



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2693rd meeting

Held at Palais Wilson, Geneva, on Tuesday, 4 December 2018, at 3 p.m.

Chair: Mr. Amir
later: Ms. McDougall (Vice-Chair)
later: Mr. Amir (Chair)

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined ninth to twelfth periodic reports of Albania (CERD/C/ALB/9-12; CERD/C/ALB/Q/9-12)

1. *At the invitation of the Chair, the delegation of Albania took places at the Committee table.*

2. **Ms. Peçi Minarolli** (Albania), introducing the combined ninth to twelfth periodic reports of Albania (CERD/C/ALB/9-12), said that the State party had ratified all the United Nations human rights treaties and the Council of Europe Framework Convention for the Protection of National Minorities. The Constitution and domestic legal framework of Albania enshrined a series of fundamental rights and freedoms. The national authorities were committed to establishing and strengthening institutional mechanisms for the protection of human rights and a number of independent entities operated in that field, including the Constitutional Court and other courts, the office of the Prosecutor General, the Ombudsman and the Commissioner for the Protection against Discrimination. Work was ongoing to reform the justice system, strengthen the rule of law and improve the human rights situation.

3. A climate of tolerance prevailed in Albania. The Law on the Protection of National Minorities had recently been adopted, following consultation with Council of Europe experts, central and local government bodies, civil society organizations, independent institutions and national minority representatives. The Law was designed to ensure the exercise, by members of national minorities, of specific human rights that were vital to the protection of the identity of such minorities, and it was fully in line with the Framework Convention for the Protection of National Minorities and the Rule of Law Checklist adopted by the European Commission for Democracy through Law. The Law formally recognized all existing national minorities in Albania, including the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian communities, based on the concepts of identification enshrined in the Framework Convention and recommended by the Organization for Security and Cooperation in Europe and the European Union. Under the Law, all members of national minorities were free to self-identify as such and were guaranteed equal and non-discriminatory treatment. In the near future, further legislation would be adopted on the specific rights of national minorities, in compliance with the relevant international human rights instruments. A comprehensive consultation process would be carried out to ensure the implementation of those rights, to protect and preserve the identity of national minorities and to ensure non-discrimination regarding full equality of all persons before the law, irrespective of ethnic origin and national identity.

4. Considerable progress had been made in meeting the targets contained in the National Action Plan for the Integration of Roma and Egyptians 2016–2020. Details of the principles governing the Action Plan, the priority areas it covered, monitoring of its implementation and the collection and processing of data on Roma and Egyptian communities could be found in the State party report (CERD/C/ALB/9-12, paras. 83–87).

5. In recent years, there had been a notable increase in the rate of enrolment of Roma children in pre-school and compulsory education and in completion rates for compulsory and upper secondary education among that group. The number of scholarships awarded to Roma and Egyptian children had risen by over 50 per cent since 2015. Roma and Egyptian parents were increasingly active on school boards. Nearly all marginalized Roma had been issued with birth certificates, and the number of members of that community with identity documents had increased. The mechanisms for facilitating the access of Roma and Egyptians to civil registration and free legal aid had been improved. The number of Roma and Egyptian children who had been identified as unregistered had almost doubled since 2015. Legal advice centres for Roma and Egyptians had been set up in certain courts. Efforts to provide information to Roma and Egyptians on civil registration procedures during resettlement and on trafficking in persons had been stepped up. Reintegration

services were being provided to Roma and Egyptian victims of trafficking in persons, and offices had been set up at border crossing points to assist such victims.

6. All members of the Roma and Egyptian communities who had been identified as such had access to basic health care, and the number of such individuals who had been issued with free health cards had increased almost tenfold since 2015. A baby and mother care package had been launched for Roma and Egyptian women. State health-care institutions must employ more members of those communities in order to ensure the culturally sensitive delivery of services.

7. Since 2016, the number of Roma and Egyptian families who had benefited from local authority grants for new infrastructure, water supply and sanitation facilities and of such families housed in low-cost accommodation had more than doubled. More must be done to build the capacity of officials responsible for facilitating access to services for Roma and Egyptians and to enhance the reintegration skills of members of those communities.

8. Measures had been taken to increase the number of Roma and Egyptians participating in work reintegration programmes. The number of community centres for Roma and Egyptians had increased from 4 in 2016 to 48 in 2017.

9. A number of laws had been adopted in 2017 on the rights and protection of children, the juvenile criminal justice system, legal aid, social services, social housing and domestic violence. In addition, penalties for acts of gender-based violence, protection measures for women and children and inter-institutional cooperation on trafficking in persons and domestic violence had been strengthened.

10. During the reporting period, various strategies and action plans had been adopted in fields such as social housing, sexual and reproductive health, the rights of persons with disabilities and integration of Roma and Egyptians. In the area of children's rights, the National Agenda for Children's Rights and the Code of Criminal Justice for Children had been adopted in 2017 and the National Action Plan on Juvenile Justice in 2018. In order to combat social and economic inequalities the Social Protection Strategy 2015–2020 had been adopted, establishing a comprehensive system of social protection.

11. The National Action Plan for Non-Discrimination on the Grounds of Sexual Orientation and Gender Identity and the National Action Plan for Lesbian, Gay, Bisexual, Transgender and Intersex Persons aimed, among other things, to improve the legal and institutional framework for protection and to guarantee equal opportunities for those persons.

12. Gender-based and domestic violence were addressed in the Strategy and Action Plan on Gender Equality 2016–2020, which also contained multisectoral measures to prevent and address violence against children; provision was also made for the rehabilitation of perpetrators. Branches of the national referral mechanism for cases of violence in family relations had been established in 61 of the country's 66 municipalities, permitting a more coordinated approach to incidents at the local level.

13. By decision of the Council of Ministers, standards for victim counselling services at the national level had been adopted. Service provision to victims of domestic violence had been strengthened and standards developed: the National Reception Centre for Victims of Domestic Violence, for example, offered long-term accommodation for women and for children up to the age of 16 years, and the State funded six other non-public residential institutions in various parts of the country. An online registration system recorded every case of violence identified and addressed by the referral mechanism, with information on both victims and perpetrators disaggregated by level of vulnerability, ethnicity, gender, disability and employment status.

14. The legal and institutional framework on human trafficking had been improved, in part by amendments to the Criminal Procedure Code that enhanced victims' access to the criminal justice process. Under the Law on Social Care Services, all institutions responsible for dealing with trafficked persons, including children, were required to provide full assistance and support to ensure complete recovery, while the Law on State Police provided additional safeguards for victims of trafficking, especially children. The National Strategy

on the Fight against Human Trafficking 2018–2020 focused on investigation and prosecution, victim protection and assistance, prevention and coordination; it was funded by a specific budget. International and inter-institutional cooperation, notably with the Serious Crimes Prosecution Office, had been strengthened by the Cross-Sectoral Strategy on the Fight against Organized Crime, Illicit Trafficking and Terrorism 2013–2020.

15. Twelve regional anti-trafficking committees, comprising local officials and representatives of non-governmental organizations (NGOs), worked on prevention and victim assistance in cooperation with social service agencies, law enforcement officers, labour inspectors and health sector representatives. The Government supported a State centre for women and child victims of trafficking and three non-public treatment centres for victims and potential victims, including one specifically for juveniles under 18 years of age. Assistance packages provided included food, counselling, legal and educational services, medical treatment and health care, financial support, long-term accommodation, vocational training and employment services.

16. One of the key factors in the incidence of trafficking was the socioeconomic situation of the country. Roma and Egyptian children were at greater risk of trafficking and abuse, and membership of an ethnic minority group was generally associated with poverty. Domestic violence, too, was closely related to trafficking and was most prevalent in Roma and Egyptian communities. However, the number of Roma and Egyptian victims of trafficking had fallen by 50 per cent since 2016. In the year to date, 59 victims or potential victims of trafficking had been identified, of whom 4 had been Roma and none Egyptian. In 2016 and 2017, around 90 per cent of victims and potential victims had been Albanian, the remainder foreigners. The new National Action Plan for the Fight against Human Trafficking, currently awaiting approval, made provision for specific objectives and activities for vulnerable groups, including Roma and Egyptian communities.

17. The Law on Asylum guaranteed asylum seekers the right to non-refoulement, the right to be informed, the right to have a translator and the right to legal assistance at all stages of interview. Special provision was made for vulnerable groups such as unaccompanied children, persons with health problems and potential victims of trafficking. No appeals in relation to applications had been lodged.

18. Legislation on migration generally reflected the principles of international conventions on migrants' rights. A sustainable policy had been developed to combat illegal immigration, mainly by people of African and Asian descent, which had seen a significant increase in the first half of 2018, with over 3,000 irregular migrants identified, the majority from the Syrian Arab Republic, followed by Pakistan and the Kashmir region, Iraq, the Islamic Republic of Iran, Algeria and Morocco. The law regulated the treatment of foreign nationals from third countries seized at the border, and return procedures were carried out in accordance with bilateral agreements between Albania and the countries of origin or transit.

19. **Mr. Kut** (Country Rapporteur and Follow-up Coordinator), having provided some general information on Albania, said that nearly all the issues raised by the Committee in its previous concluding observations had been addressed in the State party report. The Committee regretted, however, that the interim and combined periodic reports had been submitted with two years' delay; it attached great importance to punctuality in reporting. Drawing attention to the existence of a State Committee on Minorities and a Commissioner for Protection against Discrimination, as well as an independent Ombudsman (a national human rights institution that enjoyed category A status under the Paris Principles), he wondered whether civil society had had the opportunity to contribute to the reporting procedure; the report did not make that clear.

20. While the Committee had recommended, in its previous concluding observations, that the census to be carried out in 2011 should accurately reflect the situation of all vulnerable groups, the State party report contained no statistics or information on the outcome of the census that would help the Committee in its work. According to reports, certain minorities had boycotted the census. That was undoubtedly their prerogative, particularly given the importance attached to self-identification of ethnicity, yet a boycott defeated the purpose of the exercise, which was to analyse the make-up of the population in

order to assess the vulnerability of the various groups. He would appreciate receiving more information on the results of the census.

21. He commended the State party's response to the Committee's recommendation regarding the distinction between national and linguistic minorities. The issue had been satisfactorily resolved.

22. While welcoming the adoption of the Law on the Protection of National Minorities, he wished to know more about its application in practice, including the results of any special measures implemented to protect the rights and freedoms of vulnerable groups. He wondered whether the Office of the Commissioner for Protection from Discrimination had adequate human and financial resources to carry out its mandate; he would appreciate receiving updated information on the number, types and outcomes of cases that had been dealt with by that Office since 2015.

23. Noting with satisfaction the introduction of the National Action Plan for the Integration of Roma and Egyptians 2016–2020, he wondered whether the State party was on course to achieve the Plan's stated objectives, whether any obstacles to its implementation had been encountered and, if so, how they had been overcome. He would likewise welcome information on the policy goals established and the challenges faced in ensuring access to education for children of minority groups. It would also be useful to hear more about the initiatives in place to promote the effective participation of national minorities in public and political life. While commending the State party's efforts to provide Roma with personal identity documents, he wished to draw attention to reports that the number of unregistered Roma and Egyptians was on the rise due to returning migrants. How did the State party intend to address that emerging phenomenon?

24. The State party report was silent on several of the issues that had been raised in the Committee's previous concluding observations. He would therefore be grateful to receive information on the follow-up to its recommendations to adopt specific legislation criminalizing racist organizations and participation in such organizations; implement positive measures to improve the situation of the Egyptian community; address the multiple forms of discrimination faced by women belonging to minority and other vulnerable groups; and take steps to remedy the lack of court cases on racial discrimination.

25. While noting with satisfaction that the State party had forged links with other States to address the problems faced by Roma and other minority groups, he was concerned at reports that Albanian nationals were being forced to beg in neighbouring countries and wondered what plans, if any, the Government had to tackle that issue. Lastly, he asked what short-, medium- and long-term measures were envisaged to address the concerns of persons affected by the construction of the Tirana ring road, which had led to a number of forced evictions, prompting an inappropriate reaction from the mayor regarding those protesting the project. In that connection, what action was being taken to combat hate speech in political discourse and in the media?

26. **Mr. Avtonomov** said that he wished to know precisely how the law on social housing would benefit the Roma and Egyptian communities, whether the Ashkali minority was considered as a separate group to the Egyptian community and, if so, whether it was categorized as a national, ethnic or linguistic minority. He wondered whether the State party maintained links with the diaspora, such as the Albanian communities in Greece, Italy and Ukraine.

27. He would like to know whether there had been any prosecutions and convictions for trafficking in persons, what protection and assistance was provided to victims and what measures were being taken to prevent and combat human trafficking. It would also be useful to know whether the State party had encountered any challenges in the implementation its 2014–2017 and 2018–2020 action plans to combat human trafficking and, if so, how it had overcome them. Lastly, he noted that, according to the European Commission against Racism and Intolerance 2015 report on Albania, an absence of comprehensive and coherent data made it difficult to assess the results of the plans and programmes implemented to improve the living conditions of the Roma and Egyptian communities. What action had been taken in that regard?

Ms. McDougall, Vice-Chair, took the Chair.

28. **Mr. Murillo Martínez** said that he wished to know whether the State party's policies on social housing were meeting the demand for affordable housing in practice. He would be grateful to receive more information about the five cases of hate speech mentioned in paragraph 5 of the State party report and about the general situation with regard to hate speech in Albania. Referring to paragraph 39 of the State party report, which described the legislation in place to prohibit racial discrimination, hate speech and incitement to hatred in the audiovisual media, he wondered whether any similar regulations or codes of conduct had been developed to combat hate speech online.

29. Under the Penal Code, racial discrimination was considered to be an aggravating circumstance in the sentencing of criminal offences. It would be useful to have statistics on the application of that provision. Similarly, he would like to know whether the legislation provided for reversal of the burden of proof in civil, labour and administrative proceedings involving racial discrimination. Lastly, since minorities were often overrepresented in prisons, he would welcome data, disaggregated by minority groups, on the country's prison population.

Mr. Amir resumed the Chair.

30. **Mr. Yeung Sik Yuen** said that, according to the State party's common core document ([HRI/CORE/ALB/2012](#), para. 10), comprehensive data on the minority groups, religious affiliations and languages spoken in Albania were to be provided after the results of the 2011 population and housing census had been published. However, the information subsequently provided in the State party report ([CERD/C/ALB/9-12](#), para. 52) did not contain disaggregated data on the composition of the Albanian population. As a result, it was difficult for the Committee to assess the success of efforts taken to improve the representation of minorities in public and political life. The Committee would therefore be grateful for the necessary statistical data in that regard.

31. He would welcome information on the composition and procedure for appointing members of the High Council of Justice, which was responsible for appointing, transferring and dismissing judges, and he wished to know in what specific circumstances a judge could be dismissed. In that connection, he would appreciate information on the judicial reforms that were currently under way in Albania and, in particular, on measures to safeguard the independence of the judiciary.

32. According to the delegation's opening statement, irregular migration to Albania had increased significantly in recent years. He would be interested to know the current status of irregular migrants and asylum seekers, many of whom came from the Syrian Arab Republic, Iraq, and Afghanistan. In particular, he wondered whether those persons were transiting through Albania to reach other countries or applying for leave to remain in Albania. In the latter case, what proportion of applications were approved?

33. **Ms. Shepherd** said that she wished to know what aspects of the training provided to police officers gave them the tools to understand the histories and cultures of the country's minorities, including its ethno-linguistic minorities, and to conduct their work in a more efficient and sensitive manner. For example, it would be useful to learn how the content of such training served to dispel the stereotyping that often influenced operational decisions. She wondered why the number of complaints of discrimination had increased so sharply between 2010 and 2014, why the 164 complaints received in 2014 had resulted in so few convictions and how many such complaints had been received in 2018. Lastly, clarification was needed regarding the delegation's reference to persons of African and Asian descent, as, without more detailed information on the specific minorities that fell into those categories, it was difficult to evaluate their situation in the country.

34. **Mr. Diaby** said that he would be grateful if the delegation could comment on the situation of minorities in the State party in the light of the high levels of emigration that it had recently experienced. Could the recent fall in population be attributed to a flight of persons belonging to minorities whose rights had been violated? It would be useful to receive detailed statistics on the characteristics of those who had left the country. Did they include many Roma, women and young people, for example? He wondered whether the

State party had supported and consulted NGOs active in the area of eliminating racial discrimination. The Committee's dialogue with the State party would have benefited from such involvement.

35. It was encouraging to learn that television programmes broadcast in the State party reflected the country's cultural diversity but it was unclear whether they also reflected its linguistic diversity. He would appreciate clarification regarding the distinction between the terms "national minority" and "ethno-linguistic minority", as well as more information on the outcome of the 108 cases of discrimination reviewed in 2014. He wished to know whether the scope of the National Action Plan for the Integration of Roma and Egyptians 2016–2020 could be expanded to encompass other ethno-religious minorities in the State party. In that connection, it would be useful to receive information on the representation of minorities in parliament, the judiciary, the education sector, particularly the higher education sector, and the police force.

36. On a separate point, he would like to know how many training courses on human rights, and particularly on the specific rights enshrined in the Convention, had been organized for police officers since the State party had previously appeared before the Committee.

The meeting was suspended at 5.15 p.m. and resumed at 5.40 p.m.

37. **Ms. Peçi Minarolli** (Albania) said that, previously, there had been three officially recognized national minorities in Albania, namely the Greek, Macedonian and Serbian-Montenegrin communities, but the third of those categories had been split into two and five others added, such that there were now nine officially recognized national minorities, namely the Greek, Macedonian, Serbian, Montenegrin, Aromanian, Roma, Bosniak, Bulgarian and Egyptian communities. Those nine minorities were all treated equally.

38. The Law on the Protection of National Minorities provided for the possibility of officially recognizing other national minorities. As the Law was a framework law, the Government was required to adopt secondary legislation to implement its provisions. In September 2018, for example, the Council of Ministers had adopted two decisions on the provision of education in national minority languages. In addition, the Council of Ministers was currently considering a draft decision on the structure and functioning of an ad hoc commission to examine applications for national minority status and another on data collection in relation to the identification of persons belonging to national minorities. It was hoped that the Council of Ministers would soon adopt draft decisions on the use of national minority languages in the work of the administrative authorities and on signage to identify relevant administrative units, roads and other topographical features.

39. Under the Law, measures to protect national minority languages could be taken only in areas in which persons belonging to national minorities made up at least 20 per cent of the population. That restriction notwithstanding, it was important to stress that persons belonging to officially recognized minorities could exercise their rights throughout the country without distinction as to their place of origin. Members would soon be appointed to the restructured State Committee on Minorities, which would administer a fund for national minorities established under the Law.

40. Article 8 of the Law prohibited discrimination against persons belonging to national minorities. Pursuant to the same article, public, central and local bodies were required to adopt and implement measures to ensure that such persons enjoyed full and effective equality in economic, social, political and cultural life; protect them from threats, discrimination, hostility and violence on account of their distinct cultural, ethnic, linguistic, religious or traditional identities; strengthen intercultural dialogue; and promote respect, understanding and cooperation among all citizens. The Law would serve as the basis for subsequent anti-discrimination legislation.

41. **Ms. Mitro** (Albania) said that her country had been cooperating with others in the region as part of the Roma Integration 2020 project. The National Action Plan for the Integration of Roma and Egyptians 2016–2020 reflected the considerable progress that Albania had made in protecting the rights of Roma and Egyptians since the beginning of its participation in the Decade of Roma Inclusion. Two reports had been prepared on the basis

of the data collected under the National Action Plan and had subsequently informed the development of targeted employment programmes. Since the adoption of the Law on the Protection of National Minorities, Roma and Egyptians had been granted official recognition as national minorities, which had encouraged the Government to target them individually. The National Action Plan was based on the principle of respect for the differences between communities, and the two minorities were treated separately for data-collection purposes. However, despite their distinct identities, Roma and Egyptians had for many years been the most vulnerable communities in Albania and their needs had therefore been addressed together.

42. Prior to the preparation of the two reports on the National Action Plan, a dedicated network of focal points in the ministries and at the local government level had gathered the necessary data. One ministry had coordinated the collection of data from the others. The data-collection process had involved the use of specific indicators that measured progress with respect to economic assistance, housing, education and health care. However, there were certain areas of activity in which the data currently available made it difficult to distinguish between Roma and Egyptians. For that reason, the Government was attempting to map the distribution of the two communities across the country, taking into account persons who had recently returned from abroad, with a view to ensuring their access to services at all levels. The Government's primary intention was to ensure that the two communities had access to services at the local level.

43. **Ms. Peçi Minarolli** (Albania) said that she had mentioned Africa and Asia in her statement because they were sources of immigration to Albania. The question of the country's nine officially recognized national minorities was an altogether separate matter.

The meeting rose at 6 p.m.