be part of the national minority. The individual, subjective choice is unseparately related with the objective criteria of the identity of the person and it doesn't simply imply a right for an individual to choose arbitrarily to belong to a national minority.

32. This Law and its secondary legislation (bylaws), aim to guarantee the rights and fully exercising of the individual rights of the persons that belong to national minorities, to protect the special identity of the national minorities, non-discrimination and equality before the law. The legal and sub-legal framework enables the concrete measures to be taken for the protection of the rights of the persons that belong to national minorities such as: the right to express freely their belonging, to protect and develop their identity, special elements that are characteristics for the life of their community, learning of their mother tongue, cultural activity, exercising of their religious cult etc.

33. Law no.96/2017 on national minorities (article 15/4, “Use of language”) foresees that: In local self-government units where persons belonging to national minorities account for more than 20 percent of the total population of the unit, they are entitled to receive information, in addition to the Albanian and minority languages, over the development of the electoral process. Giving minority language information on the conduct of the electoral process is regulated by acts approved by the Central Election Commission. For the parliamentary elections of April 25, 2021, CEC has worked to draft the voter educational, informative and awareness raising program for the parliamentary election.

34. Law no.111/2017 “On state-guaranteed legal aid” foresees the principles of legal aid through: a) equal access on legal aid for the individuals b) equality and non-discrimination of the individuals that have the right of legal aid; c) professionalism in providing the legal

aid; d) quality, efficiency and cost efficiency for the services of legal aid provided; e) protection of confidentiality; f) avoidance and prevention of the conflict of interest; g) protection of the rights of the vulnerable persons.

35. Law 18/2017 “On the rights and protection of a child”, determines what does protection of a child means, by clarifying “protection measurement” that the staff may apply when they verify cases of children in an unsafe situation because of the violence, abuse, neglecting or exploiting. For the first time it is foreseen the protection of children on a street situation or that work /are being exploited for labor, addressing of different forms of violence against children such as bullism, violence in schools, domestic violence, sexual abuse, economic exploitation, online safety of children in internet, the unaccompanied children or victims of trafficking etc.

36. Law 121/2016 “On social care services in the Republic of Albania”, where the principle of non-discrimination for a number of reasons, starting from gender is listed in the basic principles for the offering of the services. The law also foresees the offering of the specialised services for women and girls violated or trafficked, for pregnant women and girls or that are sole parent with children up to 1 year old etc.

37. Law 65/2016 “For social enterprises” that among else aims the employment of the disfavored persons in the labour market, such as: persons treated with economic social aid, persons with disabilities, orphans, women that are victims of violence and trafficking etc. Law no. 15/2019 “On employment promotion” foresees “Special Groups” of jobseekers that are disadvantaged in the labor market that benefit from services and programs on promotion of employment. Among disadvantaged job seekers, there are also the persons from the Roma and Egyptian minorities.

38. Law no.57/2019 “On social assistance” determines the rules and mechanisms for obtaining social assistance. One of the principles of this law is non-discrimination, that determines the rights that derive from this law without any discrimination for every individual despite of gender, race, color, religion, ethnicity, language, gender identity, sexual orientation, political, religious, or philosophical convictions, economic, educational, social situation, pregnancy, parantage dependency or/and responsibility, family or marriage situation, civil status, health situation, genetic predispositions, disability, belonging in a special group or any other reason.

Article 6: Protection and effective judicial means (equality before the law) for every act of racial discrimination

39. Procedural provisions of Criminal Procedure Code (CPC), determine the rules to conduct criminal prosecution, investigations and trial of criminal offences, and the execution of court decisions. These rules are mandatory for parties in criminal proceedings, state authorities, legal persons and citizens (article 2).

40. Law no.35/2017 “On some additions and amendments on law no. 7905, dated 21.3.1995, “Criminal Procedure Code”, amended, foresees:

- Right of the victim of the criminal offence: During the criminal proceedings the victim shall have the rights provided for by this Code;
- Public bodies shall guarantee that victims of criminal offences are treated with respect for their human dignity and are protected from being re-victimized, exercising the rights provided for by this Code;
- Procedural provisions upon the rules on the way to conduct criminal prosecution, investigations and trial of criminal offenses, as well as the execution of court decisions. These rules are mandatory for parties in criminal proceedings, State authorities, legal persons and citizens;
- The defendant shall be deemed innocent until his guilt has been established by a final judgment of the court. Any doubts regarding the charge shall be evaluated in favour of the defendant;
- The court shall issue a decision of conviction if the defendant is found guilty of the criminal fact attributed to him beyond any reasonable doubt;

- The person to whom a criminal offence is attributed shall obtain the defendant status with the notification of charge, which contains sufficient information on the reasons for taking him as a defendant. This document is notified to the defendant and to his lawyer. If after taking a person as a defendant, new information arise that result in the modification of the charges or their completion, the prosecutor takes a decision pursuantly and notifies it to the defendant;
- The defendant status shall be retained at any state and instance of the proceedings until the dismissal, acquittal or conviction decision has become final. The defendant status is re-obtained if the dismissal decision is quashed or the court decides the annulment of the final decision and the review of the proceedings (article 34).

41. Amendments of Criminal Procedure Code (amended by law no.35/2017, dated 30.3.2017) improve significantly the rights and the position of the victim of the criminal offense by including even specific provisions for the human trafficking victim. Specifically, the obligation for the victim of the criminal offense to participate as a party in the process by guaranteeing the victim' access in the criminal proceeding is introduced, new articles are added, specifically for the victims of trafficking, in which are foreseen as specific the minor victim and the sexually abused victim or the subject of trafficking respectively in articles 58, 58/a, 58/b, 59, 60, 61.

42. Amendments and additions in Criminal Code⁸ foresee domestic violence as a criminal offence with the respective sanctions (article 130/a)⁹, specifically: hitting; serious threat for murder or severe wounding toward the family related person.

43. Law 37/2017 "Code of criminal justice for children" that guarantees a legal framework for criminal justice for children, promotes reintegration of the child in conflict with law, protection of the rights of the child victim and or/eyewitness of criminal offense and prevent revictimisation of the child who has previously been a victim of a criminal offense.

44. Law no.111/2017 "On state-guaranteed legal aid, has entered into force on date 1.6.2018, and its aim is the establishment of a legal, consolidated system in regards to providing free legal aid for all individuals in the justice system, and the guarantee of equal access as well as offering of services of legal aid in a professional, qualitative, efficient and effective way.

45. Law no.111/2017, among else guarantees free legal aid for special categories: victims of domestic violence, of sexual abuse, of human trafficking, minors in conflict with the law, children in institutions of social care, persons whose rights have been violated through an action or lack of action that constitutes discrimination, based on the decision of the competent authority, according to the effective legislation for protection from discrimination.

46. Law no.97/2016 "On the organization and functioning of the Prosecution Office in the Republic of Albania", improves the approach of the victims to information through the appointment of a coordinator for the relations with the public in each prosecution office, who would be responsible for informing the victims. In this framework General Prosecutor has approved the General Instruction no.17/2020 "On investigation and effective criminal prosecution of the criminal offenses of violence against women, domestic violence and hate based violence. This Instruction aims to unify the preceeding measures in the Prosecution offices with general jurisdiction. Investigation and criminal prosecution on cases for criminal offenses against violence against women and gender based violence shall be on short terms, efficient and with requests for effective, proportional and restraining punishment measures that contribute in the general and specific to prohibiting the perpetrators of these forms of criminality.

47. Law no. 47/2018 "On some additions and amendments in law no.9669, dated 18.12.2006 "On measures against domestic violence" forseees strengthening of protective and proceeding measures for a more effective response against domestic violence and protection of the victims through issuing of the Order for Preliminary Measurements of Immediate Protection. For the first time the women and girls in intimate relations, without having a formal relation with the violators, like marriage or cohabitation are being protected. The law

⁸ In the years 2012, 2013 and 2020.

⁹ Detailed information as follows.

was amended also in October 2020, by clarifying the measures for expelling of the violator from the residence and taking him in with the completing of the Protection Orders and Immediate Protection Orders PO/IPO, completing of specific rehabilitation programs for the violator, register of PO/IPO-s etc.

48. This law aims:

- Prevention and reduction of the cases of domestic violence;
- Improvement of the protection measures provided for in the law in the framework of the immediate protection order and protection order, by particularly considering the improvement of protection measures for the children;
- Improvement of professional free legal aid;
- Determining of clear proceedings terms, for the submission of the request for Protection Order (PO) and Immediate Protection Order (IPO) and for appeals on court decisions;
- Clearer determination of the authorities in charge for execution of the tasks and of the obligations of the officials;
- Provision explicitly of the obligation of the state institutions to provide free of charge expertized service for domestic violence cases;
- Increase of participating violators in the specific rehabilitating services with special focus on the violators that are alcoholics, drug addicted or that suffer from mental disorders, given explicitly in the court decisions for issuing of the protection orders.

49. Law no.81/2020¹⁰ “On the rights and treatment of the defendants punished with imprisonment and the pre-trial detainees” aims to guarantee the conditions for treatment with dignity of the defendants/ pre-trial detainees and those sentenced with imprisonment, respect of fundamental human rights and freedoms and prevention of inhuman, cruel, degrading behavior or treatment. Among the principles of this law (article 5), it is provided for that the prisoners shall have equal, unbiased and non-discriminated treatment for every reason provided for from the effective legal framework for the protection from discrimination.

50. This law foresees the establishment and functioning of national Mechanism for the prevention of torture, cruel, inhuman or degrading treatment or punishment in accordance with the legislation for People’s Advocate. National Mechanism observes on regular basis the treatment of the individuals deprived of their liberty in their places of detention, pre-trial detention and in the institutions of execution of the criminal decisions with the aim of strengthening the protection of the individuals from torture, cruel, inhuman or degrading treatment as well as presents recommendations for the respective institutions.

51. Law no.108.2014 “On State Police” (Article 115), amended it is determined: the right to present a request/complaint verbally or by writing to the directors of the police or other state institutions from every person detained, pre-detained or arrested in the premises of the police office as well as every other citizen related to the conduct and police actions, as well as the obligation of the police to file, treat, resolve and send a response to the person who presented the request/complaint. The legal framework foresees:

- Right to present a request/complaint from the persons detained, pre-detained or arrested in the premises of the police office as well as from every other citizen that is affected by the actions and conduct of the police;
- Forms of presenting/filing a complaint verbally or in a written form;
- Institutions to present the request/complaint like the police directors and other state institutions;
- Right for the detained persons to head to the court at any time;
- Obligation of the police to evidence and treat the requests and complaints presented;
- Terms of treatment of the requests/complaints and of the responses to the complainer: if the complaint is presented to the police directors in which offices the

¹⁰ Entered into force on June 2020.

pre-detained or detained are set, the response should be given immediately but not later than after 5 days.

52. It is drafted and implemented the standard proceeding of the work for the treatment and safety of the persons detained/arrested in the premises of the police office and the resolvment of their requests/complaints. Part of the standard procedure for treatment of the persons detained/arrested are the rules on evidencing, treatment and resolving of the requests/complaints presented by the pre-detained, detained and arrested persons. It is approved:

- Order no. 938, dated 24.07.2017 of General Director of the State Police on the proceedings and technical rules of being taken into custody into the premises of State Police;
- Order no. 925, dated 18.07.2019 “On approval of the standard procedure of work: “Treatment and safety of the persons arrested/taken into custody in the premises of the State Police, evidencing and resolvment of their requests/complaints.

53. During the period 2019- ongoing, General Directorate of State Police has issued a number of administrative acts:

- Notice no.3582, dated 02.05. 2019 “On implementation of the rules and standard procedures for treatment and safety of the persons taken into custody, arrested or detained, in the premises of local units of the police”;
- Notice of General Director of the State Police (GDSP) no.669/2, dated 15.08.2019 “On human rights respecting during use of force in fulfillment of the legal duties and responsibilities of State Police.”;
- Letter of Request of the General Director of the State Police no.5126, dated 15.08.2019 “On prevention and elemination of the discriminating behaviours that affect their dignity”;
- Letter of Request of the General Director of the State Police, no.6104/3, dated 02.09.2019 “On acknowledging the report and implementing of the recommendation of the European Committee for Prevention of Torture for respecting and guaranteeing of the rights of the persons deprived of their freedom in the premises of State Police”;
- Letter of Request of the General Director of the State Police no.278/1, dated 15.01.2020 “On the correct implementation of law and respect of the human rights, in particular of the rights of the children , during execution of the police and procedural actions from the staff of State Police”;
- Notice no.1449/2, dated 02.03.2020 “On implementation of the rules and standard procedures for safety and treatment of the arrested/taken into custody and detained in the premises of police units”;
- Letter of Request of the General Director of the State Police no. 4641/2 dated 26.08.2020 “On escorting/taken into custody of the persons, respecting and guaranteeing of their rights in the premises of State Police, pursuant to legal and sub-legal acts;
- Notice of the General Director of the State Police, no.293, dated 16.02.2021 “On respecting and guaranteeing of the rights of the persons when taken into custody, detention or arrest in the premises of State Police, as well as the right of organisation, participation and peaceful demonstration of the minors”.

Article 7: Measurement against discrimination in the area of education, culture and information

In the area of education

54. Law no. 69/2012, dated 21.06.2012 “On pre-university educational system in the Republic of Albania (amended)” guarantees the right to education to the Albanian citizens, foreign citizens and those without citizenship, without discrimination in terms of gender, race, color, ethnicity, language, sexual orientation, political or religious convictions,

economic or social status, age, residing location, disability or other grounds being referred to in the Albanian legislation. (article 5). The persons, belonging to national minorities, are provided the opportunity to learn and be taught in their mothertongue, to learn their history and culture in accordance to the teaching plans and syllabuses. (article 10).

55. Law no. 96/2017 “On national minorities on the Republic of Albania” (article 13) foresees The Right to Education in the Language of the Minority: 1) Persons belonging to a national minority enjoy the right to learn in the minority language. 2) Persons belonging to national minorities in local self-government units where they reside traditionally or in substantial numbers, if there is sufficient demand, are provided with the opportunity to learn or take minority language lessons in accordance with the legislation relevant in the area of education. The law foresees:

- Criteria for local selfgovernment unit to determine the fundamental number and the required request are determined with the decision of the Council of Ministers, with the proposal of the ministers in charge for education and local issues;
- The adaptable measures in the area of education and research, with the aim of inciting learning of culture, history, language and religion of national minorities and of majority, in accordance with the respective legislation in the area of education, are approved with the decision of the Council of Ministers, with the proposal of the Minister in charge for education, in accordance with the relevant legislation in the area of education;
- Adoptable measures for creating the opportunities and conditions for provision with school textbooks, primary education, training and continuing professional development of teachers, as well as for establishment and functioning of classes in the language of the national minorities are approved with the decision of the Council of Ministers, with the proposal of the Minister in charge for education, in accordance with the relevant legislation in the area of education;
- Persons who belong to national minorities, have the right to establish and manage private institutions of the pre-university education system and institutions of professional education, when they fulfill all conditions foreseen in the effective legislation in the area of education.

56. Pursuant to law no.96/2017, in the area of education there are a number of sub-legal laws for guaranteeing the right to education of national minorities, establishing and functioning of classes for their learning, equipment with textbooks etc.

57. Decision of the Council of Ministers no. 561, dated 29.9.2018, “On provision with textbooks for students, elementary education, continual professional development of teachers as well as the establishing of classes in the language of national minorities”; Based on Decision of the Council of Ministers no. 561, dated 29.9.2018, the initiative for establishing the classes in the language of the national minorities might be taken from the respective unit of local self-government, the respective local education unit and the community of the area where the classes of national minorities are being expected to start. Classes in the language of national minorities start when the number of students of the minorities is no lower than 15 students per class, while in special cases when the number of the students from the minorities is lower than 15 students per class, the functioning of the classes with students from the minorities is done with the order of the Minister in charge for education.

58. Decision of the Council of Ministers no. 562, dated 29.9.2018, foresees the relevant measures for inciting of culture, history, language and religion knowing of the national minorities in the educational and scientific activity of the institutions of university studies.

59. Based on Decision of the Council of Ministers no. 227, dated 17.4.2019, “On preparing, printing and distribution of the textbooks of elementary education for the students of public pre-university institutions where students of national minorities study”, the textbooks in the mothertongue of national minorities are prepared, printed, published and distributed. This decision and the mutual instruction of the Minister of Education, Sport and Youth and Minister of Finance and Economy no.18, dated 1.7.2020, “On procedures of use of state budget funds for publishing, printing distribution and sale of textbooks of pre-university education”, determine that the students of the elementary education of the national minorities are provided with free textbooks in their mothertongue.

60. Decision of the Council of Ministers no.1155, dated on 24.12.2020 “On criteria for determining of the local self-governance unit, the fundamental number and the requests required of the persons from national minorities to be educated in the language of national minority” This decision aims to guarantee the persons belonging to national minorities, the right to be educated in the language of the national minority in education pre-university institutions, appointed with the order of the minister in charge as well as to study the history, tradition and their culture, according to the curricula/curriculum and programs approved by the ministry in charge for education.

61. Decision of the Council of Ministers no. 1155, dated 24.12.2020 foresees the criteria for:

- Number of persons that belong to national minorities, which should be no lower than 20 percent of the general number of the residents of the administrative unit, as a subdivision of the municipality;
- Period of registration as a resident in the unit of local self-government, as per the periods of census, confirmed with a verification issued according to the data of Founding Registers of Civil Status Office and /or National Register of Civil Status of 2010. This period is connected to the periods when the official census of population has happened, a fact verified by the Registers of Civil Status;
- Written request presented by parents or caregivers of children that belong to national minority, to the municipality/administrative unit, in which the will is expressed in a written form and based on the right of self-identification, sufficient for establishment of the class;
- For establishment of classes of national minorities, to facilitate and enable teaching of these students, it is proposed that the number of students per class should be 15, a number thus that is distinguished from the establishing of the other classes of the pre-university education;
- Local self-governance units have the right to initiate opening of classes in the language of the national minorities in accordance with legal provisions for establishing and functioning of classes in the language of national minority.

62. Decision of the Council of Ministers no. 486, dated 17.6.2020, “On printing, publishing, distribution and sale of textbooks of the pre-university education system” and Decision of the Council of Ministers no.682, dated 29.7.2015, “On use of public funds for transportation of the education working staff and students whose schools are located out of their residence place” (amended) foresees concrete measures for guaranteeing of the right of education for national minorities. From educational year 2020–2021, students in the basic education belonging to national minorities as well as the students in pre-university education that belong to roma and egyptian minorities benefit a budget support for compensation to 100% of the cost of education textbooks. Mutual Instruction no.18, dated 1.7.2020, of the minister of Education, Sport and Youth and Minister of Finance and Economy, “On procedures of use of the state budget funds for publishing, printing, distribution and sale of textbooks for pre-university education.

63. Pursuant to law no. 96/2017, Ministry of Education, Sport and Youth with the Ministry of Culture have proposed Decision of the Council of Ministers no. 463, dated 3.7.2019, “On determining of the directions for approval of the strategies, programs and action plans for promoting and creating the necessary conditions for the persons belonging to national minorities to use and develop the fundamental elements of the identity of the national minorities including their language”. In educational pre-university institutions where students of national minorities learn, there are specific plans for the promotion of culture, language and identity of the national minority.

64. In pre-university education system there are education pre-university institutions where children from national greek minority and national macedonian minority learn. In the framework of the reorganisation of the educational local units in 2019, it was emphasised that the educational institutions where students from local minorities learn, to be covered by special Local Offices of Pre-university Education. Educational pre-university institutions where students from greek national minority learn are supported by the Local Offices of – Pre-university Education like Local Office of Pre-university Education Gjirokastër-Libohovë, Local Office of Pre-university Education Sarandë-Konispol- Delvinë and

educational institutions where students of Macedonian national minority learn are supported by Local Educational Office Korça-Pustec. Local Educational Office Finiq-Dropull, for the Municipality of Dropull and Municipality of Finiq” is approved by order no. 176, dated 1.07.2020 On some amendments 234, dated 19.04.2019 of the minister of Education, Sport and Youth “On approval of the stucture and organisational chart of the local offices for pre-university education (amended).

65. Agency for Quality Assurance in Pre-University Education has drafted the educational plan for national minorities, approved by the ministry in charge for education. In educational pre-university institutions, that are attended by students from national minorities, as in all Albanian education system, the competency based new curriculum is implemented. Educational programs of national minorities are published on the page of AQAPUE. Educational programs are the same as in the other schools of the pre-university system. Educational programs for national minorities are drafted by AQAPUE, concretly 45 subject-matter educational programs where the specific programs are included:

- Greek mother tongue;
- Macedonian mother tongue;
- History of Greece;
- Geography of Greece;
- History of North Macedonia;
- Geography of North Macedonia.

66. This Agency has trained the teachers of the pre-university education system, including the teachers of national minorities for the following issues:

- Competence-based curriculum;
- Curriculum planning;
- Methodology of teaching for the competence-based curriculum;
- Evaluation of Students with the new curriculum.

67. Teachers of national minorities are trained every year by Agency for Quality Assurance in Pre-University Education relted Competence-based curriculum. In the framework of professional development of the staff of education, professional networks have been established for every subject for pre-university education, including teachers from national minorities.

68. Pursuant to the competence-based curriculum, new subject matter programs were compiled. Students of national minorities in the basic education learn in their mother tongue subjects such as:

- Native Language; Native History; Native Geography; Knowledge of Nature; Math 1–5, Biology; Visual Art; Music, Civic Education etc;
- In addition to the mutual programs, for the students of national minorities 22 specific programs were created for Greek and Macedonian language, native history and geography;
- These programs were compiled with the participation of professors from the department of Greek Language and Greek Civilisation in Gjirokastra and Tirana and from teachers of Greek and Macedonian language.

69. Public pre-university education institutions attended by students from national minorities are in the municipalities of Gjirokastër, Dropull, Sarandë, Delvinë, Finiq, Pustec.¹¹ Number of students of Greek and Macedonian national minorities that have attended school as per the respective years in the public education system are as follows:

- School year 2016–2017 – Total 763 students and 101 teachers;
- School year 2017–2018 – Total 685 students and 94 teachers;

¹¹ Information upon the education of students from Roma and Egyptian minorities is given as follows.

- School year 2018–2019 – Total 611 students and 96 teachers;
- School year 2019–2020 – Total 565 students and 87 teachers.

70. School curriculum includes: culture, history and traditions of national minorities. Providing of support materials is foreseen (guidelines, training programs, teaching modules) for teachers in order to treat in a more effective way the culture, traditions and history of the minorities during the teaching practices in class/school.

In the area of culture

71. Law no.96/2017 on national minorities (neni 12) “Preservation of the cultural identity of national minorities” foresees:

- Persons belonging to national minorities have the right to preserve and develop their linguistic, cultural, religious and cultural heritage throughout the territory of the Republic of Albania;
- Persons belonging to national minorities enjoy, in accordance with the provisions of Article 2, of this Law, the right to celebrate events related to the promotion of their distinct cultural identity;
- Strategies, programs and action plans to create the necessary conditions for national minorities to preserve and develop their distinct identity are adopted by a decision of the Council of Ministers, upon the proposal of ministers responsible for education and culture;
- Without prejudice to measures taken in accordance with the general integration policy of national minorities, policies or practices aimed at the assimilation of persons belonging to national minorities against their will shall be prohibited.

72. Pursuant to law no. 96/2017 the following are approved:

- Council of Ministers Decision no.462, dated 3.7.2019 “On approval of the necessary measures and policies that insure the participation of the persons belonging to national minorities, in the public, cultural, social and economic life of the Republic of Albania”, among others foresees:
 - Persons belonging to national minorities are guaranteed equal participation in the public, economic, social and cultural life of the country;
 - Persons belonging to national minorities, enjoy in particular the rights regarding issues of preservation, protection and promoting of the culture, tradition and identity of the minority they belong to.

73. Council of Ministers Decision no 463, dated on 3.7.2019 “On determining the directions for the approval of strategies, programs and action plans for the promotion and creation of the necessary conditions for persons belonging to national minorities to use and develop the basic elements of the identity of national minorities, including their language” Persons that belong to national minorities enjoy the right to protection and development of their distinguished identity in Republic of Albania, concretely:

- Ministry in charge in the area of culture and ministry in charge in the area of education, sport and youth have the obligation to determine the directions for the approval of strategies, programs and action plans for the promotion and creation of the necessary conditions for persons belonging to national minorities to use and develop the basic elements of the identity;
- The national program “Education through culture” foresees and creates the necessary conditions for the preservation, promotion, protection, cataloguing and digitalization for the preservation and development of culture and identity of the persons belonging to national minorities and the prohibition of practices aimed at assimilating their distinct culture and identity;
- Planning of special activities for public institutions of pre-university education, in order to preserve, promote, develop cultures, distinct cultural identity and languages of national minorities;

- Supporting young people and youth organizations to organize awareness and promotional activities for the preservation and development of cultures, identity and languages of national minorities, as well as the preservation of their cultural heritage;
- Promoting of programs and projects for the preservation and development of cultures, languages and key elements of identity of persons belonging to national minorities, development of activities in consultation with them and their representatives, based on the needs of different groups and in accordance with transparent procedures.

74. Ministry of Culture's objective is access and active participation in cultural life by implementing projects that preserve and protect the cultural identity and languages of national minorities. Concrete activities:

- Financial support from MoC of the network of activities organized by cultural associations of national minorities or that include the culture of different cultural groups;
- Publication of written literature in the language of minorities, with or without translation into Albanian;
- Increasing the representation of groups from national minorities in national and international art festivals organized by MoC;
- Providing professional assistance and advice on standards for documenting diversity and intangible heritage of minorities (trainings, workshops).

75. For the first time, the percentage determination for the projects submitted from the national minorities is foreseen, specifically:

- "Out of the total number of projects that will be financed, 5% (five) of them will be supported with financial and logistical resources and/or materials for cultural associations/individuals who have applied and belong to national minorities";
- Ministry of Culture, in the call for project proposals that organizes every year, financially supports, based on the quality level, the projects of persons belonging to national minorities in terms of protection of cultural, ethnic and linguistic identity and their cultural heritage;
- Criteria and procedures for the participation of representatives of national minorities in various projects are made in accordance with law no. 10352, dated 18.11.2010, "On art and culture", amended, and the annual instruction issued by the Ministry of Culture, "On calls for project proposals".

76. The National Strategy for Culture 2019–2025, aims at "Promoting and representing the cultural values of the Albanian arts and heritage (tangible and intangible) in important international activities and presenting best practices. The specific objective is "Promotion of the values of art and cultural heritage". For the preservation and promotion of the cultural heritage of national minorities in the country will be determined the financial support of various cultural and research activities of this heritage with the aim of protecting and cataloguing and digitizing the preservation of culture and identity of national minorities and banning practices aimed at assimilation of their distinct culture and identity. This activity will be carried out in close cooperation with the Committee of National Minorities.

77. "Education through culture" provides the necessary conditions for the preservation, promotion, protection, cataloguing and digitization for the preservation and development of culture and identity of persons belonging to national minorities as property, value and part of national cultural heritage.

In the area of information – access to media

78. Law no. 96/2017 on national minorities (article 14) "Freedom of expression, opinion, and the right to information" provides:

- Persons belonging to national minorities are guaranteed and enjoy the right to express opinions and views, as well as to receive and disseminate information in the

minority language, without discrimination and without the interference of public authorities;

- Persons belonging to national minorities have the right to have their own print and electronic media, in accordance with the legislation in force in the Republic of Albania on print and electronic media;
- Persons belonging to national minorities have the right to use the services of audio and audio-visual media, without discrimination, in accordance with the conditions, criteria and procedures established by the legislation in force for audio-visual media in the Republic of Albania;
- Licensing of broadcasting and television services is done without discrimination and in accordance with the criteria of the legislation on audio-visual media. Persons belonging to national minorities enjoy the right to information in their mother tongue.

79. Law no.97/2013 “On audio-visual media in the Republic of Albania sanctions banning of the programs containing or encouraging racial discrimination or other kinds of discrimination. Audio-Visual Media Service Providers do not broadcast programs with content that encourage hate based on race, gender, religion, ethnicity, nationality and every other form of discrimination”. Audio-visual broadcasting respect the right of equality and non-discrimination for every reason protected by legal legislation.

80. From 2017, the Audio-Visual Media Authority (AMA) monitors and evaluates every six months the construction of the program package of the Public Broadcaster, ART. One of the channels, namely RTSH 2, which is a generalist television channel also broadcasts daily informative and entertainment programs for national minorities (in Bulgarian, Greek, Aromanian, Roma, Macedonian, Serbian and Montenegrin). Based on law 97/2013 on audio-visual media in the Republic of Albania, the content of the programs is in accordance with the ART Service Contract, conceived and drafted by it and approved in early 2017 by AMA.

81. Albanian Radio Television (ART) as the only public broadcaster in Albania, has expanded the range of programs in the language of national minorities since 2016. ART offers a variety of programs in the minority language, both through the ART 2 channel and through Radio Tirana. Since December 2016, ART has started broadcasting for the public through a channel / program dedicated to minorities in the program structure of ART. ART 2 channel is the only channel that broadcasts a variety of informative and cultural programs in the language of national minorities, news, various cultural activities, such as songs and dances in the language of national minorities. Every week the correspondents that are by the areas where the national minorities live, would treat different topics through chronicles organized in the field. ART2 broadcasts serials/soap operas in the language of national minorities. Registration of the activities of organized by national minorities is also made possible, such as cultural activities that are broadcasted in ART 2.

82. Regarding the radio broadcasts for national minorities, “Radio Tirana” has succeeded during the period 2016–2020, with a weekly cycle upon the lifestyle, employment, and integration and success stories to follow as examples. The objective of the cycle was to provide information in the minority language, where national minority persons and young people were engaged as program collaborators.

83. According to the information submitted by AMA so far the community audio services (or community radios) are only from religious communities, based on the requirements of law 97/2013. There has been no request, no interest so far for an application for a community radio license by the national minorities at AMA.

II. Information upon Issues And Recommendations presented from The Committee of Experts (CERD Committee)

Findings and Recommendations 7, 8: Statistics; Census and the principle of self-identification

84. In the framework of Population and Housing Census scheduled to take place in 2022, INSTAT has prepared the new draft-law on census. During the drafting of the census questionnaire, INSTAT has organized some consultative tables with the stakeholders including the representatives of national minorities. During these consultative round tables comments and suggestions of national minorities are collected related drafting of questions, improvement of the process of collection of data, discussion of problems encountered in last census with the aim of improving the coming census. INSTAT during November 2020 has organized the workshop for CENS questionnaire with the aim of reviewing the questionnaire with international experts to ensure the content of the questionnaire is in accordance with international recommendations.

85. On November 26, 2020, the Albanian Parliament approved the law no.140/2020 “On the census of population and housing”. Based on Law 140/2020 adopted in November 2020, the census will be organized and conducted by the Albanian Institute of Statistics (INSTAT), under the supervision of the Central Census Commission and with the support of the Census Commissions that will be set up in each Municipality. This law specifically includes the principle of free self-identification of ethnicity, in accordance with Article 3 of the Council of Europe Framework Convention for the Protection of National Minorities, the recommendations of the Council of Europe monitoring bodies and the recommendations in the framework of dialogue with the European Union on international standards.

86. Law no. 140/2020 “On the census of population and housing” regulates the organization and implementation of the census of the population and housing in the territory of the Republic of Albania. The Population and Housing Census is scheduled to take place in 2022, period 1 October–15 November. Census will provide information on all essential topics such as: ordinary residents of Albania and their geographical, demographic, economic, educational, migratory characteristics, households and housing characteristics, as well as non-essential topics such as: disability, ethnicity, language, religion or agriculture. The topics, on which the Census questionnaire for data collection is built, refer to EC Implementing Regulation No. 2017/543 and United Nations recommendations. Census will create basic statistical information on population, buildings and residences for the entire territory of Albania, which is essential for the institutions establishment, sustainable development, democracy and good governance at the national, regional and local levels.

87. The law provides a legal consolidated database for conducting the Population and Housing Census, based on international standards on censuses of population and housing, terminologies, procedures and institutions involved. It will also enable the accordance with the terminology and definitions of the legislation of EU, as well as it will enable fulfilment of the recommendations of the European Conference of Statisticians (CES 2020) for censuses of Population and Housing.

88. Legal provisions on self-identification in law no.140/2020 “On the population and housing census”: Article 4/2-The census questionnaire also contains questions on ethnic identity, language and religion, the answers to which are based on the right to self-identification of individuals. These questions have for the respondent the alternative to answering “I prefer not to answer”. Article 21/2 Minor offenses provides that any statement or choice of alternative “I prefer not to respond”, according to point 2 of article 4 of this law, does not constitute an administrative offense. This law (article 25) explicitly provides that law no. 8669, dated 26.10.2000, “On the general census of population and housing, amended,¹² is repealed.

89. Census of Population and Housing 2022 will use the universal method of direct counting, based on the operations in the field with the compiling of the questionnaires from the interviewers, by using new methods of data collection. Census of Population and Housing

¹² Amended by law no. 10 442, dated 07.07.2011.

2022 will take into consideration the requests of the national users, international recommendations, in particular the recommendation and standards addressed in European countries, of United Nations and from Statistical Office of the European Union (EUROSTAT), as well as by including the quality of data and protection of personal data.

90. Topics included in the census questionnaire for data collecting, refer to the EU standards and recommendations of United Nations. As a statistical operation that will be realized by INSTAT, Census aim to offer reliable statistical data, necessary for planning and realizing of general development policies, for private and public analysis on decision making, for research and in general for improving citizens knowing and understanding of the demographic, economic and social reality of the country.

91. A very important element for the organizing of these activities, is organizing a wide open information and communication process in the central and local level, as well as the information and communication with the public including the associations that represent the national minorities and persons belonging to national minorities, upon legal provisions, census methodology and its development.

92. This process comprises:

- Information on essential topics as well as non-essential topics (comprising ethnic identity, ethnic belonging, religion belonging);
- Organisation of informing tables and effective communication and awareness campaigns for all citizens, groups of interests and aimed groups, with the inclusion of the associations of national minorities and persons belonging to national minorities;
- Training of staff that will held the process in the field regarding the questions on essential topics and non-essential topics (like ethnic identity, language and religion), the responses on which are based on the right of self-identification of the individual;
- Gathering and processing of data collected during census, including data on ethnic identity, communication and transparency in regards to Census results and access to information in regards to Census.

Findings and recommendations 9 – Implementation of the Convention in internal legislation

93. CERD Convention is applicable directly in domestic legislation. Pursuant to article 122 of the Constitution, any ratified international agreement constitutes part of the internal legal system after it is published in the Official Journal of the Republic of Albania. Article 116 of Constitution, which determines the hierarchy of the normative acts effective in the territory of the Republic of Albania, lists the international ratified agreements after the Constitution and above the laws. In this sense in case of conflict between a law and an international agreement the latest prevails.

Trainings of the law enforcement staff

94. Legislation pursuant to the justice reform has made it mandatory the continual development of the prosecutors and officers of the court police. In law no. 96/2016 “on the status of judges and prosecutors in the Republic of Albania”, it is foreseen that the magistrate has the right and obligation to participate in continual development programs, to propose training topics and to collaborate with the Prosecutor Council, with the objective the improvement of the training programs. Continual development is organized by the School of Magistrates or from every training provider institution in national or international level acknowledged by Prosecutorial Council.

95. Central and independent institutions such as Ministry of Internal Affairs, Ministry of Justice, General Directorate of the State Police, School of Magistrates have organized trainings on learning and implementation of CERD Convention and on other international instruments or legal framework on human rights, as per the areas.¹³

¹³ Detailed information is given in the annexes that are part of this report.

Findings and recommendations 11, 12. Implementation of internal legislation. Approval of the by-laws acts pursuant to law no. 96/2017 On National Minorities

96. Law no. 96/2017 “On the protection of National Minorities in the Republic of Albania” and the sub-legal framework in its implementation provide dispositions for the implementation of specific rights of national minorities: self-identification, non-discrimination, educational, cultural rights, preservation and development of their identity, representation in economic, social, public life, etc., creating conditions and opportunities for exercising specific rights related to the use of minority language in relation with the authorities, use of names, surnames, topographic indicators in the language of national minorities, institutional mechanism for minority representation and strengthening the role and the powers of the State Committee for National Minorities; Establishment of the Fund for National Minorities to support initiatives and projects aimed at protecting the rights of national minorities, preserving and promoting their distinct cultural, ethnic, linguistic, traditional and religious identity of national minorities.

97. Approval of bylaws for the implementation of this law, especially regarding data collection, name, use of language in regards to administrative authorities is based on objective criteria and subjective criteria (principle of self-identification), as provided by law no. 96/2017 on national minorities and the criteria provided by the Framework Convention for the Protection of National Minorities. Individual subjective choice is related to the relevant objective criterion of the identification of the person (Article 3 of the Framework Convention).

98. After the entry into force of Law no. 96/2017 “On the protection of national minorities”, during the period 2018–December 2020 were drafted and approved a series of bylaws of the package of bylaws (8 bylaws out of 12 provided), four decisions in the field of education, two decisions on participation in public, social, cultural life, two decisions on the establishment and functioning of the Committee of National Minorities, specifically:

- DCM no.562, dated 29.9.2018 “On appropriate measures to promote the knowledge of culture, history, language and religion of national minorities in the educational and scientific activity of higher institutions”;
- DCM no.726, dated 12.12.2018 “On the organization and functioning of the Committee of National Minorities”;
- DCM no.227, dated 17.04.2019 “On the preparation, printing, publication and distribution of textbooks of basic education for students belonging to national minorities, attending public pre-university institutions;
- DCM no.286, dated 10.05.2019 “On the approval of the procedures for the election of the chairman, vice-chairman and members of the Committee of National Minorities”;
- DCM no.462, dated 3.07.2019 “On the approval of measures and policies necessary to ensure the participation of persons belonging to national minorities in public, cultural, social and economic life in the Republic of Albania”;
- DCM no.463, dated 3.07.2019 “On determining the directions for the adoption of strategies, programs and action plans for the promotion and creating of the necessary conditions for persons belonging to national minorities to use and develop the fundamental elements of the identity of national minorities, including their language;
- DCM no.1155 dated 24.12.2020 “On the criteria for determining the local self-government unit, the essential number and sufficient request of persons of national minorities to be educated in the language of the national minority”.

99. Currently there are 4 draft-decisions in process of drafting and final consultation (*ad hoc*) Committee for the recognition of national minorities, use of language in relations with local authorities, Collection of data, and approval of the National Minority Fund), namely:

(a) Draft decision “On determining the composition, functions and procedure of the Commission for reviewing the request for recognition of the national minority (new national minorities, in addition to the national minorities recognized by law no.96/2017)”;

(b) Draft decision “On the manner of using the language of national minorities in the relations between persons belonging to national minorities and local self-government bodies”;

(c) Draft decision “On determining the documentation and procedures for collecting / verifying data on the affiliation of persons to a national minority”. This draft decision aims to guarantee the principle of self-identification of persons belonging to minorities and the verification of data on belonging to a national minority relates to the objective criteria of identity of national minorities and serves to enable the exercise of rights provided by law;

(d) Draft Decision “On the criteria for supporting initiatives, projects aiming the protection of the rights of national minorities, preservation and promoting of their distinct cultural, ethnic, linguistic, traditional and religious identity and the selection criteria for financing and administration of “National Minorities Fund”.

Findings and recommendations: Institutional Framework

14. a Commissioner for the Protection from Discrimination

100. Office of the Commissioner for the Protection from Discrimination (CDP), as an independent public institution “ensures the effective protection from discrimination *and from* from any other form of conduct that incites discrimination.”. Law “*On Protection from Discrimination*”, amended,¹⁴ is a guarantee in regards to respecting the human rights without discrimination in areas such as education, employment, goods and services. In addition to the central office, the Commissioner exercises his activity also through regional offices in Korça, Shkodra, Fier.

101. Functions and main duties of this institution are regulated by law. Legal competences: 1. Examining of complaints of the subjects and performing of administrative investigations by initiative, upon receipt of credible information about violations of this law; 2. promote the principle of equality and non-discrimination, especially by raising awareness and informing about those issues, monitoring and conducting of polls on discrimination, publishing of reports and making recommendations about any issue related to discrimination; 3. providing recommendations by proposing the approval of new legislation or the amendment or reformation of existing legislation 4. Submission of a lawsuit, in defense of the principle of equality and non-discrimination, on issues related to collective interests and putting into motion the Constitutional Court when during its activity, the Commissioner finds that a law or a normative act violates the fundamental rights and freedoms of the individuals.

102. Recommendations presented from CPD have had as an objective the implementation of the principles of the Law for Protection from Discrimination:

- On the draft law “On National Minorities in the Republic of Albania and the by-laws;
- On the draft law “On social housing programs”;
- On the draft law “On social programs for housing residents of urban areas”;
- Recommendation on housing of Roma and Egyptian families, in the area of Selita, Tirana;
- Recommendations on bylaws pursuant to law no. 22/2018 “On social housing”;
- Recommendation to the Ministry of Education and Sports to take measures to guarantee protection against discrimination for all children with disabilities, for

¹⁴ With law no. 124/2020 on some additions and amendments on law no. 10221, dated 4.2.2010 “On protection from discrimination”, approved on 15.10.2020 and entered into force on 18.11.2020.

disadvantaged groups, such as Roma and Egyptians children with disabilities, for children with disabilities from poor families;

- Recommendation for the approval of an additional fund of the economic assistance scheme;
- Recommendation regarding financial support “On taking measures to provide housing assistance to the persons in need in the conditions of the epidemic caused by Covid-19”;
- In January 2021 in the framework of the parliamentary election, the mutual recommendation of the CPD and CEC has been addressed “On preventing the use of hate speech during the electoral reform”.

103. Commissioner on Protection from Discrimination (CPD) from 2018-to present has handled the following cases related to the national minorities:¹⁵

- During 2018, 63 issues treated (59 complaints and 4 ex-officio);
- During 2018, the Commissioner issued 64 decisions: 41 basic decisions, 20 decisions non-accepted; and 1 decision suspending the review, 2 decisions to terminate the proceedings;
- During 2019, 35 cases are handled (33 complaints and 2 ex-officio);
- During 2019, CPD issued 33 decisions: 26 basic decisions, 4 non-accepted decisions and 3 decisions to terminate the procedures;
- During 2020, 16 cases are treated (15 complaints and 1 ex-officio), subject: 4 Males; 4 Females, 4 Groups of persons and 3 Civil Society Organisations(CSO);
- During the period January–November 2020, The Commissioner CPD has issued 14 decisions: 12 basic decisions and 2 denied decisions;
- During 2020, CDP has handled 22 cases (21 complaints and 1 ex-officio), subjects: 6 Males; 5 Females; 5 Group of persons and 5 Civil Society Organisations(CSO);
- During 2020, the Commissioner has issued 16 decisions: 14 basic decisions and 2 denied decisions;
- During the period January–April 2021, CPD has handled 19 cases (16 complaints and 3 ex-officio), subjects: 8 Males; 1 Female; 3 Group of persons and 4 Civil Society Organisations(CSO);
- During the period January–April 2021, the Commissioner has issued 11 decisions: 8 basic decisions dhe 3 denied decisions.

104. CPD has organized Open Days with representatives from Roma and Egyptian minorities, to raise awareness on the law for protection from discrimination, introduction with the issues of the community and hearing of the complaints. This initiative continued during 2020 with the organisations that operate in the field. During 2020, a number of aware raising campaign with short spots and awareness raising on online platforms are also organized. Informative brochures are drafted and continuous virtual meetings with activists of the civil society on mutual initiatives in organizing parades and awareness raising exhibitions. On December 2020, Commissioner on Protection from Discrimination has published “The Monitoring Report with Special Focus on Children in Education”.¹⁶ In regards to this monitoring process, a questionnaire was prepared on inclusion of children with disabilities and Roma and Egyptian children in education system for the school year 2018–2019 and 2019–2020. Monitoring from CPD showed that children with disabilities and Roma and Egyptian children continue to encounter challenges in the Albanian Education System, and as a result, they lack a reliable inclusive education. The commissioner through monitoring addressed some recommendations to the institutions in charge with the aim of improving the situation.

¹⁵ Detailed information in regards to the activity of CPD, handled cases is given as follows in the annexes that are part of this Report.

¹⁶ <https://www.kmd.al/wp-content/uploads/2020/12/RAPORTI-MONITORIMIT-ME-FOKUS-TE-VECANTE-FEMIJET-NE-ARSIM.pdf>.

14. b People's Advocate (The Ombudsman)

105. Article 2 of law no.8454, dated 04.02.1999 "On the People's Advocate", amended, foresees that "... The People's Advocate safeguards the rights, freedoms and lawful interests of individuals from unlawful and improper actions or failures to act of the organs of public administration as well as third parties acting on their behalf.

106. By entering into force of the law no. 10221, dated 4.02.2010 "On protection from discrimination", the institution of Commissioner on Protection from Discrimination (equality body) was established, the law on which foresees as the main object of its activity, the dispositions of effective protection from discrimination for each individual, and their protection from every form of conduct that promotes discrimination (article 21/1).

107. Based on the law of the People's Advocate, it is included as a general competence the right for protection from discrimination and equality before the law, as a result there is no legal barrier for the latest to handle these issues.

108. People's Advocate address issues when there are claims for violation of the other human rights. There is an effective division of work among two institutions, of People's Advocate and of Commissioner on Protection from Discrimination. This division is not well determined within the law, but is an issue of good practice, established among these institutions and formalized through a Memorandum of Cooperation signed by both parties on 28.05.2018. The object of this memorandum is the institutionalisation of the relations between parties with the aim of solving the conflict on competence competition that could exist between People's Advocate and of Commissioner on Protection from Discrimination because of the law's content which regulate their activity in the framework of guaranteeing the human and freedom rights.

109. Jurisdiction of the Commissioner for Protection from Discrimination comprises not only the public sphere but the private one as well, and the nature of acts issued from him is not only recommending. Based on article 24/1 of law no. 8454, dated 4.02.1999 "On People's Advocate" amended, it is foreseen the right of the People's Advocate to provide legislative recommendation", explicitly: If the People's Advocate finds that it is the content of a statute or other legal act, and not its application that leads to violation of human right recognized by the Constitution or other laws; he shall have the right to: a) recommend to the organs vested with legislative initiative to propose amendments and improvement of laws; b) propose to the Administration to amend and improve bylaws. Failure to review the proposal within 30 days results on the termination of the effectiveness of the by-law acts that cause violation of the human rights and freedoms. c) Recommend to the Constitutional Court to invalidate those acts.

110. This model has strengthen the protection of the rights of the citizens for the simple fact of capacity building increase, which might have not happened if the protection in its entirety would have been done only by one institution. In every case the actual model seems to be working and both institutions have undertaken initiatives to use the mutual human resources in their regional offices.

111. According to the institution of People's Advocate, the level of the implementation of the recommendations from the public administration institutions continues to be a concern for the institution of the People's Advocate. Beyond the steps and positive initiatives through the years, a lot is to be done in this direction, not only from the public administration bodies in the local and central level (especially in regards to application of recommendations), but from the Parliament of Albania as well as the legislative body that discusses the drafted reports presented by the institution of the People's Advocate.

112. The Parliament of Albania has approved the decision no.49/2017 "On establishment of the mechanism for the systematic monitoring of follow up and implementation of the recommendations of the constitutional independent institutions and of those established by law", in which the suggestions of the People's Advocate are also included. People's Advocate has been monitoring the level of implementation of the recommendation addressed public administration bodies through preparation of updated information which are part of periodical and annual reporting.

113. The institution of People's Advocate held an active role during the process of drafting of draft-law on national minorities. During the consultation process of draft-law: "census on population and housing", People's Advocate has provided recommendations in regards to

“undertaking a new census of population, based on the best international criteria and standards in which the minorities would express themselves objectively and without hesitation/reserves for their existence”.

114. People’s Advocate has handled issues of roma and egyptian minorities, who still face many barriers for inclusion and integration in the social system: housing, registration in the civil status office, profit of the economic assistance, education, employment, professional development, health care. This institution has provided a number of recommendations to the Institutions in charge in the framework of the improvement of living conditions for the integration of Roma and Egyptians.¹⁷

115. According to People’s Advocate, a sensitive issue related to the problems of the Roma and Egyptian minority communities in the country, is the forced eviction from their community residences located on the outskirts of major cities, where they have mainly built shacks. With the approval and entry into force of law no. 22/2018 “On social housing”, some facilitations in regards to housing have been addressed, for Roma and Egyptian individuals and families, and there is a general provision for forced evictions, but according to this institution it is still not sufficient. In regards to the observation of the People’s Advocate, according to the Ministry of Finance and Economy, pursuant to article 6 of law no. 22/2018 “On social housing” DCM no.361, dated 29.05.2019 “On determining the procedures of eviction of individuals/families from their residence or their house, in the cases provided by the law and of institutional cooperation”.

116. People’s Advocate based on the recommendations of the European Commission against Racism and Intolerance, recommended expanded the category of the profiting subjects from the new law on legal aid by adding the victims of discrimination. The sufficient allocation of public funds, awareness raising of the community, access increase by legal clinics/ klinikave ligjore, are some of the main measures needed to guarantee free legal aid for vulnerable groups.

14.c. The Committee on National Minorities

117. The State Committee on Minorities,¹⁸ as the representative institution of national minorities has been very much involved and has contributed to draft the law on national minorities and its bylaws. Law no. 96/2017 on national minorities (articles 18–22) includes several provisions on the establishment of the Committee on National Minorities. It is established as a central institution under the Prime Minister in order to ensure the protection and promotion of rights and interests of national minorities. According to the provisions of the law and the relevant legislation in force, the Committee on National Minorities is established as a central institution under the Prime Minister. The article provides for the organization, functioning and the salary of the Committee members and administrative staff. The structure of the Committee on National Minorities is approved by order of the Prime Minister.

118. Article 19 of this law foresees the competences of the Committee on National Minorities:

- (a) Recommend and give its opinion on the drafting of legislation, policies and programs relating to the rights of national minorities;
- (b) Propose recommendations to the Council of Ministers, ministries and other central institutions, as well as local government bodies to address issues related to national minorities;
- (c) Prepare and submit periodic reports to the Assembly on the situation of national minorities in the Republic of Albania;
- (d) Cooperate and coordinate with state institutions at central and local level the reporting and monitoring of the legal framework implementation and state policies related to national minorities;

¹⁷ Detailed information is given in the annex which is part of the Report.

¹⁸ Upon entry into force of the law no.96/2017 the name of the State Committee on Minorities became Committee on National Minorities.

- (e) Organize activities to raise awareness on the protection and promotion of the rights of national minorities and strengthen the dialogue with national minority associations;
- (f) Contribute to the preparation of the national report on the implementation of the Framework Convention for Protection of National Minorities;
- (g) Carry out activities aimed at meeting international commitments and obligations;
- (h) Provide opinions on international agreements related to the rights and freedoms of national minorities;
- (i) Provide opinion regarding the requests for recognition of minorities;
- (j) Finance through the Fund for National Minorities, initiatives and projects aimed at protecting the rights of national minorities and maintaining and promoting the national, linguistic and cultural identity of national minorities.

119. Article 20 of this law envisages that the Committee on the National Minorities¹⁹ consists of representatives of the national minorities in the Republic of Albania, as defined by paragraph 2, article 3, i.e., representatives of 9 national minorities recognized by law no.96/2017.²⁰

120. Following the law two bylaws were approved:

- DCM no. 726, dated 12.12.2018 “On the organization and functioning of the Committee of the National Minorities”;
- DCM no.286, dated 10.05.2019 “On the approval of the procedures to select the chairman, deputy chairman and the members of the Committee on National Minorities”.

121. Article 21 of this law provides for the creation of the Fund for National Minorities in order to support initiatives and projects aimed at protecting the rights of national minorities, preserving and promoting their distinct cultural, ethnic, linguistic, traditional and religious identity of national minorities. 2. The Fund is financed by the State Budget and managed by the Committee on National Minorities. 3. The criteria for the supporting the initiatives and projects, the selection criteria for the projects and the management of the fund for national minorities shall be determined by a decision of the Council of Ministers. The fund is financed from the State Budget and is administered by the Committee for National Minorities. 3. The criteria for supporting initiatives and projects, the selection criteria for their financing and the administration of the fund for national minorities are determined by a decision of the Council of Ministers.

122. The draft decision on the Fund for National Minorities, which is being drafted and consulted, will aim at promoting and protecting the rights of national minorities. The fund will be used to support initiatives and projects aimed at protecting the rights of national minorities, preserving and promoting their distinct cultural, ethnic, linguistic, traditional and religious identity.

Findings and recommendations 15, 16 – Hate speech

123. The recent amendments to the Law no. 10 221, dated 04.02.2010 “On Protection against Discrimination”, envisage hate speech as a new form of discrimination. These legal amendments impose the obligation on the national media to publish the decisions of the Commissioner for Protection from Discrimination (CPD) when discrimination through hate speech occurred.

124. During the reporting period there were implemented the recommendations issued by the People’s Advocate and the Commissioner for Protection from Discrimination. Concrete

¹⁹ Detailed information on the Committee on National Minorities is included in the annexes of this report.

²⁰ The national minorities recognized based on paragraph 2, article 3 of this law are the following: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities.

steps have been taken to protect the national minorities through measures in combating hate speech, preventing insults from the police officers or hate speech against specific groups, including even persons belonging to the Roma and Egyptian minority.

125. People's Advocate puts a special focus to the institutional commitment to combat hate speech and the measures that the state and the entire Albanian society must take against this phenomenon. The "No Hate Alliance" was established on 20th of December 2019 in Tirana, as an initiative of the People's Advocate, Commissioner for Protection from Discrimination, Audio-visual Media Authority and the Albanian Media Council to combat the phenomenon of "hate speech" in it all the dimensions that appears in the Albanian society. The establishment of the "No Hate Alliance" is a good example that should not live alone and sufficient enough in this effort which requires a more comprehensive commitment.

126. "No Hate Alliance" and its founding institutions: People's Advocate, the Commissioner for Protection from Discrimination, the Audio-visual Media Authority and the Albanian Media Council will work together to promote and advocating the fight against hate speech and discrimination in Albania. "No Hate Alliance" consists of a joint approach promoting diversity and more concretely it will:

- Develop communication and information materials to raise awareness and promote diversity and freedom of expression such as brochures, reports, campaigns, etc. to reach out to their audience and the society at wide;
- Boost the collaboration with other strategic partner organizations and agencies who have an important role in the fight against discrimination such as the Ministry of Education, Youth and Sports, Internet service providers (ISP), journalist organizations, civil society organizations, consumer protection organizations, etc;
- Support partners in identifying effective mechanisms to combat hate speech based on European best practices;
- Identify mechanisms for the enhancement of information sharing and staff training.

127. "No Hate Alliance" will develop a joined agenda and a shared action plan describing the main interventions to be carried out.

128. The "No Hate Alliance" is supported through two actions under the Joint European Union/Council of Europe "Horizontal Facility for the Western Balkans and Turkey, Phase II", respectively the Action on "Promotion of Diversity and Equality in Albania" and the Action on "Freedom of Expression and the Media (JUFREX)".

Findings and recommendations 19, 20 – Roma and Egyptians

129. National Action Plan for the Integration of Roma and Egyptians 2016–2020, adopted by DCM no. 1072 dated 23.12.2015, is based on the fundamental principle of non-discrimination. This Plan targets the two respective minorities and includes the activities to promote the integration of Roma and Egyptians funded by the state budget, but it also identifies the financial gap for the period 2016–2020, as well as the possibility to fund such actions through coordination with foreign aid.

130. This Action Plan allocates a specific budget for the implementation of each activity. Depending on the type of activity, the Action Plan designates funds as: a) government funding, b) donor funding, c) a combination of government and donor funding. According to the data on the costing of the National Action Plan for the Integration of Roma and Egyptians, it turns out that about 60% of the necessary funds to implement the foreseen activities will be covered by the state budget, thus fulfilling the recommendations of the European Union.

131. With regard to the implementation of the recommendations of the Fourth Policy Dialogue Seminar on inclusion of Roma and Egyptian communities, the priority sectors are: (i) Civil registration and access to justice; (ii) Education and promotion of intercultural dialogue; (iii) Employment, training and vocational education; (iv) Healthcare; (v) Housing; (vi) Social care; and (vii) Anti-gypsism. The process was formalized by establishing the working group under Order no. 521, dated 23.09.2020 of the Minister of Health and Social Protection. The task of the working group is to draft the national action plan for the integration of Roma and Egyptians communities, 2021–2025.

132. Year 2020 marked the end of the implementation of the National Plan for the reintegration of Roma and Egyptians 2016–2020. 4 monitoring reports were prepared covering the years 2016,2017,2018,2019 which are published on the official website of the Ministry of Health and Social Protection (MHSP), under the section Roma Integration. The Ministry of Health and Social Protection is coordinating the process for drafting a new Action Plan for Roma Integration.

133. During December 2020, seven consultation meetings on Roma responsive budgeting were organized in the frame of the European Union and Council of Europe ROMACTED program with partner municipalities and in cooperation with the Ministry of Health and Social Protection and the Ministry of Finance and Economy, the Albanian School of Administration Public. These activities aimed at facilitating the budgeting process, inclusion of the needs and priority projects foreseen in the Local Government Plans for the Integration of Roma and Egyptian Minorities in the 2021 budget.

134. The Ministry of Health and Social Protection is closely following the process of drafting the new National Plan for the Integration of Roma and Egyptians 2021–2025. The process has been formalized with the establishment of the working group by Order no. 521, dated 23.09.2020 of the Minister of Health and Social Protection. During December 2020, online meetings were organized in all areas such as education, social protection, civil registration and access to justice, healthcare, social housing and anti-racism against Roma and Egyptians.

135. The main documents used for preparing the plan are the following: 1) The Poznan Declaration, signed last year by the Prime Ministers of the Western Balkans; 2) EU Strategic Framework 2020–2030 for equality, inclusion and participation; 3) Recommendations of the fourth Albania-EU seminar. For the first time it was included as a strategic area” anti-racism against Roma and Egyptians”, in order to address it in public policy, as well as through structural changes, to guarantee a non-discriminatory society.

136. At the local level, local development plans for the Roma and Egyptian minorities have been adopted in some municipalities. These plans address priority areas for the inclusion and integration of these minorities, such as: employment, housing, healthcare, service delivery, social protection and civil registration. Accordingly, the municipality of Tirana by Decision of the Municipality Council no. 4 dated 31.01.2018 adopted the Local Development Plan for the Roma and Egyptian Community 2017–2020. As per the Local Plan and the National Plan for the development and integration of the Roma and Egyptian minorities, the municipality social services structures have supported and provided services to Roma and Egyptian individuals and families.

137. Also with the support of the Council of Europe there were drafted and approved 7 local plans which focus on the integration of Roma and Egyptian minorities. These local documents represent good models whereby Roma issues are exclusively addressed, but also included under a more general local framework of social cohesion among other social groups such as the Social Inclusion Action Plan. The plans approved by the Municipal Councils are

138. The plans adopted by the Municipality Councils are the following:

- Roskovec: Social Plan 2019–2022;
- Fier: Local Action Plan for the Integration of Roma and Egyptian minorities 2019–2022;
- Përmet: Local Action Plan for the Integration of Egyptian minority 2019–2022;
- Pogradec: Local Action Plan for the Integration of Roma and Egyptian minorities 2019–2022;
- Vlorë: Local Action Plan for the Integration of Roma and Egyptian minorities 2019–2022;
- Elbasan: Local Action Plan for the Integration of Roma and Egyptian minorities 2019–2022;
- Korçë: Local Action Plan for the Integration of Roma and Egyptian minorities 2019–2022.

Education

139. In 2018, the Minister of Education, Sports and Youth issued the order no. 754, dated 9.11.2018, “On the approval of the Roma language program, level III-IV, grades VI-IX”. This program involves teaching Roma language in secondary education as optional subject. Roma language program, level III-IV, grades VI-IX, was drafted and approved under the National Action Plan for the Integration of Roma and Egyptians 2016–2020. Teaching Roma language and holding lessons in Roma language will be done in accordance with the bylaws on teaching in the languages of national minorities. Since several years now, Roma language has been taught in the 9-year school “Hamit Mullisi” Elbasan, in the program of school serving as community center. It is attended by no less than 30 students each year. There is currently a lack of teachers graduated in Roma language. The guidelines of the Ministry (MEYS) for priority enrolment of the Roma children in the kindergartens and for providing primary education and part-time high school are a significant support offered to these children.

140. Pursuant to paragraph 1/c/xi of DCM no. 269, dated 29.3.2017 “On determining the categories of individuals who meet the admission criteria in a program of the first cycle of studies, in an integrated program of studies or in a program of vocational education, which are exempted from the annual tuition fee”, amended, there are exempted from the annual tuition fee students who have been admitted to vocational study programs, undergraduate programs or integrated study programs in public institutions of higher education, among others even students who belong to the socially disadvantaged communities such as Roma and Egyptian students.

141. The Decision of the Council of Ministers no. 780, dated 26.12.2018, “On determining the categories of individuals who meet the criteria for reduction of the annual tuition fee in the second cycle study programs in public institutions of higher education”, it is provided that Roma and Egyptian students, confirmed as such by the responsible ministry for social protection, who attend studies in public institutions of higher education, in a program of the second cycle of studies, according to the following categories, are charged 50% of the annual tuition fee set by public institutions of higher education.

142. Inter-ministerial agreements have been signed for the identification and enrolment in school of all children of mandatory school age, as well as for children in street situations, etc. In the primary education schools, the initiative “We do our homework” is being implemented. In each school involved in this initiative are carried out 3 hours of study per day per each set up class. The teachers in charge also perform the role of mediator in the schools where there are Roma and Egyptian students, in order to increase their level of learning. Roma minority students and Egyptian minority students are included in all activities organized by “Schools as Community Centre”, where they attend classes.

143. Access to education: The attendance of Roma and Egyptians in pre-university education in the academic year 2018–2019 has improved by 6%.

- In the academic year 2018–2019 there were enrolled 15923 students of Roma and Egyptian community, 915 more than in 2017–2018 when 15008 students were enrolled;
- In the academic year 2019–2020 there were enrolled 14525 students from Roma and Egyptian community.

Findings and recommendations 23, 24 independences of the Judiciary. High Judicial Council

144. The constitutional changes of August 2016 paved the way for the justice reform. The new constitutional and legal framework reforming the justice system, inter alia, provided for the organization and functioning of the governance institutions of the justice system, namely the High Judicial Council (HJC), the High Prosecutorial Council (HPC), Justice Appointments Council (JAC), the High Inspector of Justice (HIJ) and the School of Magistrates. This legal package also enabled the establishment of a new constitutional structure, the High Judicial Council. The Council was established to oversee these changes and to ensure a better functioning of the judiciary in Albania.

145. The High Judicial Council consists of 11 members (5 non-judge members elected by the Assembly and 6 judge members elected by the General Assembly of Judges). Some of the main functions of the High Judicial Council are the approval and implementation of the strategic plan of the judicial system; setting the ethics standards for the judges and judges' code of conduct. The council appoints judges and is responsible for career development and discipline. It proposes to the President of the Republic the candidates for the Supreme Court.

Recommendation 26 – Civil registration

146. Law 69/2018 “On some additions and amendments to law no. 10 129, dated 11.5.2009” On civil status “, sets forth the procedure to register the unregistered cases, when the birth certificate issued by the other state where the person was born has incomplete / inaccurate data.

147. The National Action Plan for the Integration of Roma and Egyptians 2016–2020 included opportunities for equal use of the civil registration and justice service of Roma and Egyptians communities. The two objectives set out are as below:

- Provide legal assistance to include real data on the Roma and Egyptian communities in the national civil registry in order to solve issues that prevent them from having full access to the civil status service;
- Strengthen the capacities to identify Roma and Egyptians at risk of trafficking as well as the referral, protection and reintegration of trafficked cases

148. Since 2016, the civil status offices in the municipalities / administrative units in the country, registered the children born during this period based on the self-declaration of the parents on the legal facts that have occurred in the territory of the Republic of Albania, and there have been registered legal facts occurring abroad, by Albanian citizens. 192 children of Roma and Egyptian communities were registered, as registrations which were not carried out at the time when the legal fact of birth occurred, but were done later, based on the administrative procedures in force.

Findings and Recommendations 27, 28 – Housing

149. Law no. 22/2018 “On social housing” sets the rules and administrative procedures for the planning, provision, administration and distribution of social housing programs, in order to provide opportunities for adequate and affordable housing, relying on the solvency of the families in need of housing and in need of state aid. This law is also based on the following principles:

- The principle of non-discrimination regardless of gender, race, color, religion, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational, social status, pregnancy, affiliation and / or parental responsibility, marital or family status, civil status, health situation, genetic predisposition, disability, belonging to a special group and any situation that brings on discriminatory effects;
- The principle of respecting the culture and traditions of the communities.

150. The enforcement of the law enabled increase of housing programs: 1) Low-Cost Housing. 2) Social housing rental. 3) Area Development Program for Housing purposes. 4) Program to enhance the conditions of existing dwellings, 5) Program for temporary shelter (accommodation) and 6). Specialized housing program. The law also provides for a number of financial instruments to support low- and middle-income families, such as: rent subsidy, loan interest subsidy, grant for the purchase of a low-cost housing, and competitive grants for enhancing housing conditions. Through this law, an important step has been achieved by setting the relocation procedures, defining the manner, time and infrastructure required for relocation.

151. Law no. 22/2018 “On social housing” (article 2) includes:

- “Social housing programs” are programs that serve for housing families and individuals who do not have housing and live-in premises that are not classified as housing or temporary housing, in the meaning of this law, and who do not have financial and economic means to pay for housing, as well as those families /

individuals whose dwelling is below the legal housing norm and who do not have the income to pay for a minimum rent in the free market;

- “Eviction” is the permanent or temporary removal, against the will of individuals, families and / or communities from dwellings, formal, informal constructions or structures that are not classified as dwellings and / or from the lands they possess illegally, in the absence of consultation and provision of alternative, adequate and effective housing, as well as without providing effective legal protection;
- “Relocation” is the permanent or temporary removal, by or against the will of individuals, families and / or communities from dwellings, formal constructions or structures that are not classified as dwellings and / or from the lands they own, through a due process of law, based on consultation with affected entities, on providing alternative, adequate and effective housing, and on ensuring effective legal protection.

152. This law sets forth the relocation procedure in case accommodation in a dwelling becomes impossible, due to investments of public interest, demolition of the building due to exclusion from the legalization process or other cases, defined in this law or other laws. The law provides for the procedure to be followed by the local self-government unit:

- Written notification on the reasons for relocation is delivered to the individual / family 30 days before the administrative act for relocation from the apartment is issued;
- The individual / family is informed about alternative housing options;
- The unit issues the administrative act for relocation 45 days before the relocation, and also informing on the approved form for alternative housing;
- Relocation it is not done prior to securing adequate housing for relocated individuals / families who do not benefit from expropriation;
- An appeal may be filed with the competent administrative court against the decision of the local self-government unit for relocation;
- Individuals / families affected by relocation receive legal aid in accordance with the legislation on the free legal aid;
- The transitional provisions of the law stipulate those two years upon entry into force of the law, not less than 5% of the beneficiaries of housing programs belong to the Roma and the Egyptian minority.

153. After the adoption of the Law no. 22/2018 “ On Social Housing”, 22 bylaws were drafted and approved to be enforced by the local government, thus completing 90%²¹ of the secondary legislation package.

154. With regard to relocation and eviction it was issued DCM no. 361, dated 29.05.2019 “To determine the relocation procedures for the individuals / families in cases provided by law, and the respective institutional cooperation”, which provides, in compliance with United Nations guidelines, eviction procedures, time limits and institutional cooperation for relocation. This DCM includes all Albanian citizens, regardless of whether they are owners of the house where they are settled or not. The DCM stipulates that citizen will not be forced to leave their homes, until an adequate solution is provided for them under the social housing program.

155. During 2019, approximately 118 million ALL have been allocated from the state budget, of which 65 million ALL have been allocated for the rent subsidy of 674 families who have applied under the law on Housing. About 15.7% of the beneficiaries belong to Roma and Egyptian minorities; 5 million ALL for the subsidy program for 24 families, where 100% of the beneficiaries are Roma and Egyptian families and 48 million ALL were granted for the 1-month rent subsidy to families affected by the earthquake of 26th of November 2019.

156. During 2020, about 354 million ALL have been made available from the state budget for investment projects, of which 92 million ALL for ongoing projects from 2019 and 262

²¹ Detailed information on the bylaws is included in the annexes of the Report.

million ALL for the implementation of the first phase of new projects. The rest of the funds are allocated in the state budget of 2021. Investment projects include: a) enhancement of the existing dwellings of 561 families; b) adaptation of state buildings to residential buildings, from which 99 housing units have been obtained that were added to the public fund of social housing.

157. Roma and Egyptian minority households make up about 42% of the total number of beneficiaries. In order to apply the financial instrument to subsidize the rent of housing in the market, about 3,003 million ALL have been allocated from the state budget, of which 87 million ALL have been allocated for the rent subsidy for 1,235 families that have applied according to law no. 22/2018 “On Social Housing”. About 16% of the total beneficiaries belong to the Roma and Egyptian minorities, while 13,900 homeless families due to the earthquake of 2019 benefited 2,945 million ALL as rent subsidy.

Findings and recommendations 28, 29 – Human trafficking

158. Amendments to the Code of Criminal Procedure (CPC) (amended by law no.35/2017, dated 30.3.2017) significantly enhanced the rights and position of the victim of criminal offenses, including special provisions for the victim of trafficking. More specifically, it introduced the obligation that the victim is considered as a party in criminal proceedings, guaranteeing his/her access to the criminal proceedings. Other articles were added specifically for victims of trafficking, which stipulates as separate victims the minors and the sexually abused victim or victims subject of trafficking, respectively articles 58, 58 /a, 58/b, 59, 60 and 61 of the CPC.

159. CPC (article 58) provides that the victim of the criminal offence has the right:

- To require the prosecution of the perpetrator;
- To seek medical care, psychological assistance, counselling and other services provided by the authorities, organizations or institutions responsible for assisting the victims of criminal offences;
- To communicate in his or her own language and to be assisted by a translator and an interpreter of the language of signs or communication facilitator for people who are not able to speak and hear;
- To choose a defence lawyer and when it is the case to receive free legal aid pursuant to the legislation into force;
- To seek at any time information about the status of the proceedings, and to be acquainted with the official acts and evidences, without breaching the principle of investigation secrecy;
- To require to receive the evidence and submit other requests to the criminal proceeding authority;
- To ask compensation for damages and be accepted as a civil plaintiff in the criminal process.

160. Law no.97/2016 “On the organization and functioning of the Prosecution” improves the access of victims to information through the appointment of a public relations coordinator in each prosecution office. The coordinator will be responsible to inform the victims. This law (Article 68) obliges the prosecution office to ensure the necessary services to deal with the subjects that enjoy special status, according to the criminal procedure code. Therefore, each prosecution office must have at least one coordinator graduated in psychology, sociology or other special fields.

161. Special attention has been set by the prosecution body on the rights of the victim of human trafficking by creating the proper conditions for interviewing them, ensuring that a social worker or psychologist is present, accommodation of the victim in reception centers where they are provided accommodation, food and other free services etc. Victims of trafficking have not been punished for crimes committed due to trafficking (falsification of documents, prostitution, etc.), because victims of crimes committed as a result of being victims of trafficking cannot be punished. On the other hand, they have the right to be

supported by the prosecution to be included in the witness protection program, if they feel threatened.

162. The provisions of the law no.70/2017 “On some additions and amendments to law no. 10192, dated 3.12.2009” On the prevention and striking at organized crime and trafficking through preventive measures against assets”, apply to the assets which are owned fully or partially, directly or indirectly by persons who are suspects of having committed crimes defined by the articles of the Criminal Code on “Trafficking in adults” and “Trafficking in minors”. This law stipulates the establishment of a special fund to prevent organized crime. The special fund is earmarked for social purposes, including the rehabilitation and integration of victims of trafficking (article 37/2-c). Article 37/3-b provides that also NGOs benefit from this fund, including shelters.

163. In the context of preventing and combating trafficking in persons, anti-trafficking actions are mainly focused on improving the legal framework, revitalizing and strengthening national structures; in identifying, referring and protecting victims of trafficking at central and local level; control of domestic trafficking, mainly of children and women; improving standards of victim identification and protection; intensification and conducting activities for prevention and raising the awareness of the public and that of the staff working in the assistance services.

Measures against trafficking in human beings

164. By Order of the Prime Minister no. 179, dated 19.06.2014, “On the establishment of the State Committee against Trafficking in Human Beings” the State Anti-Trafficking Committee was revitalized, expanding with new members, in order to coordinate anti-trafficking actions, to respond to new challenges in the fight against trafficking in persons through the necessary capacities, commitment and will to strongly combat trafficking in persons. The State Committee against Trafficking in Persons is responsible for coordinating the relations of national and international institutions in the area of the fight against trafficking in persons. The committee is chaired by the Minister of Interior and its members.

165. The Strategy on Combating Trafficking in Human Beings and its Action Plan 2014–2017, was approved by DCM No.814, dated 26.11.2014. It encompasses the approach to the phenomenon of trafficking to set a well-oriented platform of strategic goals and objectives in line with other national strategic documents, and recommendations issued by the international partners.

166. In January 2017, the new Order of the Prime Minister “On the establishment of the Regional Committee for Combating Trafficking in Human Beings in each region” was adopted. The aim of this order is to effectively fulfil the obligations that public and non-public structures at the local level have in the fight against trafficking in persons, as well as to create a more efficient connection between existing structures. The Regional Anti-Trafficking Committees (RATCs) are chaired by the District Prefect and they are the main central structure at the local level for the initial identification of potential victims of trafficking, identification of key trafficking related issues at the regional level, and they also assess the situation and determine the specific needs of the district.

167. By DCM no. 770, dated 26.12.2018 “On the approval of the National Action Plan for Combating Trafficking in Human Beings 2018–2020”, it was also approved the National Action Plan for Combating Trafficking in Human Beings 2018–2020. This plan includes activities which show the commitment of public and non-public institutions, anti-trafficking actors working in public and non-public structures to minimize the phenomenon of trafficking in human beings. The planned activities were aimed at:

- Improving the functioning of a comprehensive system by strengthening the mechanism for the identification, protection and reintegration of victims of trafficking;
- Raise public awareness and information regarding national legislation and international anti-trafficking conventions, on all forms of trafficking in persons (domestic trafficking, children and adults forced labour, begging by children, children in street situations, etc.), and its consequences.

168. The Standard Operating Procedures for the Protection of the Victims and Potential Victims of Trafficking (SOP), approved by DCM. 499, dated 29.08.2018. The SOPs is the

fundamental document for the identification, referral, protection and assistance of victims / potential victims of trafficking. The purpose is to protect, including the timely and due identification of victims / potential victims of trafficking, adults or minors, Albanians, aliens or stateless persons, from all types of exploitation, domestic or international trafficking, connected or not to organized crime.

169. Other measures include: Efficient functioning of the “National Referral Mechanism” and the local referral mechanism at district, municipality and administrative unit level (through local coordination groups by taking preventive measures and identifying trafficked persons) in compliance with the standards and SOPs.

- In the framework of preventing and combating the phenomenon of trafficking in human beings, the structures against illegal trafficking have been working to increase the number of proactive investigations, increase the early identification of victims/ potential victims of trafficking, and taking protection measures and handling them pursuant to the Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking;
- Upgrade the database on the victims/potential victims of trafficking regarding recording, tracking and monitoring of cases;
- Increase the capacities and professional skills of police officers working in the local anti-trafficking structures, through ongoing training, especially on the implementation of “Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking in Human Beings”, as well as on the proactive investigation techniques;
- Regarding cases involving children – victims/potential victims of trafficking identified as high and immediate risk, there are established two national centers which provide emergency service until the decision of the cross-sector technical group is taken whether the child will be placed in alternative care or will return to the family.

Findings and recommendations 31, 32 – Asylum seekers

170. Law no. 121/2014 “On asylum in the Republic of Albania”, which was in force until the centers new law on asylum of February 2021 provided that: the right to asylum or subsidiary and temporary protection; the rights and obligations of asylum seekers, refugees and persons under temporary and subsidiary protection; the content of refugee status and subsidiary protection; the right to family reunification, as well as determining the conditions for the integration of refugees and persons under subsidiary protection in the Republic of Albania.

171. Law no. 10/2021 “On asylum in the Republic of Albania” has been aligned with international standards and EU directives on the proper treatment and management of refugees and migrants entering Albanian territory, as well as on their integration. The law guarantees asylum seekers access to the asylum procedure, regulates the conditions for processing their applications, and provides additional guarantees for the treatment of vulnerable categories among asylum seekers – such as unaccompanied minors. The law includes an expedited procedure for assessing asylum applications quickly, when the conditions are met.

172. This law applies to all foreign nationals and stateless persons who have declared their intention to apply for international protection in the territory of the Republic of Albania, as long as they are allowed to stay in the territory of the Republic of Albania as applicants for international protection for themselves, as well as for their family members. The law stipulates that “Asylum” is the form of international protection that the Republic of Albania grants to refugees and persons in subsidiary protection.

173. Article 3 of the law no. 10/2021, “definitions” includes:

- “Subsidiary protection” is a form of protection provided to a foreign national or a stateless person who does not qualify as a refugee, but in respect of whom reasonable and substantial grounds have been shown to believe that the person concerned, if returned to his or her country of origin, or in the case of a stateless

person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and who is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;

- “Temporary protection” is a specific protection procedure providing immediate and temporary protection in the event of a mass influx of displaced persons, who are unable to return to their country of origin, in particular if there is a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interest of the persons concerned;
- “Material reception conditions” means reception conditions that include: housing, food and clothing provided in kind, or as financial allowances, and a daily expenses allowance.

174. Law no. 10/2021 “On asylum in the Republic of Albania” (article 3) clearly states that “non-refoulement” is the obligation to prohibit the expulsion or return of a foreign national or a stateless person in any manner whatsoever to the frontiers of territories where his life or freedom would be under threat on account of their race, religion, nationality, membership of a particular social group or political opinion. Article 11, the Principle of Non-Refoulement provides:

(a) An applicant, refugee, or a person with subsidiary protection and temporary protection status shall not be expelled from the territory of the Republic of Albania: a) to a country where their life or liberty is threatened on grounds of their race, religious belief, nationality, membership of a certain social group or political convictions;

(b) To a country where there are grounds to believe that the applicant may be at risk of being subjected to torture, inhuman and degrading punishment or any other treatment set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court, or in international agreements/conventions in which the Republic of Albania is a party;

(c) A country where there are grounds to believe that the applicant may be at risk of being subjected to forced disappearance;

(d) To his or her country of origin if the foreigner has been granted one of the forms of protection in accordance with the provisions of this law.

175. This law (article 22) guarantees the legal assistance for the applicants for international protection and the right to be informed on the eligibility criteria for international protection and relevant procedures, as well as the right to free legal aid in accordance with the relevant legislation in force.

176. According to article “language of the procedure and the right to an interpreter” in cases where the applicant does not understand the language in which the procedure is being conducted, interpretation services shall be provided in the language of the country of origin or in a language that he or she understands.

177. With regard to the stay, law no.10/2021, article 43 envisages that:

- An applicant who declares the intent to lodge an application for international protection shall be transferred to the Asylum Reception Centre, where the applicant may stay until a final decision is made;
- The applicant may be accommodated at the Asylum Reception Centre, a place designated by the Ministry, or at another place of his or her choice;
- The applicant shall be notified immediately, in any case no later than 15 days from the accommodation, about the rights and obligations which he or she should comply with in relation to the reception conditions. He or she shall be provided with information on organizations or persons that offer specialized legal assistance, as well as advice on reception conditions, including healthcare;
- During the stay at the Centre, the applicant may submit a request to the authority responsible for asylum and refugees to reside outside the center at their own expense, but first they must provide proof of the new address where they will be staying and their contact number before any such request is approved by the authority responsible for asylum and refugees;

- Once accommodated at the Centre, the applicant shall undergo necessary medical examinations.

178. Article 44 provides that the Asylum Reception Centre has public legal personality and falls under the administrative jurisdiction of the Minister. The Centre informs the authority responsible for asylum and refugees on the procedures related to entry, departure, or stay of applicants for international protection, in accordance with Article 43 of this Law. The Centre should ensure minimum living conditions, including: a) accommodation; b) food; c) health insurance; ç) minimum hygiene conditions. Educational programs and free legal counselling are provided in cooperation with other private, public, domestic, or foreign entities and in accordance with the rights of applicants and refugees.

179. An asylum seeker has the right to stay at the National Reception Centre for Asylum Seekers (NRCA) during the duration of the procedure for refugee / international protection status. If the asylum seeker (s) has been denied asylum, he / she is allowed to stay in the territory or be accommodated in the center until the appeal procedures and their respective deadlines are completed. If the asylum seeker can afford to stay outside the reception center and meets the minimum living conditions, the authority responsible for asylum and refugees decides to remove the asylum seeker from the Centre within 30 days. Asylum seekers (s) are provided with a residence permit and a healthcare card. The Directorate decides by consensus and collegial majority of votes and the decision is made in writing and is reasoned.

180. It has the right to stay in the territory of the Republic of Albania until the finalization of the procedure initiated by him/her. Also, the family members of the asylum seeker (s), who have come to Albania together with the asylum seeker (s), have the right to stay. Asylum seekers are guaranteed the right not to return, the right to housing, food, health care and other services for strictly personal needs, which are provided at the national reception center for asylum seekers. Minor asylum seekers are accommodated together with their parents or adult family members, to whom they dependent.

181. The identification and pre-screening process of the foreigners is regulated by Instruction no. 293/2015 and Order no.611/2015, amended, of the Minister of Interior. The law and the bylaw set out the procedures for the identification and registration of asylum applications, as well as their referral to the responsible authority for asylum and refugees. Applications for international protection can be made, not only at the border crossing point but also within the territory of the country at the border police and migration police officers. The Regional / Local Border Migration Authority is the structure responsible for the identification and pre-screening at the cross-border points or within the territory of the Republic of Albania.

182. In case the regional / local authority responsible for Border and Migration identifies irregular migrants at the border or in the territory, it performs all the procedures foreseen in the pre-screening process, namely: interviewing, registration, documenting and photographing the irregular immigrant. If a foreigner is classified as an asylum seeker, the regional / local authority responsible for the treatment of foreigners shall immediately notify the Asylum Directorate and the central state authority responsible for such cases. In case of difficulties faced during the preliminary process for the control of asylum seekers, the regional / local authority responsible for Border and Migration asks for the presence of the Asylum Directorate.

183. National Reception Centre for Asylum Seekers is an institution where foreigners or stateless persons seeking international protection in Albania are accommodated and treated. The national center for accommodation of asylum seekers in the Republic of Albania, as in all EU countries, is an open center. As a result of investments made with the aid of international partners a reception capacity of up to 240 people is guaranteed. Asylum seekers in this center are provided with the right to housing, food, health care and other vital services. In this center there are doctors, social workers and psychologists. Health care is provided in state or private healthcare centers, psychological counselling and legal advice by specialists in the field is provided too. Other services in this center include social-integration, which specifically provides psycho-social assistance, respect for diversity (racial, ethnic, religious, cultural), and organization of different activities. Children facilities have been created such as library, internet room and sports facilities. Asylum seekers stay in these centers until the finalization of the asylum procedures and in case of negative decisions they are again allowed to stay in these facilities until the end of the appeal procedures.

184. Temporary Reception Centers have been established for the asylum seekers:

- In the municipality of Gjirokastra, it is the social centre for irregular migrants and asylum seekers in need (vulnerable groups) of accommodation capacity up to 15 people, with special focus on women / children (during the pre-screening process). The right to stay in this centre is up to 72 hours, which can also be prolonged according to their needs;
- Temporary registration and accommodation centre of the irregular migrants and asylum seekers. It was funded by the Council of Europe Development Bank. It has a reception capacity of 60 persons;
- In Kapshticë, Korçë it is the temporary registration and accommodation centre of irregular migrants and asylum seekers which was established by IOM. Its accommodation capacity is 60 persons and it also includes the IT equipment to perform control procedure at the centre.

185. National Strategy for Migration and its Action Plan 2019–2022 (approved by DCM 400/2019), aims to increase the awareness of migrants about their rights and facilitate access to various forms of support / services. Some of the measures aimed at: drafting a new contingency plan for Albania to manage mixed flows, taking into account: unaccompanied minors, victims of trafficking, asylum seekers, individuals with disabilities, etc.; improving the infrastructure at border crossing points to properly meet the specific needs of migrants (children, the elderly, people with disabilities, etc.); training of border police officers to identify vulnerable categories in cases of mixed mass flows; developing clear standard operating procedures for assisted voluntary return, including the one for vulnerable categories; promoting and protecting the rights of migrants; encouraging the deployment of women police officers in the border police, etc.
