



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

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Fifth to eight periodic reports of States parties due in 2009*

Albania**

[7 September 2010]

* This document contains the fifth, sixth, seventh and eighth periodic reports of Albania, due on 2003, 2005, 2007 and 2009 respectively, submitted in one document. For the initial, second, third and fourth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/397/Add.1 and CERD/C/SR.1584-1585,1607-1608.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Abbreviations

ACH	Albanian Helsinki Committee
ART	Albanian Radio-Television
Assembly	Assembly of Albania
CM	Council of Ministers
Constitution	Albanian Constitution
EO	Educational Office
F.C.	The Family Code of the Republic of Albania
INSTAT	Institute of Statistics of the Republic of Albania
L.C.	The Labour Code of the Republic of Albania
MES	Ministry of Education and Science
METE	Ministry of Economy, Trade and Energy
MFA	Ministry of Foreign Affairs
MLSAEOP	Ministry of Labor, Social Affairs and Equal Opportunities
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MTCYS	Ministry of Tourism, Culture, Youth and Sports
NCRT	National Council of Radio and Television
NSGEDV	National Strategy for Gender Equality and Family Violence
RED	Regional Educational Department
SMC	State Minority Committee

I. Demographic, economic, social and cultural characteristics of Albania

A. Population

1. The population of the Republic of Albania, on January 1, 2009, according to the assessments of the Institute of Statistics (INSTAT) was 3.193.850 inhabitants. This figure, compared with the latest Population and Housing Census,¹ has increased by 4 per cent.
2. With a view to updating and completing the data in this respect, The Albanian Government is taking all the necessary measures to begin the Population Census in the Republic of Albania within 2011. For the first time after many years,² this census will incorporate the rubrics of nationality and religious belongingness.
3. The comparative values of the population's topics over the years are given in the annex to the present report (table A. i.1/2/3/4/5/6/7 and graph A.1.1/2).

B. Social, economic and cultural indicators³

Social indicators

Educational level

4. Based on the statistics of the Ministry of Education and Science (MES) and according to the Gross Enrolment Ratio (GER), the enrolment of female students in the compulsory and high education and the level of the attendance of the compulsory education by them results as follows: elementary education 99 per cent, low education 102 per cent, compulsory education 101 per cent, high education 64 per cent.
5. Referring to the Net Enrolment Ratio (NER), the compulsory and high education are attended as follows: elementary education 89 per cent, low education 98 per cent, compulsory education 94 per cent and high education 53, 4 per cent.
6. A part of girls do not attend the compulsory education and the causes are related to the mentality, the lack of security in general concerning those schools that are located away from the residences of the students, as well as their being employed, mainly in their family businesses. The Net Enrolment Ratio during 2001–2006 indicates an increasing participation of females especially at the university level, where the number of females is higher than that of males, which is also reflected in the number of graduates (table.A.ii.1.3). Even at the other levels of pre-school and 9-year education, the difference between males and females, although in favour of males, is not significant (table A.ii.1.1).
7. In nine-year schools, a participation rate of girls of 48 per cent is reported. In high schools, the attendance of girls is lower (45 per cent) compared with boys (55 per cent), whereas in the university education the enrolment of females (about 58, 2 per cent) is higher than that of males. In the pre-school, 9-year and high education the representation of women and girls has reached a substantial level. In the 9-year education, the percentage of females continues to increase in both urban and rural areas. During the academic year

¹ General Population and Housing Census (REPOBA 2001).

² The General Population Census of 1930 incorporated both rubrics.

³ Information provided by INSTAT.

2005–2006 this figure went up to 66 per cent. Whereas, and in general, the percentage of females in the high education is higher than that of males, in the rural areas females constitute only 43 per cent of the pedagogical staff.

8. In the higher educational level, the participation of women is low (49 per cent, as opposed to 51 per cent men) at all levels, both in the administration and pedagogical staff. In educational departments and offices there is a representation of 59 per cent of men and 41 per cent of women. In leading positions, 93 per cent of directors are men, whereas 8 per cent females. In the regional offices 83 per cent of the directors are males, whereas 17 per cent are females. Although at the level of specialists and supporting staff in these institutions women occupy a higher percentage, they are still far below men (48 per cent female specialists as opposed to 52 per cent of male specialists. Also, 40 per cent of supporting staff are females, whereas 60 per cent are males.

Employment and unemployment

9. The employed people in 2006 occupied 48.8 per cent of the working population. During that year, the number of the employed was 935.000 persons (578.000 males/357.000 females). The analysis of the gender-based employment rate over the years indicates that concerning the period 1996–2006, the employment rate of females was evidently lower than that of males.

10. Thus the employment rate of males in 2006 was 58, 8 per cent whereas that of females only 38, 2 per cent. In the state sector, females constituted about 43, 3 per cent of the total number of the employed persons, where in the group of Legislators, Senior Officers and Managers they constituted only 24, and 6 per cent and in terms of groups of Specialists Simple Servants, the figure amounted to 57 per cent.

11. In 2008, according to the data of the Questionnaire of the Work Force and in accordance with the definition of employment of EUROSTAT and International Labour Organization, there resulted 1.123 thousand of employed persons 15 years old and above (15–64 years old).

12. The employment rate at the national level for the population at the age of 15–64 is 53, 8 per cent. The employment rate, in all age groups is higher for males (63 per cent – males and 45, 5 per cent – females). The analysis of the employment rate according to gender over the years indicates that for the period 1996–2008, the employment rate of females has been significantly lower than that of males. The employed females have a higher participation in the agricultural private sector, whereas males are more involved in the non-agricultural private sector (females constitute only about one quarter of all the employed people in the non-agricultural private sector.

13. Differences between males and females are noticed even in their participation at various levels of public and local administration. Females occupy only 39, 3 per cent of the people employed in ministries and other high-level state institutions. Whereas in terms of the local administration, the percentage that females occupy is even lower, only 31, and 6 per cent. This participation is somewhat higher in municipalities where females occupy 45, 4 per cent of all the employed people in these institutions. In communes the participation of females is 21, 9 per cent, whereas in prefectures they occupy only 24, 3 per cent.

14. The unemployment rate in 2008 was 13 per cent. Its highest levels affected more the young age groups up to about 30 years old. The unemployment indicator for the age group of 30–49 years is higher for females than males; on the other hand, concerning the age groups 55 years+, a higher trend to look for a job is noticed in males. The comparative values of unemployment for the period 1995–2008, indicate that the unemployment rate is higher among females than males (except 2007, according to the work force questionnaire), whereas gender-related unemployment rate has had the same trend (table. A.ii.2.1/2/3/4/5).

Wages

15. During the whole period 1995–2007, an increasing trend of the monthly average wages for the employees of the state-owned sector is noticed. The same cannot be said about the trend of the real wages, which has been affected by the inflation fluctuations (table. A.ii.3).

16. During the period 1994–96, as a consequence of the stability of prices of various consumption goods and the increase of wages in the state-owned sector twice a year, the increase of wages was higher than that of prices. The economic crisis of 1997 brought about as a consequence the substantial decrease of the real wages, marking a decline of about 17 per cent compared to that of 1996.

17. In 1999, the prices of consumption goods almost did not change at all and at the end of this year, the real wages increased by about 17,7 per cent. 2001 marked an increase in the monthly average wages of 15, 1 per cent, meanwhile the prices of consumption goods increased by about 3, 1 per cent leading to an increase in the real wages of 11, and 6 per cent. In 2003, the increase in the monthly average wages was 8, 5 per cent, whereas the prices of consumption goods increased by 2, 4 per cent, bringing thus about an increase of 6 per cent in the real wages. In 2004, the increase in the monthly average wages was 9, 9 per cent, whereas the prices of consumption goods increased by 2, 4 per cent bringing thus about an increase of 7, 3 per cent in the real wages. In 2005 the increase in the monthly average wages and the increase in the real wages were at the same level with that of 2004. In 2006 the increase in the monthly average wages was 7, 5 per cent, whereas the increase in the real wages was 4.9 per cent.

18. In 2007 the increase in the monthly average wages was 17, 1 per cent whereas the prices of consumption goods increased by 2, 9 per cent bringing thus about an increase of 13, 8 per cent in the real wages. In 2008, the increase in the monthly average wages was 8, 2 per cent, whereas the prices of consumption goods by 2, 2 per cent bringing thus about an increase of 4, 7 per cent in the real wages.⁴

Educational system

19. The main characteristics of education in the recent years are:

(a) The increase in the number of enrolled students in the Vocational and Technical High Education as well as the specialization of general high schools;

(b) The increase in the number of new admissions to the full-time Higher Education, as a response to the high demand on the part of the students graduating from high school;

(c) The improvement of educational facilities and school texts.

20. In the recent years, the number of private schools has increased speedily, especially in the major cities of the country. The majority of these universities have already put in place the implementation process of the curricula according to the Bologna Charter System.

21. During the academic year 2005–2006, 769.600 children, pupils and students enrolled in all educational levels (4,3 per cent of the overall number of whom in the private education), marking thus an increase of 1 per cent compared to the academic year 2003–‘04 and an increase of 2,3 per cent as compared to the academic year 2001–‘02.

⁴ The above data on the monthly average wages in the state-owned sector and the increase in the prices of consumption goods have been published by INSTAT.

22. The pre-school education has witnessed stability in terms of the number of children enrolled during the five last years, after the decrease it underwent after the '90. In terms of the basic nine- year education, the number of pupils enrolled for the first time in the first grade in 2005 was about 51.000. Compared with 2002, during that year, a difference of 12,000 pupils less is noticed (as a result of the decrease in natality (birth-rate) and irregular population movement in migration/emigration).

23. During the academic year 2005–'06, in proportion to the theoretical age group that should be attending the 9-year education, the participation in nine-year education was 102,4 per cent. This is explained by the fact that some of the enrolled pupils are younger or older than the age group belonging to this educational level. In high schools, the number of enrolled students has been on the increase year after year. The general high schools, which include 82, 9 per cent of all the students of High Education, after some years of experimentation, are being specialized in social sciences and natural sciences. Vocational education, although occupying only a small percentage of high education, has an increasing trend with a view to enhancing the employment opportunities.

24. In the course of 2005, 52, 5 per cent of those students graduating from high schools enrolled for the first time in full time higher education. Also, comparing the students enrolled in 2005 to those enrolled in the academic year 1990–'91, their number has amounted to 46.700, or 2,3 times more students have enrolled over the last year. The highest percentage of the enrolled students in the course of 2005 is occupied by students studying in the field of social, economic and legal sciences, constituting about 31 per cent of the total of enrolled students. An increasing number of pupils and students are attending schools and universities successfully every year, privately or with scholarships, mainly in Italy, USA, etc.

Public health

25. The familiarization with the country's health situation by means of health statistical indicators is part of the assessment of the health care system, with a view to maintaining and improving it. The health situation poses problems due to the difficult transition period; nonetheless the main indicators are on their way of improvement both in terms of primary health care and hospitals as well. The level of some important indicators such as life expectancy, mortality (death rate) and chronic morbidity are comparable to those of developed countries, whereas other indicators such as infant mortality (death rate), maternal death-rate and infective acute morbidity are comparable to those of developing countries.

26. The Health System in Albania is mainly a public one. The private sector covers the pharmaceutical, stomatological service, and less other services. This system has evolved considerably over the transition years. The mission of the Primary Health Care Institutions is the protection of health in accordance with WHO's objectives "health for everyone". These institutions are being increasingly reduced in terms of their numbers and activities as shown by their main indicators. This is explained by the re-structuring of these institutions, establishment of more appropriate facilities, enhancing of service quality as well as the by the establishment of private sector.

27. In hospitals, the hospital service indicators, given that they cover the whole hospital health care serve as a starting point for the analysis of morbidity, epidemiology, mortality (death-rate), human resources etc. The Hospital Service institutions are represented by general and specialized hospitals. With the contribution of donors, the hospital reform is improving the indicators of the utilization of hospitals with respect to concentration of services in big hospitals, more qualified services and use of equipment with contemporary technologies.

28. Statistics show that a relatively high part of deaths and diseases in Albania are caused by smoking, abuse of alcohol, careless driving, use of illegal drugs, nutrition way and stress, as a new phenomenon of the modern society. Physical inactivity is another risk factor that poses a potential problem to hypertension, diseases of coronary arteries of the heart etc.

Economic indicators

Energy/power

29. Oil and electric power are the two main sources of energy produced in the country. Power constituted 24 per cent of the domestic production in 2007, whereas oil constituted 52 per cent of the production. Unlike the other energy sources, there was a considerable increase in the import of oil during the period 1998–2007, as the domestic production did not manage to meet the increasing demand for this product.

30. Energy sources, the total of domestic production and imports in 2007 increased by 7, 9 per cent, as compared with 2006. The largest quantity of the available energy/power for final consumption during the period 1998–2007, was marked in 2004 (2,131 ktoe). The transportation sector and households are the main consumers of the final consumption energy/power. In 2007, the household consumed a total of about 24, 7 per cent of the final consumption energy (mainly power), whereas the transportation sector consumed about 42, 2 per cent of energy (oil and its by-products).

Consumption price index

31. In 2008, the annual change of the consumption price index was 2, 2 per cent and the year before it was 3, 1 per cent. During 2008, the biggest annual increases were noticed respectively in the groups of “Entertainment and culture” (10, 2 per cent) and “Rent, water, fuel and energy/power” (4, 9 per cent). The biggest annual decrease was noticed in the group of “Communication” (19, 3 per cent), whereas in terms of other groups the annual change ranged from –3, 9 to +3, 5 per cent.

Production price index

32. Production Price Index in 2008 amounted to 111, 1 per cent (2005 = 100 per cent) marking an annual increase of 6, 5 per cent compared with 2007. As compared to the same period, the sector of “Extraction industry” marked an increase of 6, 8 per cent. In this sector, almost all the product prices indexes were increased during 2008 as compared to 2007.

33. Here we might mention the increase of 7, 4 per cent in prices of the activities “Extraction of energy products” and the increase of 0, and 6 per cent in prices of the activities “Extraction of non-energy products”. The sector “Processing industry” increased by 3, 2 per cent compared to 2007. Within this sector, the prices in the activity of “Food industry” increased by 9, 8 per cent, in the activity of “Textile and clothing industry” the prices increased by 5, 6 per cent, in the activity of “Oil refining, coking” the prices increased by 13, 5 per cent. The prices of products in the activity of “Tobacco industry” decreased by 14, 8 per cent, whereas in the activity of “Rubber and plastic industry” the prices decreased by 7, 5 per cent.

Construction

34. During 2008, building permits were given to objects of different kinds totaling an amount of 93, 9 billion lekë. The same year, the number of approved permits for buildings amounted to 149, 9 per cent as compared to 2007. Residences are the most preferred objects

in the applications for building permits. During the period 2002–‘08, the number of permits for residences occupied over 56–63 per cent of the total number of permits given to buildings of various kinds.

35. The prefectures of Tirana, Durrës, Elbasan, Fier, Korçë, and Vlorë still have the biggest number of applications for building permits. Specific about the prefectures of Tirana and Durrës has been the application for multi-storey buildings, mainly for residences and commercial buildings. The majority of building objects such as residences, hotels, commercial buildings, industrial buildings etc. are financed mainly by private investors. The infrastructure of social, cultural and health buildings is financed mainly by state investors. The Albanian investors are the most interested ones in financing the building objects in the construction sector, which constitutes 87, 1 per cent of their activities.

Tourism

36. The development of tourism is closely connected with investments and employment. Within this framework, during 2007–08 there has been an increase in the number of such various infrastructure activities as hotels, bar and restaurants, shopping centres, transport and construction, accompanied with increasing employment in tourist areas.

37. The income coming from tourism and reflected in the payment balance create the opportunity of using them for the development of important regions. In the course of 2008 the number of foreign citizens who visited Albania increased by 26 per cent compared with 2007 (mainly from Kosovo, Macedonia and Montenegro).

Transport

38. The international civil air transport is conducted via the “Mother Theresa” airport in Rinas (Tirana), the only airport performing transport services of this kind. During 2008, 18 airlines operated in this activity, of which 16 foreign airlines and two joint-ventures. The increasing activity of air transport caused the number of flights and passengers transported in 2008 to be respectively 5, 5 and 13, 7 per cent higher compared to 2007.

39. The sea transport in Albania is conducted via 4 harbors: Durrës, Vlora, Saranda and Shëngjin. The loading-unloading volume of harbors in 2008 was 8, 6 per cent higher than that of 2007. The biggest and most important harbor in Albania is Durrës harbor, which in 2008 realized 79 per cent of the loading-unloading volume of all harbors. The international sea transport of passengers marked an increase of 16, 8 per cent in 2008 in comparison with 2007.

40. The length of the railway line in use in 2008 was 399 kilometers. Rail transport in 2008 compared with 2007 marked a decrease of 11 per cent in the work volume in the transport of goods. Meanwhile, the transport of passengers had a decrease of 24, 6 per cent in the work volume compared with 2007.

41. The length of oil pipelines in 2008 was about 0, 3 times less than that of 1993. The volume of the transport of oil by pipelines, expressed in ton-kilometers in 2008 underwent a decrease of 15, 3 per cent in comparison with 2007.

42. The increasing use of the private road was accompanied with a large number of road vehicles which marked an increase of 8, 13 per cent in 2008, compared with 2007. Especially, the number of passenger cars in 2008 increased by 11, 3 per cent in comparison with 2007. In 2008, in terms of road accidents, there was a considerable decrease in the number of injured people compared with 2007.

Foreign trade

43. In 2008, compared with 2007, there was an increase in exports and imports. The increase in imports (16, 9 per cent) was higher than the increase in exports (15, 8 per cent). During 2008 the trade balance worsened by 17, 3 per cent. The majority of foreign trade was conducted with EU countries (64, 6 per cent). The main trade partners of Albania in 2008 remained Italy and Greece.

44. The characteristic of Albanian exports is the re-exportation after the processing of raw material. This is reflected in the group of "Textiles and shoes", the exports of which occupied 43, 4 per cent of the overall total of exports.

Cultural indicators*Culture*

45. Given their social and specific character, the institutions and activities of art and culture are always connected with the support provided by the State, especially with the financial support (which depends on the country's level of economic development).

46. Actually, art and culture are still in a difficult situation, which limits the organization of a lot of important activities such as theaters, variety shows, production and showing of movies, protection of many cultural monuments etc. In the recent years, several important national institutions have made attempts to improve this situation and to restore their identity, visitors and spectators.

47. In the last six years, the establishment of private Radio and TV stations has been a great success, and they have become the biggest and most successful competitors in the field of art and culture.

C. An overview of the protection and promotion of human rights**Constitutional and legal framework**

48. The Constitution of the Republic of Albania guarantees and ensures the observance and respect of fundamental freedoms and human rights. The first fifteen articles of this document confirm the fundamental constitutional principles which among others legitimate: the people's sovereignty, the implementation of the free elections system (equal, general and periodical), the rule of law, the protection of fundamental freedoms and human rights and the implementation/enforcement of international conventions, the autonomy and decentralization of power in local government, the economic system, the secular character of the state, national symbols, etc.

49. "Fundamental freedoms and human rights", are defined in article 15 of the Constitution as "indivisible, inalienable, inviolable, which lie in the foundation of the order of law". The public power bodies, in fulfilling their tasks, are entrusted with the observance and respect of these rights and with contributing to their realization. The contents of this provision of the Albanian Constitution refer to article 1 of the "European Convention for the Protection of Fundamental Freedoms and Human Rights" (which was signed by the Republic of Albania on 13 July 1995, was ratified on 31 July 1996 and entered in force on 2 October 1996).

50. Article 16 of the Constitution stipulates expressly that "fundamental freedoms and human rights, as well as the obligations of Albanian nationals set forth in the Constitution, are equally applicable to foreign nationals and stateless persons in the territory of the Republic of Albania". The exception is made only in cases when the exercise of freedoms and rights is especially connected with the Albanian citizenship.

51. The restriction of freedoms and human rights is done to protect the public interest. Paragraph 2 of article 17 stipulates that these restrictions “shall not prejudice the essence of freedoms and rights” and above all “shall not exceed the restrictions set forth in the European Convention on Human Rights” (art. 18 (i) of the European Convention on Human Rights).

52. Article 21 of the Constitution stipulates expressly that “The person’s life is protected by law”. Notwithstanding the legislator has contented himself with this sanctioning of person’s life, in reality what are protected by law are the personal rights and freedoms granted to this person since his birth.

53. The rights recognized to any person or individual are provided for by the Constitution in specific provisions and chapters:

Chapter II – “Personal freedoms and rights”, including: right to life (art. 21); freedom of expression, press, radio and television (art. 22); right to information (art.23); freedom of thought, conscience and religion (art. 24); prohibition of torture, or cruel, inhuman or degrading treatment or punishment (art. 25); prohibition of forced or compulsory Labour (art. 26); personal right (art. 27); right to a fair trial (arts. 28, 29, 30, 31, 32, 33, 34 and 35); freedom of correspondence (art. 36); inviolability of residence (art. 37); freedom of movement and freedom to choose one’s residence (art. 38); prohibition of expulsion of nationals and prohibition of collective expulsion of stateless persons (art. 39); right to private property (arts. 41 and 42); right of appeal in criminal matters and compensation for wrongful conviction (arts. 43 and 44);

Chapter III – “Political freedoms and rights”, including: right to elect and be elected (art. 45); right to join organizations and associations (art. 46); freedom of assembly and association (art. 47);

Chapter IV – “Economic, social and cultural freedoms and rights”, including: right to choose one’s career, (art. 49); right to form and join trade unions (art. 50); the right to strike (art. 51); right to social security (art. 52); right to family (art. 54); right to health care (art. 55) as well the right to education (art. 57).

54. The Constitution of the Republic of Albania, in its article 59 lays down the social objectives of the Albanian State: (i) employment under appropriate conditions of all persons capable to work; (ii) meeting of nationals’ housing needs; (iii) the highest probable health, physical and mental standard; (iv) education and training/qualification according to the abilities/skills of children and young people, as well as of unemployed people; (v) protection of national and cultural heritage and special care for Albanian language.

55. With a view to serving the protection of human rights, the Assembly of Albania (the Assembly), the Council of Ministers (CM) or other State institutions have adopted a whole corpus of normative acts, aiming to guarantee and protect human rights.

56. Some of these acts are: Criminal Code (1995 – as amended); Code of Criminal Procedure (1995 – as amended); Civil Code (1994 – as amended); Code of Civil Procedure (1995 – as amended); Labour Code (1995 – as amended); Code of Administrative Procedures (1999); Family Code (2003), Electoral Code (2008); Law on Pre-University Education System (1995); Law “On the right to Gather in Public” (1996); Law on the Press (1997); Law “On Public and Private Radio and Television” (1998); Law on Rights and Treatment of Prisoners (1998 – as amended); Law on Execution of Criminal Judgments (1998); Law “On Asylum in Republic of Albania” (1998 – as amended); Law “On Ombudsman” (1999 – as amended); Law on Political Parties (2000); Law “On the Functioning of Judicial Police” (2000 – as amended); Law “On Organization and Functioning of Prosecutor’s Office in Republic of Albania” (2001 – as amended); Law “On Organization and Functioning of Ministry of Justice” (2001 – as amended); Law “On

Education and Vocational Training in Republic of Albania” (2002); Law “On Lawyer’s Occupation” (2003 – as amended); Law “On Protection of Witnesses and Collaborators of Justice” (2004); Law “On social aid and services” (2005); Law “On measures against domestic violence” (2006); Law “On State Police” (2007), Law “On Adoption Procedures and Albanian Adoption Committee” (2007); Law “On Functioning of the Judiciary” (2008); Law “On Private Judicial Bailiff Service” (2008); Law “On Protection of Personal Data” (2008); Law “On Foreigners” (2008); Law “On Prison Police” (2008); Law “On Legal Assistance” (2008); Law “On gender equality in society” (2008); Law “On Public Health” (2009).

Implementation/enforcement of international norms of human rights

57. Article 5 of the Constitution stipulates the obligation of the Albanian State to implement/enforce the international law. In the Republic of Albania, the international law enjoys a privileged position in proportion to national law. Pursuant to article 122 of the Constitution, every international agreement ratified by the Assembly becomes part of the national law after its publication in the Official Journal. It is directly enforced, saving the cases when it is not self-applicable and when its application requires the issuance of a law. The international agreement ratified by law prevails over the national acts that are incompatible with it. In all cases of conflict of the national law with norms issued by international organizations and ratified by Albania as a party to them, the direct enforcement of the latter is expressly stipulated.

58. Albania has had and continues to have a permanent commitment towards the protection, observance and respect of fundamental freedoms and human rights. This fact is also testified by the ratification or accession to a series of international conventions on human rights.

59. The list of international agreements, signed by the Republic of Albania with international bodies, such as: EC, UNO, ILO, UNESCO, HCCH, within the framework of the protection, observance and respect of fundamental freedoms and human rights, is given in the annex to the present report (under the same index).

D. The reporting process at the national level

The methodology followed in compiling the periodical national report

60. The periodical report of the Republic of Albania, within the framework of the United Nations Convention on the Elimination of All Forms of Racial Discrimination was drafted in accordance with article 9 of the Convention, the requirements of documents CERD/C/2007/1 and CERD/C/63/CO/1, where the latter is directly connected with the observations and recommendations of the Committee on the Elimination of All Forms of Racial Discrimination, published after the initial to the fourth periodic reports of the Albanian Government were reviewed.

61. Within this framework and pursuant to the Order of the Prime Minister No. 201, dated 5 December 2007 “On the establishment of the working group for “Drafting national reports within the framework of international agreements”, the inter-institutional working group was set up, including field specialists from: Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Education and Science, Ministry of Health, Ministry of Tourism, Youth and Sports, Ministry of Economy, Trade and Energy, Albanian Radio and Television, National Council of Radio and Television, Ombudsman’s Office, Institute of Statistics and Albanian Helsinki Committee.

Other institutions and mechanisms for the protection of human rights

62. The Unit on Prevention of Torture – near the Ombudsman, was established in 2008 pursuant to the law “On some supplements and amendments to law “On rights and treatment of prisoners”, and aims at the protection of the rights of pre-trial detainees or prisoners.

63. The State Minority Committee (SMC) – is a central institution with judicial personality, subordinate to the Prime Minister. It cooperates with central and/or local government bodies, legitimate organizations and associations operating in Albania within the framework of the exercise of freedoms and rights of persons belonging to minorities.

64. The Committee proposes concrete measures concerning the economic, social and educational development of minorities, contributing thus to the improvement of the condition of minority people, wherever they live. It is comprised of representatives of national minorities (Greek, Macedonian, Serbian and Montenegrin minorities) and lingual minorities (Roma and Vlach/Aromanian minorities). During this period, the Committee has managed to identify and put forward to the government the problems the minorities face, suggesting simultaneously the relevant solutions.

65. The Sector of Human Rights, Minorities and Reporting – in the Ministry of Foreign Affairs follows up the fulfillment of Albania’s international commitments and obligations in the field of human rights and minorities. Among others, in cooperation with line institutions, this sector monitors at the same time the coordination and implementation of minority policies. Its main objective is the development of official dialogue with representatives of minority associations, promotion of activities of these associations, with a view to preserving and developing their linguistic, cultural, religious and national identity.

66. The inter-ministerial Committee of Children’s Rights – which has functioned since 2007 as an advisory body near the Council of Ministers, guarantees the inclusion of policies of observance and respect of children’s rights in the development policies. This Committee is the highest authority that monitors the implementation of the objectives of the Children National Strategy and its Action Plan.

67. The Steering National Committee “On the elimination of child Labour”⁵ – which is chaired by the Minister of Labour, Social Affairs and Equal Opportunities is the highest structure responsible for the integration of the child Labour issue into the drawing up of national policies. “The Unit on the Elimination of Child Labour”, which monitors the situation concerning the employment of children, has been established near the Ministry of Labour.

68. These structures were set up within the framework of the International Program for the Elimination of Child Labour (IPEC). The State Labour Inspectorate ensures the implementation/enforcement of labour legislation by State and private entities, including the inspection of child labour.

69. The Technical Secretariat for Children (TSC)⁶ – follows up the implementation of the National Strategy for Children and its Action Plan, as well as coordinates the cooperation with ministries, other central institutions, counties (qarks), municipalities, communes, organizations and service providers for children, etc. Unit for Protection of Children’s Rights at the level of qark and municipality have the obligation to enforce the legal framework and policies for the protection of children at the regional level.

⁵ Established in 2001, near MLSAEO.

⁶ Set up in 2006, near MLSAEO.

70. The Technical Secretariat for Roma People⁷ – near the Ministry of Labour, Social Affairs and Equal Opportunities, has the following duties: (i) to follow up the monitoring of implementation of objectives, priority measures set in the national strategy “For the improvement of living conditions of Roma minority”; (ii) to promote and raise the awareness of institutions, regional structures and local government to be involved in the implementation of the strategy for Roma community; (iii) to establish and maintain contacts with the line ministries, responsible institutions involved in the implementation of the strategy, Roma community associations and various NGOs operating in the field of minorities for the implementation of strategy; (iv) to cooperate with donors and NGOs in order to strengthen the capacities of the sector and institutions at the central, regional and local levels for the implementation of strategy.

71. The Inter-ministerial Working Group for the follow-up and implementation of the National Strategy “For the improvement of living conditions of Roma Minority”⁸ – was set up within the framework of the National Strategy for Development and Integration and pursuant to article 100 of the Albanian Constitution and DCM No. 633 dated 18 September 2003 “On the Adoption of the National Strategy “For the improvement of living conditions of Roma Minority”. The Group is chaired by the Deputy Minister of the Ministry of Labour, Social Affairs and Equal Opportunities and comprises 11 members.

72. Among others, the duties of this group incorporate: (i) supervision and implementation of the strategy “For the improvement of living conditions of Roma Minority” as well as the impact assessment of financial policies and effects; (ii) cooperation and promotion of responsible institutions for the implementation of the National Strategy for Roma Minority; (iii) follow-up of the progress of monitoring indicators set forth in the Strategy for Roma Community, for all the ministries and other subordinate institutions; (iv) cooperation with Ministry of Finance and various donors to ensure the necessary funds and realization of objectives of this strategy; (v) orientation and giving of recommendations for the reports drawn up by the Technical Secretariat, concerning the national and international level development in this field.

State structures responsible for gender equality and domestic violence issues

73. The Minister covering gender equality issues – The responsible authority for Gender equality issues, pursuant to article 13 of Law No. 9970 dated 24 July 2008 is the Minister covering these issues (actually the Minister of Labour, Social Affairs and Equal Opportunities). The Minister performs the duties set forth in the law, as well as supervises the activity related to the gender equality issues through the structure established for this purpose.

74. Ministry of Labour, Social Affairs and Equal Opportunities – Pursuant to Law No.9669 dated 18 December 2006 “On measures against domestic violence”; the main authority responsible for the enforcement of this law is the Ministry of Labour, Social Affairs and Equal Opportunities.

75. Directorate of Equal Opportunity Policies (DEOP) – near the Ministry of Labour, Social Affairs and Equal Opportunities, is functional since 2006 as the responsible structure for gender equality and domestic violence. DEOP is made up of two sectors (i) Gender Equality Sector; (ii) Measures against Domestic Violence Sector.

⁷ Established by virtue of Order no. 231/2, dated 22 June 2004 of the Minister of Labour, Social Affairs and Equal Opportunities.

⁸ Established by virtue of DCM No. 37, dated 9 March 2009.

76. DEOP is the responsible structure for promoting gender equality and broad participation of women in economic, political and cultural life of the country as well as for the prevention and fight against domestic family.

77. In application of Law No. 9970 dated 24 July 2008 “On gender equality in society” other responsible structures are all State institutions: at the central level – ministries with their subordinate institutions and at the local level – Qarks, Municipalities, Communes, as well as the employees responsible for gender equality issues in central and local line structures.

Advisory bodies

78. The *National Council of Gender Equality* – established in application of Law No. 9970 dated 24 July 2008 “On gender equality in society” by Order No.3 of Prime Minister dated 8 January 2009 “On functioning of National Council of Gender Equality”, functions as an advisory body for gender policies and is a structure that suggests policies which guarantee gender integration.

79. The Inter-institutional Working Group (IWG) – was set up in application of Law No. 9970, dated 24 July 2008 and by Order of the Minister of Labour, Social Affairs and Equal Opportunities No. 2498, dated 16 December 2008 (as amended by Order No. 2271, dated 8 December 2009), and acts as an advisory body in providing statistics and gender indicators, supporting the monitoring policies of gender equality in Albania.

80. At the parliamentary level, gender issues are addressed by the Parliamentary Commission of Health, Labour and Social Affairs.

81. The State Committee of Fight against Traffic in Human Beings – chaired by the Minister of Interior, comprises high political level representatives of central institutions and is responsible for the prevention and fight against traffic.

82. The Office of National Coordinator for the Fight against Trafficking in Human Beings⁹ – coordinates the work between the line ministries, other State and non-State structures at national and international level, in the fight against traffic in human beings. The Anti-Traffic Unit operates near this Office as well.

83. The Regional Committees of the Fight against Traffic in Human Beings, set up since 2006 in 22 qarks of the country, aim at supervising and coordinating governmental and non-governmental actions at the regional/local level with a view to preventing the traffic phenomenon and protecting potential traffic victims. Special police structures operate at the administrative level fighting organized crime and illegal traffic.

84. The Sector for Protections of Minors and Family Violence – has been operational at the central level since 2007. At the regional level, near the Police Directorates in Qarks, Sessions for the Protection of Minors and Family Violence have been established.

85. These structures are entrusted with the task of protecting minors and preventing them from being subjected to family violence, as well as protecting minors from criminal activities.

86. The State Social Service is the executive institution of policies and legislation in the field of social protection.

⁹ Established in 2005.

87. The National Employment Service follows up the law enforcement concerning employment, professional/vocational training and qualification, as well as monitors overall active policies to support full-time and freely chosen employment.

88. The State Labour Inspectorate aims at the enforcement of labour legislation by the legal entities, in accordance with the work inspection procedures.

89. The Public Health Institute has the duty to monitor the public health situations in the country and to take measures for the prevention and control of diseases, injuries, incapacities, environmental health damaging factors, as well as to develop and implement health promotion.

90. In the field of education, the mission of the structures of the Ministry of Education and Science is to ensure basic educational system to everyone, a qualitative educational system integrated with scientific research, which enables equal opportunities to individuals, aiming at the attainment of international standards.

The legal framework ensuring the prohibition of discrimination, equality and effective compensation

91. Article 16 of the Constitution of the Republic of Albania stipulates expressly that “fundamental rights and freedoms, as well as obligations set forth in the Constitution for Albanian nationals, are equally applicable to foreign nationals and stateless persons in the territory of the Republic of Albania”. The exception is made only in cases when the exercise of freedoms and rights is especially connected with the Albanian citizenship. This provision offers the same guarantees concerning the exercise of rights and freedoms by legal persons, as long as they comply with their overall purposes.

92. The Constitutional law “Everyone is equal to the law” is laid down in article 18/1. In support of this sentence, the ensuing paragraph prohibits unfair discrimination, on account of gender, race, religion, ethnicity, language, political, religious and philosophical opinions, economic, educational or social condition, or parental belongingness, of all the persons living and working within the territory of Albania. Under any other circumstances, the restriction of exercise of rights due to the above-mentioned causes is seen as closely connected with the purposes of the actions of the subject of the Convention on the Elimination of All Forms of Racial Discrimination, and undoubtedly related to the object of illegitimate acts, if they are so provided for by the law.

93. These two provisions place the sign of equality concerning the exercise of rights and freedoms between the Albanian nationals, national minorities, foreign nationals and stateless persons. Keeping to the same line of thought, this equality sign is placed even by article 3 of the Civil Code of the Republic of Albania.

94. Article 1/b of the Criminal Code “Criminal legislation duties” stipulates as duties of the criminal legislation of the Republic of Albania “the protection of the state’s independence and the entirety of its territory, human dignity, his rights and freedoms, constitutional order, property, environment,” coexistence and understanding of Albanians with national minorities, as well as religious coexistence from criminal offenses, and their prevention”. This provision places emphasis on the importance of the protection of human rights and freedoms, within the framework of development, ensuring of coexistence and understanding with national minorities.

95. Article 9 of the Labour Code in the Republic of Albania (L. C.), sanctions strictly the prohibition of any discrimination related to employment. Expressed differently, the law prohibits any distinction, exception or preference, on account of colour, sex, age, religion, political opinions, national origin, social background, family relations, physical or mental disabilities, which prejudice the right of the immigrant worker to be equal in terms of

employment and treatment. Distinctions, exceptions or preferences required for a given work position, are not regarded as discrimination.

96. According to article 11 of Code of Administrative Procedures, “In its relations with private entities, the public administration is lead by the principle of equality in the sense that no one shall be privileged or discriminated by reason of gender, race, religion, ethnicity, language, political, religious or philosophical opinions, economic, educational, social background or parental belongingness.” “Equal treatment” principle is not a denial of the discretion of administration bodies. The aim is that the administration exercises this discretion equally to all the citizens.

97. Some of the laws drafted and adopted during the period of time 2002–08, the provisions of which sanction discriminatory behaviors and actions are listed below;

(a) Law No. 8960, dated 24. October 2002 “On the ratification of European Social Charter, as amended”, stipulates that all the persons having family responsibilities and that are employed or wish to be employed, are entitled to do so without being subject to discrimination and as far as possible, without conflicts between their family responsibilities and employment. The enjoyment of rights set forth in this Charter is guaranteed without discrimination of any kind, such as discrimination on account of race, colour, sex, language, and religious belief, political or other opinions, national origin or social background, health, association with a national minority, birth or any other status;

(b) Law No. 9090, dated 26 June 2003 “On the mediation in the settlement of disputes” stipulates that the Court or Prosecutor’s Office might deem the agreement attained by mediation as invalid, when it comes to the conclusion that the will of the litigating parties has not been reflected, when their rights or interests have been seriously prejudiced or when compensation is clearly disproportional to the damage incurred;

(c) Law No. 9280, dated 23 December 2004 “On the pronouncement of Memorial Day” determines the date of January 27, as the “Memorial Day”, which will be commemorated as the honoring day of all those people who helped in the physical protection of all Hebrews in Albania and of Albanian nationals themselves threatened by the danger of physical extermination, imprisonment, deportation, expulsion and ethnic cleansing. “The Memorial Day” is a day of homage and reflection for any one that has been subject to collective violence, in the form of ethnocide, genocide and apartheid;

(d) Law No. 9376, dated 21 April 2005 “On Sport” states that exercise of sports is a right of all nationals in the Republic of Albania, preventing thus any kind of discrimination in sport activities because of political or religious convictions or opinions, race, ethnicity, language, gender, economic or social condition. Among others, the law sanctions that “in the course of sport activities of all levels or during their live broadcasting in public or the premises they take place, the provocation or attempts to provocation of political, social, racial, religious or gender character, aiming at the instigation of hatred and violence against the participants in the sport activity and/or against the spectators, is prohibited”;

(e) Law No. 9547, dated 1 June 2006 “On the Ratification of International Labour Organization Convention concerning Employment Promotion and Protection against Unemployment No. 168, 1988) lays down the obligation of the Albanian State, as a State party to the Convention on the Elimination of All Forms of Racial Discrimination, to take the appropriate measures, with a view to coordinating the protection systems against unemployment and employment policies. Given the actual conditions of the Labour market, State structures shall ensure equal treatment to all persons, without discrimination on account of race, sex, religious belief, political opinions, national origin, citizenship, ethnical or social background, disability or age;

(f) Law No.9669, dated 18 December 2006 “On measures against family violence” as amended by Law No. 9914 dated 12 May 2006” aims at the prevention and reduction of family violence in all its forms, by means of appropriate legal measures. Also, this Law guarantees the legal protection of family members who are victims of family violence, paying special attention to children, the elderly and the disabled. In accordance with this law “violence means any act or act of omission on the part of a person against another person, which brings about as a consequence the prejudice of physical, moral, psychological, sexual, social and economic integrity”;

(g) Law No. 9695, dated 19 March 2007 “On adoption procedures and on the Albanian Adoption Committee” aims at the child protection, placing it under the custody of a permanent family, taking the appropriate measures that this protection is conducted in the child’s best interests. Among others, paragraph 2 of article 33 states that the mediating agencies in the field of adoption shall not prejudice or discriminate adoptive applicants, regardless of their race, origin or religious beliefs;

(h) Law No. 9773, dated 12 July 2007 “On accession of the Republic of Albania to International Labour Organization’s “Workers with Family Responsibilities Convention, C 156, 1981”. The introductory provisions of this Convention entrust the Albanian State with the obligation to guarantee effective equality of opportunities and treatment of workers, both men and women. This equality guarantees persons with family responsibilities who are employed or wish to be employed, the exercise of the right to be employed without discrimination or conflict between their occupation and family responsibilities. In accordance with article 1 and 5 of the Convention concerning Discrimination (Employment and Occupation) of 1958, the law provides the definition of the term “discrimination” which means discrimination at work and occupation;

(i) Law No. 9831, dated 12 November 2007 “On the compensation of the former political convicted persons of the communist regime” aims at giving the financial compensation by the Albanian State to the former political convicted persons of the communist regime who are alive, to the family members of executed victims and to persons deported or expelled to camps. Also the law confirms the commitment of the democratic state in punishing the crimes of the totalitarian communist regime and guaranteeing a better life to the persons who survived it;

(j) Law No. 9874, dated 14 February 2008 “On public bidding” stipulates that contracting authorities shall avoid any criterion, requirement or procedure that constitutes discrimination between eligible purchasers or their categories with a view to protecting the rights and interests of participants in a bidding procedure;

(k) Law No. 9887, dated 10 March 2008 “On protection of personal data”, which establishes the rules of the protection and legal processing of personal data, lays down specific rules of the personal data of the natural person (which are otherwise called “sensitive data” in this law), concerning the person’s racial or ethnic origin, political opinions, membership in trade unions, religious or philosophical beliefs, criminal conviction, as well as data on health and sexual life;

(l) Law No. 9918, dated 19 May 2008 “On electronic communication in the Republic of Albania” aims at improving competition and efficient infrastructure in the field of electronic communication as well as at guaranteeing the provision of appropriate and suitable services in the territory of the Republic of Albania, with a view to ensuring transparency, honesty and non-discrimination of their users;

(m) Law No. 9946, dated 30 June 2008 “On natural gas sector” sets forth the rules that enable the existence of a competitive market, integrated with regional/European markets, for a high quality service and with a reasonable cost, for the purpose of protecting

the rights of natural and legal persons involved in these activities, free of any kind of discrimination;

(n) Law No. 9952, dated 14 July 2008 “On prevention and control of HIV/AIDS”, stipulates the rules of the prevention and control in terms of taking measures on HIV/AIDS, as well as the rules of care, treatment and support provided to the persons infected with HIV/AIDS, free of any kind of discrimination because of ethnicity, gender, race, etc;

(o) Law No. 9959, dated 17 July 2008 “On foreigners” stipulates the regime of entry, stay, employment, treatment and exit of foreign nationals in and from the territory of the Republic of Albania. Article 2 of this law states that foreigners, subject to this law, shall be treated in accordance with fundamental freedoms and human rights and international agreements ratified by the Republic of Albania, observing and respecting the principles of reciprocity, non-discrimination and their less favourable treatment than Albanian nationals. Among others, the law sets forth that public institutions and NGOs provide foreigners with protection against any form of discrimination, in all the activities the latter take part. The law sanctions direct and indirect discrimination by legal persons, both public and private, in the course of the entire migration for employment process. In case of expulsion, the law states that the foreign national cannot be subject to an expulsion order, if there are grounded reasons to suspect that the foreigner in question, in his/her country of origin or in another country, will be given capital punishment, will be subject to torture, cruel and degrading treatment or punishment out of discriminatory causes;

(p) Law No. 9970, dated 24 July 2008 “On gender equality in society” regulates the fundamental issues of gender equality in public life, of protection and equal treatment of men and women, equal possibilities and opportunities in the exercise of rights, as well as their participation and help in the development of all the social life areas. Also, the provisions of this law set forth the obligation of competent state structures to guarantee efficient protection from discrimination because of gender and from any form of behavior instigating discrimination for the same cause. This law sanctions discriminatory acts and omission of acts on account of gender in the field of education, vocational training and media;

(q) Law No. 10002, dated 6 October 2008 “On the internal inspection service in the Ministry of Interior” in its article 43 expressly states that: “The employee of the Internal Inspection Service” has the duty to treat people equally and to perform his tasks free of discrimination, in accordance with the law and required standards, as well as to respect the dignity and physical integrity of every other service employee”;

(r) Thus, every act of the employees of this field, which can prejudice the individuals’ integrity and dignity, is prevented this way;

(s) Law No. 10023 dated 27 November 2008 “On some additions and amendments to Law No. 7895 dated 27 January 1999 “Criminal Code of the Republic of Albania” as amended” and law No. 10054 dated 29 December 2008 “On some additions and amendments to Law No. 7905 dated 21 March 1995 “Code of Criminal Procedure” as amended” provide for material and procedural provisions concerning the commission, prosecution and punishment of criminal offenses related to racism and discrimination in computer systems, for the purpose of penalizing the distribution of racist or xenophobic materials via computer system (art. 4 of the Protocol) and offense out of racist and xenophobic motives (art. 5 of the Protocol);

(t) Law No. 10039, dated 22 December 2008 “On legal assistance” aims the legal regulation of the institute of “provision of legal assistance” that the State offers to persons with insufficient economic means, for the purpose of protecting their fundamental freedoms and legitimate interests in courts or other State bodies. The provision of legal

assistance by the State to individuals is based on the principle of equal rights for all individuals that benefit from legal assistance. The law envisages a positive distinction in the provision of legal assistance based on the individual's economic condition; namely for those individuals who due to economic reasons are not able to ensure juridical advice or legal protection before the justice bodies.

98. Among other laws are the following:

(a) Law "On pre-university education",¹⁰ article 3 sanctions that "nationals of the Republic of Albania enjoy equal rights to be educated at all levels of educations laid down in this law, regardless of the social condition, nationality, language, sex, religion, race, political opinions, health condition and economic level";

(b) Law "On employment promotion"¹¹ stipulates that foreign and stateless immigrant workers enjoy the same rights as the Albanian nationals concerning employment in the Albanian territory. All the immigrant workers and their family members, whether or not they are nationals of countries with which the Republic of Albania has signed employment agreements, are included in this category. Foreign nationals and stateless persons, who marry Albanian nationals, enjoy equal rights to Albanian nationals, provided that they are residents in the Republic of Albania (art. 3/2);

(c) Law "On emigration of Albanian nationals for labour motives"¹² establishes the prohibition of discrimination among Albanian nationals who wish to emigrate abroad. This paragraph expressly stipulates that "Any Albanian national enjoys the right to equal opportunities and treatment to emigrate, regardless of race, colour, sex, ethnicity, religious belief, political opinions or social origin" (art. 5/4).

99. Pursuant to article 43 of the Constitution of the Republic of Albania, any Albanian or foreign national is guaranteed the right to appeal against a judicial judgment to a higher court. The ensuing article stipulates the effective compensation of subjects, if they are damaged by an illegitimate act or omission of an act of State bodies.

100. Restoration of rights in a criminal trial is envisaged by article 9 of the Code of Criminal Procedure. In its application, each subject prosecuted contrary to law or convicted unfairly is given back all the rights and is compensated for the incurred damage.

101. In Section II of the Criminal Code "Criminal offenses against State activity committed by State employees or civil servants" (chapter VIII "Crimes against State's authority"), article 253 ("Violation of nationals' equality") stipulates that "commission due to the public position or in the course of duty on the part of the person in the capacity of a State employee or public official of any discrimination on account of origin, sex, health condition, religious and political opinions and beliefs, of trade union activity or because of belongingness to a given ethnicity, nation, race or religion, that consists in the creation of unfair privileges or denial of a right or benefit stemming from the law, is punishable by a fine or imprisonment up to five years."

102. For the purpose of preventing any arbitrary act or omission of an act that would prejudice the individual's freedoms, committed by a person holding a State or public position, the Criminal Code envisages some provisions and more concretely: article 248 "Abuse of office", article 249 "Exercise of one's function after its termination", article 250

¹⁰ Adopted by virtue of Law No. 7952, dated 21 June 1995, as amended by Law of 1998.

¹¹ Adopted by virtue of Law No. 7995, dated 20 September 1995, as amended by laws adopted in 1999, 2002 and 2006.

¹² Adopted by virtue of law No. 9668, dated 18. December 2006.

“Commission of arbitrary acts”, article 251 “Failure to take measures to discontinue the illegitimate situation”.

103. Pursuant to article 608 of the Civil Code (Liability for incurred damage), when a person illegitimately and maliciously damages a person or his property, the former is obligated to indemnify the incurred damage.

104. In article 30 of the Code of Civil Procedure, the rehabilitation and indemnification/compensation of parties are related to the publication of the final judgment of the court. According to this provision, any person is entitled to request from the court the publication of the judgment in the media. If the court does not publish this notification within the stipulated term, the injured party is entitled to request the publication of judgment at the expense of the party that has lost the civil trial.

105. In case of disputes between the employer and the employee, in application of the work contract terms and conditions, the Labour Code stipulates the Court as competent body for the settlement of the case. Pursuant to article 170 of this Code, Court punishes the violation of the employee’s rights provided for in the work contract, by paying off the amount of damage and/or a fine.

106. Pursuant to article 5/5 of the law “On foreigners”, any foreign national legitimately staying in the Albanian territory enjoys the right to appeal against an administrative/ court procedure, as well as the right to indemnification/compensation, according to the Albanian legislation’s stipulations. According to article 71 of this law, the foreign national enjoys the right to appeal in case he is subject to an expulsion order issued by the Albanian State.

107. Articles 74 and 78 of this law provide for the right of the foreign national to appeal, within the term stipulated by law, respectively against “forceful expulsion order” and “expulsion order”.

108. Provision 86/2 of this law “Compulsory stay in a given territory” recognizes also the foreign national’s right “to lodge an appeal with the First Instance Court against the order to stay in a given territory”.

109. Each of the issued orders is accompanied with information related to the right to appeal against each order, laying down the specific provisions that recognize this right.

110. Article 90 of the law recognizes the foreign national’s right to compensation concerning his unfair detention/keeping in a given territory. The compensation is obtained if for each detention order (in the detention centre or the obligation to stay in a given territory) the Court has rendered a final judgment, declaring these acts invalid.

II. Implementation/enforcement of the provisions of articles 1-7 of the Convention

Article 1

111. Pursuant to article 3 of the Constitution of the Republic of Albania, the Albanian State and its bodies are responsible for establishing, implementing and enforcing the framework of the protection of fundamental freedoms and human rights in the Republic of Albania.

112. Three paragraphs of article 18 of the Constitution sanction the State’s obligation to guarantee: (i) all individuals/ persons’ equality before the law; (ii) that no one can be unfairly discriminated on account of causes such as: gender, religion, ethnicity, language, political, religious or philosophical opinions, economic, educational or social condition, and

parental belongingness; and (iii) that no one can be discriminated on account of the causes mentioned in paragraph (ii), if there does not exist a reasonable and objective justification.

113. The other definition determining the term “discrimination” in the Albanian legislation comes to us through article 9 of the Labour Code. According to this article discrimination means “any distinction, exclusion or preference based on race, colour, sex, age, religion, political opinions, national origin, social origin, family relations, physical or mental disabilities that prejudice the individual’s right to be equal in terms of employment and treatment”.

114. Law No. 9970 dated 24 July 2008 “On gender equality in society” prohibits gender discrimination. The definition of “Discrimination on account of gender” provided by the law means any distinction, exclusion or restriction based on gender, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on equal footing by each gender of human rights and fundamental freedoms set forth in the Constitution and laws, in political, economic, social, cultural and civil fields. Provisions of this law prohibit both direct and indirect discrimination.

115. The measures taken by the Government concerning this phenomenon are related to the completion of the legal and institutional framework, in accordance with the commitments undertaken by the Albanian State after its accession to international conventions (see annex, table II.1/1) also, this framework has been completed with special measures (DCM, Guidelines and Administrative Measures), for the purpose of equal development of the rights of individuals belonging to various ethnic groups (annex, table II.1/2).

116. The law “On Foreigners”,¹³ drafted pursuant to articles 78 and 83/1 of the Constitution upon the proposal of the Council of Ministers stipulates and regulates the regime of entry, treatment and exit of foreign nationals (enjoying the immigrant’s status) in the Republic of Albania. It defines clearly the functions and powers of State authorities and other bodies, public and private, Albanian and foreign, dealing with foreigners (art. 1).

117. Pursuant to international acts and agreements ratified by the Republic of Albania, the law guarantees the observance and respect of fundamental freedoms and human rights. Its enforcement is oriented by the principles of reciprocity, non-discrimination and offering a not less favourable treatment to foreign nationals than the one offered to Albanian nationals (art. 2).

118. “The foreign national”, subject to this law, is any person with/ without citizenship, who according to the Albanian legislation is not an Albanian national. The entry of the foreigner in the Albanian territory, among others for employment reasons, is naturally related to the terms “employer”, “self-employed worker”, “family members”, “minor”, “cross-border employment” “seasonal employment”, defined in the law.

119. Law “On Foreigners” stipulates the entry of foreigners in the Albanian territory according to a regime which consists of three entry practices: (i) without visas, (ii) with visas and (iii) with border taxes. This regime is valid to the foreigners’ family members who join the foreign national in the Albanian territory.

120. The foreign nationals who wish to work in Albania, are provided with visas by the Ministry of Foreign Affairs. After their entry in the Albanian territory, the foreigners, according to the domestic legislation in force, are entitled to be provided with stay permits and to conduct the necessary procedures to renew this permit (art. 22). The family members

¹³ Adopted by virtue of Law No. 8492, dated 27 May 1999, and amended by law adopted in 2008, No. 9959, dated 17 July 2008.

joining the foreign national, resident in the Albanian territory, are also provided with stay permits. The foreigner shall prove that his stay in Albania is legitimate and that he is capable of securing a living for his family members (arts. 32, 33).

121. Conditioned by the fact of regular stay in the Albanian territory, the law recognizes the foreigner's right to possess documents (to prove his identity), the right to move freely within the Albanian territory, the right to assemble as well as the right to appeal against an administrative and court procedure (art. 5).

122. The law categorizes work permits in conformity with the economic activity the foreigner decides to conduct. They are grouped in work permits of A Type (for economic activity as an employee) and work permits of B Type (for independent economic activity), which are then subdivided into other subgroups (art. 48).

123. Foreigners' entry in the Albanian territory, but identified by the status of asylum seeker, provided for by Law No. 8432, dated 14 December 1998 "On Asylum in the Republic of Albania".

124. Pursuant to article 1 of the Law, the Republic of Albania recognizes the right to asylum or protection to all the foreign nationals who need international protection. These people might be refugees or other persons seeking asylum in accordance with the provisions of this law and international conventions to which Albania is a party.

125. Articles 3, 4 and 5 of the law define by the term "asylum-seeker" any foreigner:

(a) *Any refugee*, "who because of well-founded fear of persecution on account of race, religious belief, nationality, membership in a given social group or political opinions, is found out of the country of his citizenship and who is unable, either because of such a fear he does not wish to seek the protection of that country, or, since he is stateless and is found out of the previous country of his regular residence as a consequence of these events, he is unable or does not wish to return to that country because of this fear";

(b) *Any person*, who is offered temporary protection on humanitarian grounds, although he does not comply with the criteria of article 4 of this Law, taking into account the relevant reasons expressed in the European Convention against torture and other cruel, inhuman or degrading treatment or punishment, in the United Nations Conventions against Torture, on Civil and Political rights, on the Rights of the Child and every other international instrument the Republic of Albania is or will be a party to.

126. Pursuant to article 7 of the Law, the Republic of Albania recognizes and respects the obligation not to return, or transfer out of its territory the persons who have obtained or sought asylum or temporary protection, in the following cases: (a) to a State where their life or freedom are threatened because of their race, religious belief, nationality, membership in a given social group or political opinions; (b) to a State where they will be subject to torture and other cruel, inhuman or degrading treatment or punishment, or any other treatment stipulated in international treaties; (c) to their State of origin, in case they have been offered temporary protection, in accordance with the clauses of this Law; (ç) to a third State, which can return or transfer the person to one of the situations mentioned in points (a) and (b) of this article.

127. The refugee, who has obtained asylum in conformity with this law, can be deprived of this right, when: (a) he requests of his own free will the protection of the State where he enjoys his citizenship; (b) he re-obtains of his own free will the citizenship; (c) he obtains a new citizenship and enjoys the protection of the State of the new citizenship; (ç) he is restored of his own free will to the State he has left or out of which he has stayed for persecution motives; (d) the circumstances envisaged in article 4 have ceased to exist and there is no reason to refuse the protection offered by the State of his citizenship; (dh) he is a stateless person and the circumstances under which he had obtained the right to asylum

have ceased to exist, as well as he has the opportunities and conditions to return to the State he had left (art. 8).

128. The foreigner, the refugee that is found in the territory of the Republic of Albania, is denied the right to asylum if there is sufficient evidence that: (a) he has committed a crime against peace, a war crime or crimes against humanity, according to the definitions stipulated in international conventions; (b) has committed a serious crime outside the Albanian territory; (c) is guilty of acts conflicting with the aims and principles of United Nations (art. 9).

129. Any asylum seeker or refugee shall respect the Constitution, laws and other legal acts in the Republic of Albania. He is not allowed to engage in such activities that can create problems to the public order, prejudice the national security and affect the relations of Albania with other countries.

130. The foreign national, who has obtained asylum in the Republic of Albania, enjoys a legal status in accordance with the Albanian legislation, Section of Final Act of the Conference of Plenipotentiaries, the 1951 United Nations Convention relating to the Status of Refugees, other international treaties where Albania is a party to, as well as all the rights the Albanian legislation recognizes to foreigners. He is equipped with a stay permit, travel documents, special work permit and enjoys the right to social treatment to the same extent with the Albanian nationals, as well as to social assistance/benefits that he receives from the refugee office.

131. Article 16 of the Law stipulates that asylum seekers that enter illegally the territory of the Republic of Albania will not be criminally prosecuted for illicit border crossing, if they appear before the relevant authorities not later than 10 days after the day of illicit border crossing. Their detention might take place only in case of: (a) verification of their identity; (b) their deceiving of relevant authorities with forged documents; (c) issuance of an international arrest warrant; (ç) protection of national security and public order.

132. In the event of detention, if possible, the asylum seeker is kept in isolation, separated from other people. Minor asylum seekers and those unaccompanied under the age of 16, in accordance with international norms of the children's rights ratified by the Republic of Albania are not imprisoned, saving extreme cases. In any other case, proper and appropriate measures to children are taken against them.

133. In terms of "Albanian citizenship", article 1 of Law No. 8389, dated 5 August 1998 "On Albanian citizenship" stipulates that "Albanian citizenship is a constant juridical relation, expressed in the mutual rights and duties of the natural person and the Albanian State. The Albanian citizenship is obtained, re-obtained, lost, or renounced in accordance with the provisions of this law, which observes and respects the well-known norms and principles of international law in the field of citizenship recognized by the Republic of Albania".

134. An Albanian national is any person, who has had the Albanian citizenship with the entry in force of this law as well as any person, a foreign national or not, who obtains the Albanian citizenship pursuant to this Law (arts. 2 and 3).

135. Albanian citizenship cannot be arbitrarily removed. Any Albanian national has the right to renounce the Albanian citizenship provided that he has another citizenship, has obtained another citizenship or has been guaranteed another citizenship by the competent bodies of the foreign State.

136. Article 6 stipulates that Albanian citizenship is obtained: (a) at birth; (b) by naturalization and (c) by adoption. In continuation, article 7 of the Law, stipulates that a child obtains Albanian citizenship at *birth* when:

- (a) Both parents, at the time of the child's birth, are Albanian nationals;
- (b) One of the parents, at the time of the child's birth is Albanian national and the child is born in the Albanian territory (save in cases when parents jointly decide that the child will obtain the citizenship of the other parent);
- (c) The child is born outside the Albanian territory and one of the parents is an Albanian national, whereas the citizenship of the other parent is unknown or the other parent is a stateless person;
- (d) The child is born outside the Albanian territory and one of the parents is an Albanian national, whereas the other parent has another citizenship, but both parents agree that the child will obtain the Albanian citizenship.

137. Obtaining the Albanian citizenship by naturalization is done at the request of the foreign national himself, if the following requirements are met:

- (a) He has attained the age of 18;
- (b) He has legitimately resided in the territory of the Republic of Albania, continuously, for not less than five years;
- (c) He shall have a dwelling-place and possess sufficient income;
- (d) He has never been convicted in his State or in the Republic of Albania or in a third State for committing criminal offenses, against which the law provides for imprisonment sentences not shorter than three years (the exception from this rule is made only in case it is proved that the person was convicted for political reasons);
- (e) The person shall have at least elementary knowledge of Albanian language;
- (f) His being accepted as an Albanian citizen shall not affect the national security and protection of the Republic of Albania; and
- (g) The foreigner who has attained the age of 18, may be given the Albanian citizenship by naturalization even if he does not comply with the terms and conditions of this law, with the exception of point f, if the Republic of Albania has scientific, economic, cultural and national interests in him (art. 9).

138. In case the person is stateless, the conditions set out in points (a), (b), (c) and (d) of this article are disregarded. The term stipulated in point b of this article, for the category of foreigners, who prove that their origin is Albanian up to two generations, even from one of their parents, is changed to "at least three years". All the other conditions of obtaining the Albanian citizenship in this article remain intact.

139. The Albanian citizenship expires at the request of the person himself, when:

- (a) The person has attained the age of 18;
- (b) The person does not remain stateless after renouncing the Albanian citizenship, given that he/she has a foreign citizenship, obtains a foreign citizenship or guarantees that he/she will obtain a foreign citizenship;
- (c) The person is a resident in a foreign State;
- (d) He is not being prosecuted for committing a criminal offence, against which, pursuant to the Albanian legislation, an imprisonment sentence not less than 5 years is provided for; and
- (e) The person does not have legal obligations or duties toward State authorities, natural and legal persons and entities (art. 16).

140. The foreign national who has married an Albanian citizen, for not less than three years, in case he wishes may obtain Albanian citizenship by naturalization.

141. Children under the age of 18, obtain the Albanian citizenship by naturalization, if their parents, who have previously obtained the Albanian citizenship by naturalization, request such a thing.

142. If two parents possessing Albanian citizenship adopt a child of another citizenship or a stateless child, the child obtain Albanian citizenship as well. The adopted child, obtains Albanian citizenship even if one of the parents is Albanian and both parents, at the adoption moment reside in the territory of Albania, as well as in any other case when the child risks remaining stateless, due to his adoption (art. 12).

143. In terms of minors, their citizenship expires when both parents, who have renounced the Albanian citizenship, agree that their child renounces the Albanian citizenship as well (art. 16). Even if when one of the parents does not agree that his/her child loses the Albanian citizenship, the citizenship may be removed from the child, if it is deemed that this is in the best interests of the child and if the child has or will obtain another citizenship. The minor loses Albanian citizenship when he is adopted by foreign parents and thus obtains a new citizenship.

Article 2

144. Measures taken by the Albanian Government for the elimination of all forms of racial discrimination in the field of education refer mostly to the lingual Roma minority. This minority represents the most marginalized and vulnerable strata of the Albanian society (with relation to definitions laid down in Durban Declaration).

145. One of the most recent commitments of the Albanian State concerning this lingual community is the implementation of the National Strategy “On the improvement of the living conditions of Roma people”.

146. According to the progress report of the National Strategy for Roma people, the measures taken by the line ministries and organizations for the improvement of the life of Roma girls and women are: The work with the parents of Roma children is mainly focused on the changing of their mentality to assess education in proportion to the premature employment of their children and to evaluate the importance of their education to enter the Labour market, etc. In this respect, there has been a very good cooperation and more specialized awareness campaigns and activities that would help in creating a new mentality on education on the part of the community of Roma parents have taken place.

147. Discrimination in the employment process is a very sensitive issue, where the State intervenes in the capacity of the regulatory body. The employment promotion programmes of 2006–09, included unemployed jobseekers of specific groups such as: females over 35 years old, persons over 50 years old, Roma people, young people 16–25 years old, persons with social problems, persons coming out of the re-structuring of economy etc. Out of the total of unemployed jobseekers, 67 per cent of them belong to this category.

148. In the course of the implementation of the programme “On the promotion of employment of unemployed female jobseekers” it was noticed that about 47 per cent of all unemployed are females mainly over 35 years old, divorced, Roma, and with social problems. In all four employment promotion programmes implemented by MLSAEO, about 80 per cent of applicants are females.

149. In terms of marriages of the members of this community, especially of minor Roma girls, it can be said that there is a different perception of this issue in various geographical area of the country where the Rome population lives. Thanks to attempts made mainly by

various stakeholders of the civil society and of Roma NGOs in these areas, the mentality of Roma minority on this issue has started to change. Some awareness projects have been implemented by Roma and non-Roma organizations such as “Roma Women and Legal Rights” awareness campaign or the awareness/advocation campaign for the minority rights, which have had an impact on the raising of awareness of this community concerning their rights and creating a favourable environment that would help to change the family concept.

150. The National Strategy for Roma People pays special attention to the strengthening of the position of women in the Roma families, fight against any form of discrimination against them and development of special programmes for this group. MLSAEO has taken several concrete measures for the integration of Roma women in society. It has organized programmes for the promotion of employment of women and girls which has ensured the employment of women and girls with social problems.

151. The scale of inclusion of Roma girls and women in the employment programmes is related among others to the level of awareness and information on their part. Two programmes have been drawn up and implemented for this purpose, respectively “Women Employment Promotion Program” (DCM No. 632, dated 18 September 2003) and “Employment Promotion of Unemployed Jobseekers in Difficulty Program” (DCM. No. 47, dated 16 January 2008).

152. Also, it is worth mentioning the attempts of the local government bodies, which in cooperation with the Regional Employment Offices as well as with local NGOs work for the integration of Roma women and their vocational training. The aim of these awareness campaigns has been to support the Roma minority in their integration in society as well, as to change their mentality concerning their work. A concrete measure taken by MLSAEO is the application of free fees of participation in the courses offered by the regional directorates of public vocational training for unemployed Roma women jobseekers, registered with employment office.

153. The Roma Woman Forum is already operating in our country which is a union of Roma women organizations, aiming at contributing to change the situation of Roma women in Albania.

154. MLSAEO has adopted the entire necessary legal framework to implement the economic aid programme. From the legal point of view, all the persons that are categorized under the group of the needy, have equal rights in terms of benefits from social support. The lingual Roma minority has not suffered from discrimination in this field. All the Roma families that have completed the relevant documentation are treated with economic aid just as the rest of the population. Special guidelines have established the criteria and procedures of benefitting from the economic aid and the amount of its benefit for needy families and individuals, conditioning of economic aid with community work and services, the way of taking decisions, and payment ways. The whole legislation is made public and can be received by the interest groups. Also, this Ministry has issued some administrative acts, which obligate the local government units to offer assistance to Roma families, when they meet the conditions to benefit from economic aid (giving priority to Roma women who are heads of their families).

155. In terms of the legal framework of the fight against and prevention of the phenomenon of trafficking, it can be said that this legal framework is complete and in compliance with international standards. Provisions on the crime of trafficking in human beings occupy an important place in the Criminal Code. At the theoretical level, the State has undertaken positive steps in the approximation of Albanian criminal legislation with International Conventions and recommendations of the Council of Europe.

156. In November 2006, a national phone line was set up free of charge for the denunciation of trafficking cases, which serves as a preventive and protective instrument, especially in the prevention of trafficking in Roma children and girls.

157. Violence is a phenomenon that has accompanied Roma families in continuity. The existence of this phenomenon is related to the social-economic conditions of Roma minority, low educational level, their traditional mentality concerning the inferior role of the woman in family and patriarchalism of Roma families. Discrimination and exercise of violence against women hinders their affirmation and inclusion in society. This phenomenon brings its effects to the life of Roma children as well, taking into account the major role that the mother plays in the education of her children. Thus, in Korça city, based on the data taken from the police station, cases of exercise of violence in Roma families have been identified. For this purpose, the police forces have established cooperation lines with women associations the objective of which is the prevention of domestic violence.

158. Law No. 9669, dated 18 December 2006 “On measures against domestic violence” guarantees legal protection and special support without any racial distinction to women, children, the disabled and the elderly of Roma community as well.

159. Pursuant to this strategy, all the by-laws issued by the Ministry of Education and Science (MES), envisage the taking of measures or the reduction of the number of children from vulnerable strata that drop out of school, mainly Roma children.

160. In application of Guideline No. 34, dated 8 December 2004, MES’s structures have been monitoring since 2004 the implementation of the “Second chance- On the education of students who have abandoned school and those locked in (isolated) at home because of vendetta” project. This by-law measure addresses mainly Roma children and those coming from marginalized families. Based on the monitoring conducted so far, it has been observed that the number of students coming from marginalized and needy families that drop out of school is on the decrease.

161. With a view to identifying the cases of drop-outs and illiteracy, the Minister of Education and Science adopted the Guidelines No. 6, dated 29 March 2006, “On the enrolment in school of Roma students who do not possess a birth certificate” and No. 22, dated 1 September 2006, “On the implementation of educational plans, curricula and school texts of the pre-university education in the academic year 2006–2007”, as well as Order No. 410, dated 8 November 2006 “On the identification of the situation and the measures to be taken in the fight against illiteracy”.

162. The Guideline of the Minister of Education and Science No. 32, dated 28 August 2008 “On the implementation of school structures, plans, curricula and school texts of the pre-university education in the academic year of 2008–2009”, establishes the measures to be taken with a view to minimizing the phenomenon of school drop-out in the elementary and basic education. This act envisages: (i) training of teachers working with students who have dropped out of school and who have tendency to do it; (ii) drawing up of special work programmes, with a view to raising the awareness of parents on the importance of schooling and education; (iii) periodical inspection and reporting on the part of Regional Educational Directorates (RED) concerning this phenomenon and the education problems of marginalized strata.

163. Order of Minister of Education and Science No. dated 11 October 2004 “On experimentation of psychological service in the pre-university education system” and Order No. 170, dated 21 April 2008, “On functioning of psychological school service in the pre-university education system” were the very first attempts to introduce the psychological service into the pre-university education system. This service functions for all students and especially for those with social and economic problems, and especially for Roma children.

164. Actually, MES is in the process of drawing up the Strategy for Pre-school Education, and one of its essential objectives is the inclusion of the age group five-six years old to the compulsory education.

165. The survey conducted by MES “On causes that favour illiteracy and the measures to be taken to fight against this phenomenon” aimed not only at the setting up of a data base to identify the illiterate children within the compulsory education system, but also to identify the training needs of teachers, with relation to the reduction of illiteracy.

166. MES plans the training of over 3,000 teachers every year, through which it is aimed to promote new methodologies and to introduce new curricula into the pre-university education. For this purpose, based on the specific problems of every one, specific training plans for teachers have been drawn up concerning their work with marginalized students.

167. This institution has drawn up platforms for each Regional Educational Directorate (RED) or Educational Office (EO), to attract to school the children that have dropped out of it, as well as to implement supplementary curricula.

168. The educational plan comprises a selected course, where the communities themselves through parents’ board in schools decide which course their children will take. This creates the opportunity that in the schools with students coming from marginalized strata, “the selected course” might be their own language. For the same purpose, there are envisaged 10 per cent of free week or course classes, where the teachers may give lessons in accordance with the interests of the community the students come from.

169. In 2008, the Albanian Government planned in MES’s budget a special fund to build 10 new dormitories for the needy areas, of which seven dormitories were financed in 2008 and the remaining three in 2009.

170. Also, MES has undertaken the following actions:

(a) Through the Inspection Sector at MES and Inspection Sectors at REDs and ROs, the State inspection and minority inspection have strengthened, with a view to increasing the responsibility of teachers during the educational process;

(b) Training sessions with Roma girls and women on the improvement of minimal living conditions, well-bringing of children, raising of awareness of education, etc. have taken place;

(c) A considerable number of schools have been built, as well as numerous others have been reconstructed, with a view to achieving the levels of a qualitative teaching;

(d) There is taking place a gradual passage to the concentration of small schools in qualitative schools with attractive premises and facilities for students;

(e) Round tables “On improvement of living conditions of Roma community” have been organized in various districts of the country;

(f) Meetings of raising of awareness have been organized with Roma minority concerning the enrolment of their children in school, their non-abandoning it as well as their becoming familiar with the Guideline on the enrolment in school without having/submitting a birth certificate;

(g) Increasing pay rise of teachers by 20 per cent every year;

(h) Equipment of schools with didactic means and informatics laboratories every year;

(i) Establishment of school libraries in all schools;

(j) Gradually, teachers lacking the relevant education and training are being replaced by those with the relevant education and training.

171. In addition to State structures, a large number of various associations and foundations all over the country are engaged in the implementation of programmes for the reduction of poverty of Roma families.

172. In cooperation with UNICEF, “Save the Children” and Roma associations, in application of the National Strategy “On the improvement of living conditions of Roma people”, the necessary funding was secured and a survey on the identification of positive experiences in respect of education of Roma children started, as well as on the measures to be taken to improve the quality of the education they receive. This survey finished in December 2007.

173. UNICEF in cooperation with concerned parties actually is following up the implementation of some concrete projects on pre-school education, opening up new kindergartens near this community in the cities of Berat, Korçë, Tirana, Vlorë, Shkodër, etc.

174. The “World and Albania’s Children” organization, which operates in the northern part of Tirana city, is engaged in the school integration programme of Roma children, training and qualification of teachers who work with Roma children as well as offering social and psychological services to Roma children and their families.

175. “The Help the Children Foundation”, in cooperation with MES works on the reduction of poverty of needy families, the raising of awareness concerning the schooling of children as well as offering social and psychological services to Roma children and their families.

176. The Community Center for Roma Children and Young People in Elbasan city, conducts its activity in the framework of the integration in society of Roma children and young people, as well as enlivening of the community cultural life. In order to reduce the illiteracy of the children of this community, the centre offers courses in Roma language, Albanian language, handicraft, musical education and physical education as well.

177. In the State’s educational policies, which aim at the prevention of discriminatory acts within school and academic facilities, special attention is paid to the disabled persons.

178. Within the framework of the National Strategy of the National Education Plan, adopted by virtue of DCM No. 8, dated 7 January 2005, a series of initiatives have been undertaken to organize activities related to the special education, as part of the internal public education system. These activities aim at offering assistance for a more complete education development to persons with special physical, mental and sensory needs and in accordance with their needs.

179. Based on the two main objectives of this strategy: (a) gradual spreading of comprehensive education; and (b) improvement of special schools and their conversion into source centres of regular education as well, since 2006 the following measures have been taken:

(i) Drawing up of special work plans for disabled persons, based also on the “Quality and Equality in Education” Program, (supported by the World Bank 2007–‘08);

(ii) Institutionalization of Psychological School Service in pre-university education, which results to have had a positive impact on the work with this category of students. This service already covers all the big schools of the compulsory education and educational institutes working with disabled persons;

- (iii) Qualification of specialists working at REDs and EOs, who cover the special education issues;
- (iv) Drawing up of a new school curriculum which favours all-inclusive processes, is one of the most important objectives of the curricular reform; This enables the teachers to select the text book that complies with the criteria to work with all the students, based on their real skills and abilities;
- (v) The building standards of new schools have been drawn up which establish the suitability for disabled students (adaptation of text books and suitability of teaching facilities);
- (vi) In five regions of the country, respectively in Tirana, Berat, Librazhd, Vlorë and Gjirokastër pilot schools have been established for the training of disabled children. The teachers working in these regions have been trained and equipped with supporting materials for the identification of disabled children, that help in the all-inclusion and work in the individual educational plan;
- (vii) Concerning legal improvements, teachers' workload and their financial compensation, opinions from all REDs and EOs were gathered and Normative Provisions on Pre-university Education are being reviewed. Also, in cooperation with Albanian Foundation of Disability Rights, in March 2005, a survey was conducted on legislation in the field of disability;
- (viii) Based on concrete skills and abilities of each child, it was enabled to enroll all disabled students in artistic and vocational schools. During the academic year 2005–06, 10 blind students and two deaf and dumb children attended classes in vocational high schools (without undergoing the entrance examination test), whereas in the following academic year the number of these students was eight. In terms of higher education, in 2008, 75 disabled students attended university studies;
- (ix) Based on Law No. 8098, dated 28.03.1996, "On implementation of educational plans, curricula and texts of the pre-university education during the academic year 2006–2007", all REDs and EOs were requested to appoint with priority to the special schools and integrated ones the students graduated in the course of "Special Psychology" in Vlorë University.

Statistical data on national minorities in Albania

180. Regarding the statistical data on minorities as determining in designing and monitoring the policies of rights of persons belonging to minorities, the Institute of Statistics (INSTAT),¹⁴ in cooperation with the Ministry of Foreign Affairs (Minority Office), in February 2004 published the results of statistical assessments at national level on national minorities in Albania.

181. These assessments are based on LSMS data (Living Standard Measurement Survey), which was conducted in the course of 2002 by INSTAT, as part of the Government's Program of National Strategy for Economic and Social Development, with the assistance of the World Bank, as well as the Population and Housing Census of 1945, 1950, 1960, 1969, 1979, 1989 and 2001.

¹⁴ INSTAT is the central specialized institution, not only in collection, processing, analysing and publication of statistical data, but also in drawing up methodological criteria to conduct these censuses.

182. INSTAT, in the course of processing the data on minorities consulted other information sources of different characters such as surveys, studies, administrative data and retrospective assessments of minorities in Albania.

183. Based on these assessments, the percentage of national minorities in the actual population of Albania, (approx. 3.069.275 inhabitants), is calculated to be at the level of 1.4 per cent.

National Greek minority

184. Albania pays special attention to the protection, observance and respect of the rights of the national Greek minority that lives in its territory, regarding it as a vital element of its society and as a connecting bridge with Greece and Europe. This attention is reflected especially in the policy of stability and good neighborliness that Albania implements in the region, as well as the very important process of EU integration. The Greek minority has been provided with all the necessary spaces and opportunities of realizing in practice all the rights it is entitled to pursuant to the standards established in international documents of UN, OSCE, EC, and Constitution of the Republic of Albania, bilateral agreements, as well as the best practice and experience of European states with a developed democracy.

185. A clear expression of the practical implementation of this policy is the fact that the persons of Greek minority have benefitted like all the other nationals in the field of recognition, guarantee and protection of the fundamental freedoms and human rights, such as freedom of conscience, thought and expression; guarantee of person's security; freedom of movement and free contacts with the country of origin; freedom of religion; right to property; freedom of assembly and association; participation in public life; participation in the electoral process; freedom of press; participation in State and social institutions, etc.

186. Below, some bilateral agreements will be mentioned, which have contributed to the further improvement of the rights of Greek minority in Albania:

(a) The Treaty of Friendship, Cooperation, Good Neighborliness and Security between the Republic Of Albania and the Hellenic Republic;

Article 1. Commitment of parties to respect "... fundamental freedoms human and minority rights".

Article 12. Contracting Parties will attempt, that, pursuant to Conventions and Agreements between them, to extend their cultural exchanges at all levels including the setting up of cultural centres and teaching of their native languages, with a view to helping the mutual familiarization with national cultures and enriching the common cultural European heritage.

Article 13. Both Parties, recognizing the importance of protection, observance and respect of Human and Minority Rights, agree to implement and enforce the provisions of the texts of OSCE, Copenhagen (1990), Geneva (1991) and Moscow (1991).

(b) Agreement Between the Government Of The Republic Of Albania and Government of The Hellenic Republic on The Cooperation in the Fields of Education, Science and Culture Signed in Tirana on 4 November 1998;

Article 1, paragraph (c): Contracting Parties shall promote and upgrade the level of the studies of Greek language at the Universities of Tirana and Gjirokastra and the studies of Albanian language at the University of Ioannina.

Article 1, paragraph (f): Parties shall create the necessary conditions for studying their native language and civilization to the people who belong to the Greek minority. The Greek Party shall consider the possibility of studying their native

language by the Albanian children who live in Greece with their parents because of economic reasons. The Albanian Party shall consider the possibility of including the Greek language among other optional foreign languages in high schools.

Article 1, paragraph (k): Parties shall cooperate to introduce each country to the history, geography, culture and economy of the other country, especially by means of text books. For this purpose, they shall undertake joint acts, such as exchange of documentary materials and undertaking of a joint action on text books.

Article 2: The Greek Party assumes to help the development and modernization of the educational system of both Albanians and Greek Minority Greek, providing teaching materials, equipment, training of teachers and any other appropriate means.

(c) Cultural Cooperation Program between the Government of The Republic of Albania and the Government of the Hellenic Republic for the Period 2003–2005, Signed in Athens on 1– 4 April 2003.

Article 1, Chapter 1.3.1: The Contracting Parties shall promote and upgrade the level of the studies of Greek language at the Universities of Tirana and Gjirokastra and the studies of Albanian language at the University of Ioannina.

Article 1, Chapter 1.3.2: The contracting parties shall consider the possibility of introducing the study of Albanian language into the University of Athens.

Article 1, Chapter 1.3.3: The Contracting Parties shall create the necessary conditions for studying their native language and civilization to the people who belong to the Greek minority.

Article 1, Chapter 1.3.4: The Greek Party shall consider the possibility of studying their native language by the Albanian children who live in Greece with their parents because of economic reasons.

Article 1, Chapter 1.3.5: The Albanian Party shall consider the possibility of including the Greek language among other optional foreign languages in high schools.

Article 1, Chapter 1.3.6: The Greek Party assumes to help the development and modernization of the educational system of both Albanians and Greek Minority Greek, providing teaching materials, equipment, training of teachers and any other appropriate means.

187. Cross-border cooperation with the Greek Party is considered fundamental at several levels:

(a) It impacts the level of trust and confidence between the two peoples. The aim is to turn the Albanian-Greek border into a modern European border, where trust and respect of the dignity of citizens will be at the highest degree;

(b) It helps to guarantee the freedom of regular movement at the same degree it prevents the violations of border regime;

(c) It is regarded simultaneously as the neighbor's door and Europe's gate.

Albania highly appreciates the cooperation with Greece for the prevention of clandestine emigration, illegal traffic and any form of smuggling through our borders. A very precious help in this respect is the completion of the cooperation in re-building of border pyramids. The fight against cross-border traffic shall take place simultaneously with the advancement of procedures and opportunities of legal circulation.

188. In the framework of the attempts of the Albanian government to create facilities for the free circulation of people and goods, some agreements are signed for opening new border crossing points such as that of Qafë Botë. The border points that already are operational with the Greek Party serve especially to the movement of minorities who are practically the inhabitants of border areas.

National Macedonian minority

189. In the framework of the Agreement on the Small Border Circulation signed by the Albanian Government and Government of FYROM, the members of the national Macedonian minority are given the opportunity to work in Macedonia.

190. In the field of guarantee of educational rights, special attention has been paid to the education of minorities in their native languages.

191. Referring to the very favourable geographical position in terms of tourism, but also as a border commune that connect Korça to Macedonia, the development of the region of Ligenas is seen with interest. Concretely, during the two last years, in the commune of Ligenas, investments are made to continue the asphaltting of the national road Korçë-Doganë (Customs). The Albanian Development Fund has allocated funds for the disposition of rural roads and sewerages. Also, the project of the water supply system of the village of Lajthizë is ready, as well as the projects of the construction of health centre in Kallmas, and funds are being sought to put them in place.

192. Also, more attention has been addressed to the issue of the free movement of persons belonging to the Macedonian minority. In this framework, based on bilateral agreements, new border crossing points are opened, including the latest one in Xhebisht-Trebishtë-Peshkopi.¹⁵ The opening of these border crossing points serves to increase the contacts between citizens living on both sides of the border, as well as to enhance trade exchanges and the development of tourism on both sides of the border. Also, the application of the visa getting system at the border with FYROM is beneficial to the citizens of both countries.

National Serbian-Montenegrin minority

193. In respect to the cross-border cooperation in the areas inhabited by the Serbian-Montenegrin minority, during June 2006, bilateral cooperation agreements were signed in the field of environment around Shkoder Lake, in the field of transport for the connection of railway networks via Bajza, as well as the lake connection was put in place by means of a ferry in Shkoder Lake by opening the fourth border crossing point between two countries, Buna Bridge – Vir Pazar.

Article 3

194. The measures taken by the Albanian legislator to prevent and protect the person/s against the forms of apartheid and racial segregation are mostly related to the criminal law in the Republic of Albania.

195. By virtue of Law No. 9686, dated 26 February 2007 “On some supplements and amendments to the Law No. 7895, dated 27 January 1995 “The Criminal Code of the Republic of Albania”, letter j has been added to article 50 (Sentences), which envisages as an aggravating circumstance in the ruling of sentences the commission of the criminal

¹⁵ This Agreement was signed in Tirana, on 16 November 2005.

offense instigated by motives related to gender, race, religion, nationality, language, political, religious or social opinions and convictions.

196. Also, the same Law, in its article 86 “Torture” envisages in letter (ç) that “the commission of acts, by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by another person acting in an official capacity, when such pain or suffering is inflicted by or at the instigation of or with his consent or acquiescence for any other reason based on discrimination of any kind constitutes a criminal offense and is punishable by a prison sentence from four to 10 years”.

197. Also, in Section VII of the Criminal Code “Criminal offenses against the person’s liberty”, article 109 “Kidnapping or keeping of the person as hostage”, to which by virtue on Law No. 8733, dated 24 January 2001 and Law No. 9275, dated 16 September 2004, some supplements and amendments have been made, stipulates that: “kidnapping or keeping as hostage of the person with a view to gaining wealth or any other form of profit, to preparing the creation of facilitating conditions for the commission of a crime, to helping the hiding or escape of perpetrators or their accomplices in the commission of a crime, to avoiding the punishment, to enforcing the fulfillment of certain requests or conditions, for political purposes or any other purpose, is punishable by a prison sentence from ten to twenty years and a fine from two million to five million leke”.

198. In the event that this criminal offence is committed against the minor under the age of 14, it is punishable by a prison sentence not less than fifteen years and a fine from three million to seven million leke.

199. In Section III “Criminal offenses against the public order and security” of the same Chapter, article 265 “Instigation of hatred or disputes between nationalities, races and religions” envisages that the instigation of racial, national or religious hatred or disputes, as well as the preparation, dissemination or preservation for dissemination reasons of writings with such contents, are punishable by a fine or prison sentence up to ten years.

200. Provision No. 266 of the criminal law “Call for national hatred”, punishes by a fine or prison sentence up to five years, all the persons who jeopardize the public peace, calling for hatred against parties of population, insulting or defaming them, using violence or arbitrary acts.

201. In the framework of the protection of fundamental freedoms and human rights, the provisions of the Law No. 8733, dated 24 January 2001 “On some supplements and amendments to the Criminal Code of the Republic of Albania”, abrogate the enforcement of the provision of “death penalty” in the Republic of Albania.

202. In the fight against extreme criminality Albania cooperates with USA, Italy, France, Germany, Greece, Austria, as well as with all the States of the Western Balkans such as Croatia, Czech Republic, Slovenia, Macedonia, Bosnia and Herzegovina, Montenegro etc.

Article 4

203. Law No. 10023 dated 27.11.2008 “On some supplements and amendments to Law No. 7895 dated 27 January 1999 “The Criminal Code of the Republic of Albania” as amended” and Law No. 10054 dated 29 December 2008 “On some supplements and amendments to Law No. 7905 dated 21 March 1995 “The Code of Criminal Procedure” as amended” provide for material and procedural provisions concerning the commission, prosecution and punishment of criminal offenses related to racism and discrimination in computer systems, for the purpose of penalizing the dissemination of racist or xenophobic materials through computer systems (article 4 of the Protocol) and insult for racist and xenophobic reasons (article 5 of the Protocol).

204. Concretely, article 74/a of the Criminal Code punishes by a prison sentence of 3–6 years, the computerized dissemination of materials in favour of genocide or crimes against humanity, offered to the public or disseminated on purpose to the public by means of computer systems of materials, which deny, minimize considerably, approve or justify acts that constitute genocide or crimes against humanity.

205. Article 84/a “Intimidation with motives of racism and xenophobia by means of computer systems” stipulates that serious intimidation for murder or grave injury made to a person by means of the computer system, because of his ethnical belongingness, nationality, race or religion, is punishable by a fine or a prison sentence up to three years.

206. After article 119, article 119/a has been added “dissemination of racist or xenophobic materials by means of computer systems, which envisages that offering to the public or intentional dissemination to the public by means of computer systems of materials with racist and xenophobic contents constitutes a criminal violation and is punishable by a fine or a prison sentence up to two years.

207. Article 119/b of the criminal law applies the same amount of punishment against the public intentional insult, by means of the computer system, done to a person because of his ethnical belongingness, nationality, race or religion.

208. Albanian legislation possesses efficient means in the fight against expressions of xenophobic or racist acts, but it should be highlighted that these acts are not frequent within the Albanian territory.

209. Nonetheless, the Republic of Albania, in the framework of the fulfillment of undertaken obligations, both at the national and international level, is working continuously on the taking of further measures and their actual improvement, both in the legal field and the administrative one as well, in order that in the wholeness of their implementation to protect and respect the fundamental freedoms and human rights free of any form of discrimination because of gender, race, colour, language, religion, ethnicity, political, religious or philosophical opinions, sexual orientation, economic, educational, social situation or parental belongingness.

210. If we refer to the criminal law in the Republic of Albania, provisions that specify criminal offenses of discriminatory nature are identified as follows: (i) article 73 “Genocide”, (ii) article 74 “Crimes against humanity”, (iii) article 74/a “Computer dissemination of materials in favour of genocide or crimes against humanity”, (iv) article 75 “War crimes”, (v) article 84/a “Intimidation with motives of racism and xenophobia by means of computer systems” (vi) article 86/ç “Torture”, (vii) article 109 “Kidnapping or keeping hostage of a person”, (viii) article 119/a “Dissemination of racist or xenophobic materials by means of computer systems”, (ix) article 119/b “Insult with motives of racism or xenophobia by means of computer systems”, (x) article 253 “Infringement of nationals’ equality”, (xi) article 265 “Instigation of hatred or disputes between nationalities, races and religions”, (xii) article 266 “Call for national hatred”.

	2002		2003		2004		2005		2006		2007		2008	
	Cases	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Cases	Convicts
Offense														
73	-	-	-	-	-	-	-	-	-	-	-	-	-	-
74	-	-	-	-	-	-	-	-	-	-	-	-	-	-
75	-	-	-	-	-	-	-	-	-	-	-	-	-	-
84	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	2002		2003		2004		2005		2006		2007		2008	
	Cases	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Case	Convicts	Cases	Convicts
<i>Offense</i>														
86	-	-	4	2	3	0	2	2	-	-	-	-	-	-
109	15	15	15	21	16	7	9	13	6	14	6	8	7	15
119	-	-	-	-	-	-	-	-	-	-	-	-	-	-
253	-	-	-	-	-	-	-	-	-	-	-	-	-	-
265	-	-	1	3	-	1	-	-	-	-	-	-	-	-
266	2	2	-	-	2	0	-	-	1	1	-	-	-	-

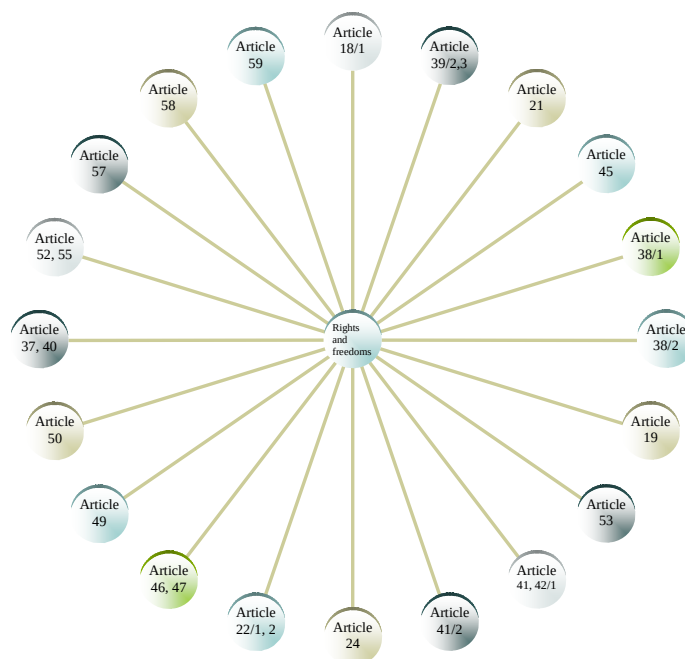
211. Statistical data on 2009 are still being processed. Also, the number of tried cases and number of convicts for criminal offenses provided for by articles 86 and 109 of the Criminal code is not specific to the situation of violation of human rights with discriminatory or racist elements.

212. Taking into account the above-mentioned data, it can be found out that there are no cases concerning criminal offenses of racist or xenophobic nature pending before Albanian courts.

Article 5

213. The Republic of Albania respects and guarantees the fundamental freedoms and human rights, recognized and sanctioned by the Constitution (groups of freedoms and rights reflected in the treatment of article 1 in the present report).

214. Side by side with the freedoms and rights envisaged in article 5 of the Convention, the group of freedoms and rights sanctioned in the Albanian Constitution is shown in the following chart:



215. Article 18/1 of the Constitution of the Republic of Albania – Equal trial. In compliance with the provisions provided for in the Universal Declaration of Human Rights¹⁶ and the European Convention on Human Rights,¹⁷ article 3 of the Criminal Code and articles 6, 7, 8 of the Criminal Code, recognizes the same rights and obligations applicable to Albanian nationals (of Albanian citizenship or minorities) to foreign nationals or stateless persons as well, envisaging the equal enforcement of laws in the fields of civil and criminal law.

216. Article 39/2, 3 of the Constitution of the Republic of Albania – Extradition. Implementation and enforcement of international agreements in the criminal field in the Criminal Code is related to the Extradition institution. Article 11 of the Code allows the enforcement of extradition only in case (i) it has been expressly stipulated in bilateral and multilateral international agreements, to which Albania is a party and (ii) the object of the extradition request is envisaged as such by both Albanian and foreign law. In other cases, when the extradition subject (a) is suspected to be persecuted, punished or wanted because of his political, religious, national, racial or ethnical opinions and convictions, or when (b) he has been tried by the Albanian competent court for the criminal offence the extradition is requested for, or (c) the criminal offense that constitutes the object of the extradition request has a political or military nature, the enforcement of this institution (extradition) is void.

217. Article 21 of the Constitution of the Republic of Albania – Right to life. In accordance with the Constitution, the Criminal Code of the Republic of Albania addresses a separate Chapter (Chapter II) “right to life”. The ten sanctions of this chapter, among 57 qualifying provisions, envisage various punishments for violations and elements of criminal offenses prejudicing the individual’s life (a fine ranging from 300,000 to 10,000,000 lekë or imprisonment, from three months to life sentence).

218. The elements of criminal offenses envisaged by the criminal law for the protection of life are: (i) malicious crimes against life, (ii) crimes against life committed because of one’s negligence, (iii) malicious criminal offences against health, (iv) criminal offences against health committed because of one’s negligence, (v) criminal offences jeopardizing life and health because of the abortion and failure to give first aid, (vi) sexual crimes, (vii) criminal offences against person’s liberty, (viii) criminal offences against moral and dignity, (ix) criminal offenses against children, marriage and family, (x) criminal offences against the freedom of religion.

219. Article 45 of the Constitution of the Republic of Albania, Right to vote – is a constitutional right, which as any other right, is recognized and guaranteed to any Albanian national without discrimination. Any person, holder of Albanian citizenship and who has attained the age of 18, is entitled to elect and be elected as a representative in a political or social group. The right to be elected is not recognized to persons serving criminal sentences.

Civil rights

220. Article 28/1 of the Constitution of the Republic of Albania – Right to movement recognizes to any Albanian and foreign national (who stay legitimately in the territory of the Republic of Albania), the right to move freely within the Albanian territory.

221. Article 38/2 of the Constitution of the Republic of Albania – Right to leave the country, is guaranteed to both Albanian and foreign nationals. In accordance with legal

¹⁶ Articles 1 and 7/Universal Declaration of Human Rights.

¹⁷ Articles 1 and 18/European Convention of Human Rights.

practices of the foreign country, an Albanian national can travel to that country for various reasons, as well as a foreign national can enter and exit the Albanian territory in conformity with the provisions of the law “On foreigners”.

222. Article 19 of the Constitution of the Republic of Albania – Right to citizenship is guaranteed to any child borne at least by a parent with Albanian citizenship. Also, the law “On citizenship” stipulates that foreign nationals can obtain Albanian citizenship by means of naturalization. The practices envisaged in this institution are related to adoption or request for obtaining citizenship.

223. Article 53 of the Constitution of the Republic of Albania – Right to marriage is envisaged in the Family Code as well. Pursuant to article 1 of this Code “marriage is a legal cohabitation, based on moral and juridical equality of spouses, on the feelings of love, respect and mutual understanding, as the unity basis in the family. Marriage and family enjoy the special protection of the State”. Article 7 of this Law stipulates that a man and a woman who have attained the age of 18 can join in marriage.

224. Articles 41, 42/1 of the Constitution of the Republic of Albania – Right to property. Pursuant to article 149 of the Civil Code is the right to freely enjoy and possess objects, within the limits stipulated by law.

225. According to article 152 of the Civil Code, objects belong to natural persons, legal entities (juridical persons) and the State. “Right to property and other rights to objects are transferable, saving when the law prohibits them or because of the nature of the right itself.”

226. Article 41/2 of the Constitution of the Republic of Albania – Right to inheritance. Pursuant to article 316 of the Civil Code, inheritance is “legal transfer or transfer by will of the wealth (inheritance) of the deceased persons, to one or more persons (inheritors)”, according to rules laid down in that Code. Legal inheritance is applied when the bequeather has not left a will, or has made out a will only concerning part of his wealth, or when the will is completely or partially invalid (art. 317). Capacity to inherit is possessed by the person who at the time of the opening of inheritance is alive, or has been conceived prior to the death of the bequeather and is born alive. It is presumed that the person, who is born within 300 days from the death of bequeather, has been already conceived (art. 320).

227. Article 24 of the Constitution of the Republic of Albania – Right to freedom of thought is a constitutional right, which is equally guaranteed to Albanian nationals and foreign nationals and stateless persons as well.

228. Article 22/1, 2 of the Constitution of the Republic of Albania – Freedom of speech recognizes the right to any person (Albanian national, foreign national or stateless person) to utilize all the ways and forms of the dissemination of information (radio, television or written media, internet, etc.) as well as to express and convey his speeches and thoughts.

229. Articles 46 and 47 of the Constitution of the Republic of Albania – Right to gather recognizes the right to any group of persons to gather and assemble in public premises and manifest their aims and interests in a peaceful way.

230. Article 49 of the Constitution of the Republic of Albania – Right to work is guaranteed to any Albanian national and foreign national who has entered the Albanian territory for employment reasons.

231. Article 50 of the Constitution of the Republic of Albania – Right to join trade unions. From the legal point of view, all the individuals in job relations are equally favoured and protected to form and join trade unions, regardless of their race, ethnicity, colour, gender etc.

232. Pursuant to article 10 of the Labour Code, being a member of a trade union cannot condition the employment of the employee and vice-versa. The union trade freely organizes its administration and activity in accordance with the legislation in force (art. 181 of the Labour Code).

233. The union trade freely organizes its activity in conformity with its statute and legislation in force. Any intervention of State or employer in trade union activity is prohibited. In case of intervention in trade union activity, as well as in case of abuse with heads or members of trade unions, the provisions of the Labour Code envisage sanctions against the employer up to 50-fold of the minimum monthly wage.

234. Articles 37 and 40 of the Constitution of the Republic of Albania – Right to housing in the Republic of Albania is recognized to any person without discrimination.

235. Articles 52 and 55 of the Constitution of the Republic of Albania, deal with the right to health treatment and social security.

236. Article 4 of law “On health security in the Republic of Albania”¹⁸ stipulates that compulsory health security covers all Albanian nationals with permanent residence in Albania, as well as the employed and ensured foreigners in the Republic of Albania.

237. Health security is a non-profit system covering (i) a part of prices of medicaments in the open pharmaceutical network, (ii) expenses of service provided by the general practitioner or the family doctor, the specialist physician, nurses of primary health care for all the ensured persons. By means of health security, the reimbursement of a part of list’s main medicaments approved by the Council of Ministers is made.

238. Law “On social security in the Republic of Albania”¹⁹ stipulates that the general system of social security consists of (i) compulsory security, (ii) supplementary security, (iii) voluntary security and (iv) special State pensions. Social security protects in a compulsory way all the nationals who are economically active in Albania, in case of reduction of income, as a consequence of pregnancy, old age, invalidity and loss of the family’s bread winner.

239. Social security, also provide compulsory protection to all employed people in case of reduction of their income as a consequence of temporary disability caused by a disease, work accident, vocational disease and unemployment. Social security also provide protection to (i) Albanian nationals and stateless persons, former Albanian nationals, who live abroad (in accordance with conventions, bilateral agreements and regulation of the Institute of Social Security) (ii) foreign nationals and stateless persons working in Albania.

240. Article 57 of the Constitution of the Republic of Albania – Right to education in the Republic of Albania is protected by law. The Law “On pre-university education system”²⁰ lays down the criteria and levels of the pre-university education in the Republic of Albania. Its aim is the establishment of an educational level in respect of the sanctioned children and adults’ rights. The public pre-university education has a secular nature and the ideological and religious indoctrination is strictly prohibited in public educational institutions.

241. Children at the age of six in the Republic of Albania are enrolled in the schools of compulsory education, which lasts not less than nine years. The student is obligated to attend the compulsory education up to the age of 16.

¹⁸ Adopted by virtue of Law No. 7870, dated 13 October 1994.

¹⁹ Adopted by virtue of Law No. 7703, dated 11 May 1993, has been amended by laws adopted in 1995, 1998, 2000, 2001, 2002, 2003, 2005 and 2006.

²⁰ Adopted by virtue of Law No. 7952, dated 21 June 1995, then was amended by Law of 1998.

242. The network of public educational institutions comprises full-time and part-time schools. The public education system consists of:

(a) Public Pre-school Education – is the first level of public education system in Albania (kindergartens);

(b) Public Compulsory Education – represents the basic validated and general education. It aims at developing students' intellectual, creative, practical and physical skills and abilities. The public compulsory education school includes elementary cycle and high cycle;

(c) Public High Education – prepares students to attend the university, other higher education schools or to conduct various occupations;

(d) Public Special Education – aims at ensuring the maximal development of opportunities of persons that present physical, mental and emotional disabilities through the use of special methods and forms. All these measures are taken in accordance with their needs and expectations for a more dignified life.

243. The establishment of private educational institutions is allowed at all levels of pre-university education. Albanian or foreign nationals are entitled to attend these institutions, in conformity with their admission rules.

244. The Law "On higher education in the Republic of Albania"²¹ envisages that the higher education is public and private. The public higher education is secular. The State guarantees the inviolability of the higher education institutions and their territory. The infringement of the inviolability of the higher education institutions is punished according to legal provisions.

245. Admission to the first cycle of studies is done according to the admission quota in the public institutions of higher education, approved by Council of Ministers. Any Albanian national that has successfully finished the State Mature Exam, is an eligible candidate to be admitted to the first cycle of studies in the higher education institutions.

246. In respect of bilateral/multilateral agreements signed by the Albanian State, public institutions of higher education in the Republic of Albania establish admission quota and criteria for the foreign students for first cycle of studies.

247. Article 58 of the Constitution of the Republic of Albania – Right to take part in cultural activities under equal conditions. Any person in the Republic of Albania is entitled to take part in cultural and artistic activities, to display his own individual values or the values of geographical and cultural spaces he represents.

248. Article 59 of the Constitution of the Republic of Albania – Right to access all public premises is a constitutional right, which guarantees to any Albanian or foreign national, without any discrimination, to attend all public spaces and premises in the territory of the Republic of Albania.

Article 6

249. Concerning the emergence of discrimination cases, the Directorate of the Internal Inspection Service near the Ministry of Interior, informs that in terms of the period 2002–08, there were identified no cases of ill-treatments or racial or ethnical discrimination of national minorities living in Albania by the employees of the State Police.

²¹ Adopted by virtue of Law No. 9741, dated 21 May.2007 as amended by Law of 12 November 2007.

250. Concerning the issues of foreign nationals under the jurisdiction and protection of the Albanian State, they are addressed by Law No. 8432, dated 14 December 1998 “On Asylum in the Republic of Albania”. This law recognizes the right to asylum or temporary protection to all the foreigners who need international protection, who are either refugees or other persons and who seek asylum in compliance with the provisions of this law and international conventions Albania is a party to.

251. Taking into account the difficulties of the border police of Albania in solving the issues of irregular foreigners in the Albanian territory, within the framework of the assistance Cards Program 2003, the European Commission financed a project entitled “Pre-screening of irregular migrants” which aimed at enabling the Albanian police in sorting out and putting forward for solution the needs of three categories of irregular migrants: asylum seekers, victims of traffic in human beings and irregular migrants. The main beneficiaries of the project run by UNHCR Office in Tirana, together with its partners – the Directorate for Refugees, IOM and OSCE (which took place in the period 2004–06), were the Albanian border and migration police.

252. The programme, which incorporated massive training of the police, rehabilitation of receiving centres at border crossing points, etc. established the pre-screening system that finally was handed over to the Border and Migration Police.

253. Until 2009, the total number of refugees and asylum-seekers in the Republic of Albania was 99 persons. The nationality of refugees and asylum seekers is mainly from the region, such as: Kosovo, Montenegro, Serbia, North Africa (Egypt, Morocco, Algeria), from Asia (Turkey, China, Afghanistan, India, Iraq, Iran). In terms of age groups, 19 of them are children, 11 are elderly and the rest are adults.

Article 7

254. Referring to the effective measures designed to meet the obligations stemming from signing international covenants and the conventions against racial discrimination, the Albanian Government has made ongoing efforts in combating Racism and Intolerance and in improving the living standards for the vulnerable strata of the society.

255. Apart from the ratification of international documents in the area of human rights and freedoms, the Albanian State has adopted a series of legal and sub-legal acts designed to uphold human rights and freedoms for the national linguistic minorities and the Roma community, in particular.

256. In this regard, the Ministry of Interior, in cooperation with local government structures has taken concrete measures to set up the relevant structures for the implementation of programmes, aimed at poverty eradication, integration and the inclusion of Roma community in the country’s public life, retaining meanwhile its identity and cultural values.

257. The State Police attached to the MI, in the framework of measures for the promotion of rights and freedoms and the fight against racial discrimination has organized the training of its own personnel on the observance and elimination of racial and ethnic discrimination.

258. The said trainings were designed to: (i) introduce the rights of minorities and their observance; (ii) introduce domestic legislation, where the rights for minorities and ethnic groups stem from, (iii) upgrade the communicative and professional skills in the community and observe the rights of Roma community, (iv) identify forms of prevention and elimination of racial discrimination by police officers while performing their duty. In making these trainings, the Police maintains a close and ongoing cooperation with various organizations and institutions that are active in this area.

259. The major objective of the strategy for the Roma is the pre-school education of children. The level of registration at pre-school educational institutions for the Roma children under a World Bank Survey does not exceed 10 per cent of the overall number of those who are supposed to attend these institutions.

260. The Ministry of Education and Science, in cooperation with UNICEF are making a full – scale study on the situation of the pre-school and pre-university education attendance of Roma children, enabling the planning of special interventions which shall boost their school attendance.

261. The implementation of this measure has faced technical and subjective difficulties, due to the living mode of the Roma community, which is characterized by unstable dwelling places.

262. After the measures adopted, there is a growing school and kindergarten attendance by Roma children. This was made possible thanks to the following measures: infrastructural improvement, launching awareness campaigns, adoption of fostering measures and waiving restrictive barriers.

263. The Instruction issued by MES for the school registration of Roma children, when they are not issued with birth certificates has helped improve the situation of school registration in circuits as Tirana, Durrësi, Korça, and others and it has eliminated legal obstacles in this respect.

264. With a view to alleviate the phenomenon of school abandonment, different initiatives are launched, which have a major and constant impact; they are aimed at making Roma children attend school through special programmes, offering special services, sensibilizing families and working separately with parents. 50 per cent of the pupils benefiting from the “Second Chance” Program are Roma children.

265. Hosting summer schools, with the attendance Roma and non-Roma pupils and through the organization of cultural and sport events has enhanced the community’s involvement and has removed restrictive barriers.

266. The reform in the field of curricula has provided the necessary space for teaching the Roma language at schools with a large number of pupils; however, such a space is not properly utilized by the Roma minority, on account of lack of information.

267. In the recent years, a good work is done, mainly by Roma associations, as the Union Amaro Drom, Romani Baxt, Roma for Integration and others in sensibilizing the Roma community for the registration of their children at kindergartens. This is done through various awareness campaigns and it is materialized by opening new pre-school facilities or the reconstruction of the existing ones. This is an ongoing process and there shall be always the need for support and cooperation.

268. In cooperation with UNICEF, MES is also working on the implementation of some concrete projects for pre-school education, as the opening of some new kindergartens near this community in Berat, Berat, Korçë, Tiranë, Vlorë, Shkodër, and others. Apart from these institutions, there are also community kindergartens; the latter are initiatives of the Roma community itself; they have enjoyed the support from State structures and donors. Thus, for instance, the kindergarten in Moravë, Berati district is opened with UNICEF support, while RED has reimbursed the donors.

269. The higher education reforms have increased admission opportunities for the Roma pupils in the university branches or opportunities of gaining scholarships from public funding. The professional qualification centres and the policies ear targeted for vulnerable groups have boosted Roma children access in the professional qualification courses.

270. Likewise, there are daily service centres at the communities, which offer services for children, the teenagers, persons with disabilities, girls and daughters in distress. Currently, there are set up 17 centres in the districts of Tirana, Durrësi, Shkodra and Vlora; work is also on for the opening of 27 centres in other circuits.

271. The better utilization of capacities created for the Roma minority requires the organization of information campaigns amidst the ranks of this community.

272. The Roma Minority enjoys equal rights in the social support area. Roma Associations are active and work to exercise their influence on the governmental policies related to the Roma community. They cooperate closely with the Monitoring Unit for the Implementation of the Strategy for the Roma people and all other local and central structures. Some of them, thanks to their own work and experience gained have become worthy partners in the implementation of projects funded by international agencies.

273. The vaccination of children from 0–14 years is made countrywide at the extent of 95 per cent. Yet, children vaccination remains a problem for that part of Roma population that wanders from one region to the other or that emigrates.

274. The MI has unveiled a campaign designed to protect children and take them away from streets through undertaking some legal initiatives. The following measures are adopted by the responsible structures at the MI, with a view to control children trafficking within the country and expose trafficking cases: (i) set up free phone lines, (ii) cooperation with the governments of neighbour countries for the return, rehabilitation and offering custody to trafficked children, with a considerable part of them being Roma children and others. The State initiatives at this area are also supported by civil society organizations through the establishment of the coalition “Together against children trafficking”.

275. In its turn, the MTCYS, in the context of upholding and promoting human rights and freedoms, the identity, the cultural values and communities in Albania for the period 2002–08, has financially assisted in the organization of the following events:

(a) “Multicultural Përmeti” – an annual cultural and artistic event, which includes the folklore of national and linguistic minorities in our country;

(b) “Festival of Minorities – Promotion and Integration” – designed to introduce, promote and highlight the cultural and artisan values of minorities, including herewith the Roma. This event is realized through photo-exhibitions and the Handicraft Fair;

(c) “The First Mimosas” – an activity designed to assist Roma mothers and children;

(d) “Arts against Prejudices – Festival of Roma” – This Festival is staged with the support of the MTCYS in the framework of the initiative of the Council of Europe/European Commission “Dosta!: Overcome the Prejudices, know the Roma.” This event that was hosted from 5–7 April 2007 brought together NGO representatives, the Government and other Roma community participants; during the artistic exhibitions and round tables it was highlighted the significance of raising the awareness of the Albanian society against prejudices for the Roma community;

(e) In the framework of the European Week, the Directorate of Youth Policies (to the MTCYS) in cooperation with the Office of Information of the Council of Europe ended the training sessions held from 12–15 May 2008 entitled “Human Rights through Education of Juniors”; it was attended by 50 students from various faculties of Tirana University;

(f) Festival “Oda Dibrane” – in the town of Peshkopia;

(g) Festival of Folk Musical Instruments – in Gjirokastër;

- (h) Festival “Sofra Dardane (Dardane Table)” – Tropojë;
- (i) Financing the Cultural – Multiethnic Magazine “Equal”.

276. A special credit in this field goes, among others, to non-governmental organizations operating in Albania. We should single out here the good and serious work done by the Albanian Helsinki Committee; it consists mainly in raising the awareness of central/local authorities, the population and groups of interest related to the rights of communities and national/cultural/linguistic minorities in Albania and the enhancement of capacities of local administration in tackling the different cases. The AHC has played a major role in the process of promoting the rights and freedoms of minorities, intending to encourage the local and central authorities in issuing legal or sub-legal acts in the field of minorities.

277. Given the above-mentioned, the activities held by the AHC consist in monitoring the situation of minorities at local level and holding round tables with representatives from minorities and communities in different districts (Tiranë, Korçë, Fier, Shkodër, Gjirokastër, Sarandë, Berat, Durrës). In the cases of outright violations of human rights of minority representatives, the AHC has also reacted through public statements.

278. Another initiative of this organization consists in the assessment of respect for minority rights at local level. Originally, it started as a pilot regional initiative; it applied first in the Municipality of Korça district (2005), which contains 4 minorities and one community. This assessment was made through a Questionnaire distributed to the citizens of the Municipality, to the officials of the Municipal administration and the Municipal Council of Korça. After processing the Questionnaire, the conclusions, the problematics and recommendations for the local administration were presented in a Round Table attended by groups of interest, representatives of the municipal administration, Police Directorate of Korça Circuit, Educational Directorate, minority groups and others. After the successful conclusion of this initiative, the latter was extended to other country's circuits with larger numbers of minority, as in Tiranë, Elbasan, Gjirokastër and Fier. The methodology pursued was the same as in the pilot project applied in Korça.

279. Among others, AHC has invested with its work in enhancing the capacities of officials; the latter, during their work are meeting face á face these minorities (municipal administration, school staff of secondary and nine-grade schools) and the representatives of these communities.

280. In cooperation with the Committee of European Commission against Racism and Intolerance (ECRI), the AHC has organized the training of judicial officials (prosecutors, judges and police officers) performing their functions in the circuits with minority representatives.

281. A special attention is also devoted to training journalists. The training was related to ways of treating chronicles related to the issues of communities and minorities (Roma and Egyptian community namely), the terminology employed, the need to promote cultural values and others. After this training, the participating journalists made chronicles or/and written articles in the print and electronic media on these communities (December 2007).

282. During its activity, AHC has released reports and publications concerning the state of play of minorities in Albania. Apart from reports stemming from monitoring and surveys conducted at local level, the AHC has also drafted reports related to the implementation of the National Strategy for the Improvement of the Living Standards of the Roma Minority.

283. Likewise, in the framework of another regional initiative, the AHC has made surveys on the representation and participation of minorities in decision and policy-making process, offering also relevant recommendations on setting up an effective system for increased minority representation and participation in local and central decision-making process.

284. It should be also mentioned that the AHC has published its own concerns on the state of play of minorities in Albania, particularly the concerns for the Roma and Egyptian minority, through public statements, messages addressed to the responsible authorities and open letters.

285. AHC has staged various events dedicated to the Roma and Egyptian minorities, with the goal of sensibilization and legal education. To this end, there is also cooperation with various organizations of these communities and actions are made to observe their own rights, raise the access to the local government bodies and communicate better in the contacts with the police, the prosecution, the court, the institutions responsible for the execution of penal decisions and others.

286. AHC, in cooperation with the Center for Socio-Economic Studies (CSES) sponsored by SOROS Foundation has organized a series of trainings during the year 2009 with representatives of the Roma minority in the Commune of Levan, in Fieri District. The goal of this training session was to enhance the professional capacities of Roma minority representatives for a better presentation of their legal rights to the local institutions. Likewise, this event was aimed at raising the information level of Roma minority representatives on the powers and duties of local state institutions vis á vis the citizens.

287. Likewise, training seminars are organized with representatives of Regional Education Departments, principals and teachers of secondary and 9-grade schools in the District of Fier, aimed at raising professional capacities of the teaching staff dealing with the education of Roma and Egyptian children, in preventing and fighting the phenomenon of over and covert discrimination against them.

288. On 25 February 2009, AHC and CSES, based on their own mission to foster and contribute to a better observance of the rights of Roma minority and Egyptian community held a working table entitled "Strengthening constructive dialogue among various actors for a better integration of the Roma and Egyptian minority". At this table, they presented the major conclusions of the meetings and trainings made during the year 2008 in the municipalities of Elbasan, Korça and Fieri. These meetings, attended by representatives of municipalities, communes, educational directorates, police directorates, local organizations, donors and representatives of Roma and Egyptian associations were set to find out effective forms of cooperation, improvement of their living standards and the introduction with the recommendations of international organizations at this area.

289. Some of the major assessments and suggestions stemming from AHC activities are shown below:

(a) Generally speaking, there an increased awareness and attention by State authorities, both at the central and local level with regard to the observance of the rights of Roma minority and Egyptian community. A series of legal and institutional reforms were instituted to ensure the best possible protection of the rights of these communities;

(b) With a view to improve the living standards of Roma minority and Egyptian community, a series of projects were implemented by local institutions and various actors of the civil society, with the support of different donors in the Municipality of Elbasani, Korça and in the Fieri circuit. The introduction of positive models in this area and their implementation is indispensable;

(c) The participation of Roma minority and Egyptian community in the local government is at a low level. Education is an important element in this regard. Despite efforts made for the education of children, there are still problems with their educational level, their employment and benefiting other free services. Therefore, the review of the legal basis which would make it possible the issuance of school text books for vulnerable children free of charge and the social support for their families is a necessity. It is equally

necessary to increase the information for the rights of minorities and their integration, while considering the traditions, culture and their values in a society;

(d) Housing, employment, education, benefiting free social and health services and the infrastructural conditions at areas with a high concentration of these minorities remain problems of concern. It becomes also necessary to review the legal basis, which would enable the benefit of social dwelling houses for vulnerable persons from these minorities, then the possibility of facilitating the provision of social assistance, the growth of their participation share at local government bodies and the identification of forms of business promotion and employment of minority representatives;

(e) With a view to boost the access for minorities in employment and local government, it is also necessary to foresee in legal terms the positive measures (for instance, through quotas) which would facilitate their competition for some job vacancies. Professional training and its courses should be offered as near as possible to the dwelling houses inhabited by these minorities, providing them with the facilities for their attendance;

(f) Legal solutions should be found out for the registration of children born abroad, who are registered under different names and of the children who do not live with their own parents;

(g) The implementation of the National Strategy "On the improvement of living standards for the Roma Minority" is encountering difficulties at the local level. This strategy needs to be updated, including views and opinions from all actors operating in this area; concrete objectives need to be defined, which should be clear and measurable, their implementation deadlines, relevant funding to be made available by the State budget, which should be born with the contribution of foreign donors. The National Strategy should be broken down in concrete plans of action at local level;

(h) The principle of decentralization requires a new distribution of duties and responsibilities between the central and local government; therefore, it is necessary that more decision-making powers should shift to the local government bodies. It is also necessary for the Government to support social programmes drafted by the local government bodies;

(i) In the local aspect, it is necessary to provide the institution of the Prefect of the Circuit with a coordinating role. The Prefect (Governor) possesses the adequate authority to monitor the implementation of the Strategy by local and central government bodies and to invite various NGOs operating in circuit level for cooperation;

(j) The reinforcement and enhancement of professional capacities of representing organizations and associations of the Roma and Egyptian minority remains an issue of priority, which merits special attention. The introduction of Roma and Egyptian minority with their legal rights and powers of State institutions shall serve to foster their active role and reinforce their lobby power vis á vis local government bodies for the improvement of the state of the observance of their own rights;

(k) Cooperation among local government bodies with domestic and foreign NGOs is also important in avoiding the overlapping of projects and initiatives and the coordination of endeavours in this area.

III. Response to the Committee's recommendations concerning the initial to the fourth periodic reports under the Convention

Recommendation No. 12 (CERD/C/63/CO/1)

290. The Albanian Government has already begun the preparations for the Census of the Albanian population, set to start in 2011. The work on drafting the Questionnaire is already over. It will also include rubrics on the religious and ethnic affiliation.

Recommendations Nos. 13 and 26

291. With regard to this issue, we have to bring back to memory the statistical data on the criminal offences and crimes perpetrated by persons for the period 2002–08, which were presented while addressing article 4, paragraph 170 in the present report.

292. During the same period, the Ombudsman Office has examined a series of complaints lodged by persons claiming to be discriminated by public administration bodies. These complaints come from persons belonging to minorities or from the group of persons practising a certain religious faith.

293. Albeit the small number of examined complaints (nearly 24), the interventions of this Institution in abolishing racial discrimination were viewed with priority during the process of drafting laws. These interventions were first designed to place sanctions on the institute of “non-discrimination” in separate provisions of the law and secondly for its overall implementation by State responsible bodies.

294. No complaints were lodged during the year 2002 by entities claiming violations of the provisions of the Convention on the Elimination of All Forms of Racial Discrimination. For the year 2003, only five complaints were lodged by different subjects claiming racial discrimination.

(a) A group of inhabitants in the village “Boriç i Vogël” and the Chairman of the Serbo-Montenegrin “Moraça-Rozafa” Association have lodged a complaint to the Ombudsman Office against actions by local government bodies which have directly infringed their property rights. In more concrete terms, some functionaries elected in this area were delaying the technical – organizational procedures for the division of the owned land,²² for the farm families in villages “Boriç i Vogël” and “Boriç i Madh”, attempting to shift the land ownership to other persons, who are inhabitants of another village in the neighbourhood. Claiming the breach of their land ownership, they asked for the intervention of the Ombudsman institution.

295. In conclusion of the inquiry on this issue, the Ombudsman's recommendation for the Chairman of the Land Commission of Shkodra Circuit, the Chairman of the Land Commission of the Commune of Gruemirë, which was also forwarded to the Minister of Agriculture and Food/Chairman of the Governmental Land Commission was to lend the land to its proper owner under the law.

296. After the intervention by experts of this Institution, it became possible to resolve the situation and they agreed on issuing the inhabitants of these villages with the land property titles, according to the land distribution that the Land Commission of the Village made in

²² Pursuant to Law No.7501, dated 19 July 1991 “On the Land”.

the year 1991. Nonetheless, this recommendation is not yet materialized to date. Actually, the Ombudsman Office notices a lack of will by the Land Commissions in the circuits Gruemirë and Shkodër.

(b) Another case examined this year is a joint complaint by three associations of the Egyptian community in Albania: the Association of Egyptians “Nefreta”-Tirana, the Association “Vllazërimi” (Brotherhood)-Tirana and the Association “Kabaja”-Korça. They mentioned that they have officially addressed the Ministry of Foreign Affairs a couple of times; they were demanding through a Memorandum the recognition of Albania’s Egyptian Community as a national minority. Based on the powers and on the intervention of this Institution, it became possible to inform these three entities on the reasons of that body’s decision.

(c) The national L.C. complained that the Dean of the Faculty of Foreign Languages did not issue her with a diploma. The latter was explaining orally to the complainant that he did not want to attach her photo on the diploma card, since the complainant was shown holding a headscarf, as a practitioner of the Muslim faith, mentioning as the only single argument the fact that the school is laic. The Ombudsman Office contacted the Office of the Dean of the Faculty of Foreign Languages and informed him on the administrative violations in his actions.

297. Under article 108/a of the Code of Criminal Procedures, the administrative acts represent a legal obligation for an administrative body. At the same time, reaching a reasonable decision by that body enables the complainant for a better presentation of her own complaint at the highest level of the hierarchy of the educational or even in the judiciary bodies.

298. After a request for explanations, which were simultaneously forwarded to the Rector of Tirana University, a positive solution was provided to this issue; accordingly, the complainant was issued with a diploma card, accepting her photo with a headscarf.

299. In the year 2004, only four complaints were lodged for examination.

(a) The same complaint – i.e. discrimination on the account of religious affiliation was also lodged by national E. M, whose registration in the Secondary School “Kostandin Kristoforidhi”, Tirana was not made possible since he was wearing a beard. The School Director considered this fact in contravention to the cohabitation norms in school and as an exaggerated ethic appearance.

300. In the concrete case, this rejection produced the circumstances for the violation of some rights – the right to express and practice religious faith and, at the same time, the violation of the right of the complainant to be taught. The situation was becoming rather sensitive, since the complainant was a minor.

301. Freedom of expressing faith or religious convictions cannot become target of other restrictions, except for those stipulated by law and which are indispensable in a democratic society, for the interests of public security, health and public moral or protection of the rights and freedoms of others.

302. Meanwhile, keeping a beard cannot be considered an objection of the cohabitation norms at school and an exaggerated ethic appearance, since it does not hinder the teaching process and does not in the least impair cohabitation.

303. Since in this concrete case a complaint by a minor is addressed, while referring to the Convention on the Rights of the Child and namely articles 28 and 29, failure of registration does also infringe the right of the complainant for education.

304. This recommendation has been accepted by the School Director and it turns out that the complainant has been registered and continues to attend the school on the job.

305. During the year 2005 as well, the number of complaints with this problematic has not changed from a year ago. Here, we may mention the following:

(a) In the year 2005, representatives of the Party “Movement for Human Rights and Freedoms” which represents the rights of the Roma community presented to the Ombudsman Office their concern for the violation of their rights in the parliamentary elections of 3 July 2005.

306. According to their information, there were irregularities in this process and consequently, the ballots of that Party were shifted to other parties during the counting process. After examining this complaint and the claims presented by this political subject attentively, the Ombudsman’s Office concluded that the examination of such cases exceeded the powers of this Institution. The Election Code attributes the right of examination and decision-making for lodged complaints to other bodies.

(b) Complaint of another nature was that of a Roma community (of 200 inhabitants in the neighbourhood of former Textile Mill in Tirana, who complained for lack of power for two running months.

307. Given the above-mentioned, the Ombudsman Office decided that this pressing social issue should be verified and solved instantly; therefore, he sent a request for explanations to the Director General of KESH.

308. In his response, the head of that institution explained that the problem of supply with electric power in the above-mentioned area was extremely difficult. Yet, it became possible through the instalment of a transformer, which supplies the inhabitants with electric power on regular basis. Apart from this provisional solution, it was also proposed that KESH would place a new cabin with a regular line 20KV, in order to provide the optimum assistance to the population requirements.

309. For the year 2006, there were four complaints submitted claiming discrimination.

(a) Here we may mention the case of the national B.H, a student in the University “Aleksander Moisiu”, Durrës, who voiced her own concern related to the refusal of further attendance of the teaching process by the Rector of this University. The cause for this refusal was her dressing, since she was cloaked with a headscarf.

310. Pursuant to the Regulation of this University, the students B.H. and J.M. were summoned by the Rector’s office of this University and were advised to make adjustments to their clothing and their appearance. To this end, a deadline of reflection of two weeks was left for them.

311. After our recommendation, the students were returned to the teaching process and continued it normally also while practising also the Muslim faith.

(b) Another case is the complaint submitted by the national G. Xh, member of the Roma community. She claimed that the Prosecution of the Pogradeci District had finalized in an irregular and unfair way the inquiry procedures of a motor accident, where the complainant was injured.

312. From the investigation of this case, it turned out that the only remedy for the complainant to restore her own right was to address the court, in order to appeal for the decision of the Prosecution to cease the criminal prosecution.

(c) In the same year, the Organization for the Protection of the Rights of Macedonians in Albania “Drushtvo Prespa”, lodged a complaint for the lack of operation of the customs check point in Goricë.

313. After the intervention by the Ombudsman Office, the representatives of that organization were informed that the suspension of customs clearance in the customs check

point Goricë was done on the Order of the Directorate General of Customs. This suspension was specified as provisional, due to the situation created during the period November-December 2005.

(d) Through a complaint addressed to the Ombudsman Office, the Association “Amaro-Drom” raised the concern of some Roma families in the *Quartier* “5 Maji”, Elbasan, who were living under very hard conditions.

314. With regard to this issue, the Office of the Ombudsman recommended the assessment as a matter of priority the temporary accommodation of 4 Roma families and even the possibility of including them in the list of homeless persons; they would find it possible to benefit from the dwelling flats scheduled to be built in the neighbourhood “5 Maji”. In this case, the response by the Municipality of Elbasan was positive and in favour of solving the case for this community.

315. In 2007, there were again four complaints lodged to the Ombudsman. Hereby we mention the complaint of the female national Z. M, who was just graduated from Tirana University, Faculty of Natural Sciences, Branch of Mathematics in 2001. Notwithstanding this fact, the Educational Office of Pogradeci District denied her this right, with the only single reason of “holding a headscarf”.

316. Considering the attitude of the Head of the Educational Office in Pogradec against the complainant Z.M. to take off the headscarf during lessons, she was finally recommended not to impede the complainant in conducting her profession as a teacher while holding the headscarf, as an expression of the religious faith.

317. Although a long time has passed, there is not yet an official reply by the Educational Office in Pogradec. The Ministry of Education and Science is also informed on this issue; however, even the latter has maintained no official position concerning these complaints.

318. The recommendations of the institution of the Ombudsman have been in coherence with the substance of the Agreement of Stabilization and Association; the latter prescribes as one of the obligations for our State the access at all levels of education and training in Albania. This shall be achieved by eliminating the cases of discrimination on the account of gender, colour, ethnic or religious ethnicity under our Constitution and the internationally recognized acts.

319. For the year 2008, three complaints were lodged by subjects claiming violation of the provisions of the Convention for the Elimination of All Forms of Racial Discrimination.

Recommendation No. 14

320. Regarding the Committee’s recommendation for the Albanian State to reconsider the criteria of distinction between “national minorities” and “linguistic minorities” our comment is that there is a misunderstanding regarding the criteria that Albania has applied.

321. We would like to reemphasize that the only single distinction between national and ethno-linguistic minorities is that the former have a native land, which is not the case for the latter.

322. This is an objective distinction related solely to the existence or non-existence of a native land and it does not have in the least to do with the volume of recognized rights for a certain minority. On the other hand, the classification of ethno-linguistic minorities would produce an absurd situation and the Albanian State would have to acknowledge the existence of national minorities, which do not have a native land or which are not recognized as such by those countries claiming to be the native land; in essence this is an

avoidance of the principles of the Framework Convention on the Protection of National Minorities.

Recommendation No. 15

323. With regard to this issue, the Albanian Government considers it as a deviation from the principles enshrined in the Convention "On the Protection of National Minorities" the recognition as a national minority of a single group, merely on the basis of claims by its members.

324. The identification of the members of this community as Egyptians is inaccurate. Their background in the Balkans is disputable. Currently, this community is living spread over at various areas of the country. It does not have a language of its own (they speak only Albanian), it does not have a culture of its own (their culture is identical with their residential areas) and they do not have a religion of their own (their religious faith is the same with that of the population of their residential areas). The only single distinction from the Albanian inhabitants is the skin colour. Likewise, after the contacts established years ago with representatives of the Egyptian Embassy in Tirana, it was admitted that this community has no relevance with Egyptians and they recognize no Egyptian community in Albania.

325. This community is largely widespread in the Albanian territory. Its largest part is also scattered in towns, town quarters with characteristic names (historically known as Egyptian neighborhoods), whereas the rest is living in rural areas.

326. The participants of this community are mainly concentrated in the cities of Tirana, Kavaja, Lushnje, Cërrik, Elbasan, Gjirokastër, Vlorë, Korçë, Delvinë, Përmeti, Këlcyrë, Berati, and Shkodra. They are known to be calm folks and we find no cases of crime among this community.

327. Unlike the Roma linguistic minority, where social organization is made in the context of tribes and clans, the Egyptian community has the same social organization as the rest of Albanian population established on family basis. Over 95 per cent of their marriages occur within their own community; this is done not only on account of the prevailing tradition in the community, but also due to prejudices vis á vis this community. They are distinguished for the high birth rate. Their typical trades are: metal work (75 per cent), shoe-repair and music (45 per cent).²³

328. Today, the Egyptian community is suffering from social exclusion of the Albanian society. The living conditions and their economic situation are at very low standards and their prevailing majority are living at the minimum of their life subsistence.

329. Unfortunately, the contingent of beggars in Albania come from this community. Almost 80 per cent of blood donors do also belong to this community; they do it on economic grounds. Egyptians have major problems with their living cohabitation and high unemployment levels. Some families benefit economic aid, but the latter is very little in the case of Egyptian families, which generally speaking have several children. Due to the bad living conditions, the low economic and educational level, the lack of hygiene and health education, this community poses major health problems.

330. The teaching conditions are also problematic. Owing to poverty and lack of information on education, the largest part of their children do not attend school. Even when

²³ World Bank Evaluations, "Roma and Egyptians in Albania – from social exclusion to social inclusion", publication year 2004.

they go to school, they abandon it after the first school year! The cases of regular school attendance are quite sporadic.

331. Another phenomenon which is in fact a typical feature of their grave socio-economic, cultural and educational situation at this community is violence against women in the family. This community does also lack representation even at the low levels of administration, not to talk for higher levels.

332. The community has established its own Association called “Vllazëria e egjiptianëve të Shqipërisë”(Brotherhood of Egyptians of Albania” with 10 branches in Albania. The members of this association work on voluntary basis.

Recommendation No. 16

333. As far as these issues are concerned, we may comment that Albania is implementing a legislation which enables an effective and not simply a formal enjoyment of the right to declare without hesitation the ethnic religious and cultural affiliation. Likewise, we confirm that this right is exercised individually, in every area of the Albanian territory and albeit the dwelling place of the citizen.

334. The opening and closing of pre-university school system in residential places of persons belonging to national minorities is made under the Decision of the Council of Ministers No. 396, dated 22 August 1994 “On the 8th – grade education in the native language for the persons of national minorities”. Pursuant to this Decision, the relevant Instruction No. 14 dated 3 September 1994 by the Minister of Education and Science was issued, specifying the criteria to be met and the procedures to be followed.

335. Point 6 of this Decision specifies the practice to be followed for the opening of separate class rooms in dwelling places with different minorities Teaching the mother tongue for members of the national minority in this case is also permitted as a subject of choice, but the relevant procedure should be followed; the major point in this regard is to continuously maintain school attendance by these pupils.

336. The decision to open these classes or schools is taken by the Prefect, who has the region under his own jurisdiction. The MES gives only the consent after the relevant decision. The Association of the Serbo-Montengrin “Moraca-Rozafa” (year 2003) has addressed to the MES a request for opening the school in Serbian language in Shkodra district.

337. Pursuant to the above-mentioned sub-legal acts, the MES has addressed the DRE Shkodër to make the necessary verifications and relevant concrete proposals for opening the schools or class rooms for this minority. Regarding this request addressed, the MES clarifies to the “Moraca-Rozafa” Association that the verifications made in the offices of civil status by the DRE in Shkodër as well as in some schools no pupils turns out to be with a serbo-Montengrin nationality. “In this case — the MES continues with its explanations — the criteria for opening the school in their mother tongues for this minority are not complied with, as defined by legislation in the field of education.”

338. Likewise, a group of parents from Himara (in the year 2004) has addressed a request to the MES for the opening of a school in the Greek mother tongue for the school year 2004-05. From reviewing the request for the opening of the school, from the verification of civil registers of Himara town, it turns out that the parents who have made the request are of Albanian nationality.

339. In response to this request sent to the Branch of the Party Union for Human Rights, Himarë and the Branch of the Association “Omonia”, Himarë the MES clarifies that the

opening of such a school is not possible, since the criteria defined by legislation on education are not complied with.

340. Currently, there are no requests for opening schools by the Macedonian minority. As far as the opening of bilingual classes in schools with pupils belonging to minority groups is concerned, the MES to date has not received any request from these communities for such an action.

341. In the schools of the Greek national minority, the ratio pupils/teachers is nearly 7,8/1, whereas on national – scale 18,2/1. Hence, the cost of education for a pupil coming from minorities is approximately 2,3 times higher than the cost of education for an Albanian pupil, whereas in the schools of the Macedonian national minority, the ratio pupils/teachers is approximately 12,6/1 and the cost for the education of a pupil from the minority is nearly 30 per cent higher than the cost for an Albanian pupil.

342. In the education of the Greek and Macedonian national minorities, noticeable achievements are made recently in the teaching plans and curricula and in the special textbooks for these schools.

Recommendation No. 17

343. The changes made in the Albanian legislation on specifying criminal offences and crimes related to the apartheid and racial segregation are addressed in article 3 of this Report.

Recommendation No. 18

344. In response to this recommendation, the Office of the Ombudsman explains that in no case reviewed by this Institution, “has revealed that the teenagers from the Roma community have been subject to police maltreatment on account of their affiliation. At the end of the investigation of these issues, even when such a case was claimed, it turned out that none of the state officials has perpetrated unlawful acts or acts in contravention to the law”.

345. One of the latest adopted measures in the fight against all forms of discrimination is the addition to article 144/b,²⁴ “Maltreatment of Minors” to the Penal Code. This provision punishes with prison terms “from three months to two years” the physical or psychological maltreatment of minors by person entrusted to look after them; meanwhile, the obligation of minors to work in order to gain incomes, to beg or make actions harmful to its development is punished with prison terms to four years and with a fine from 50.000 to 1 Million Lekë. If this criminal offence causes serious injury to the health or the death of the minor, the degree of punishment is 10–20 years.

346. Pursuant to the objectives and measures of the Plan of Action of the National Strategy “On the improvement of the living conditions for the Roma Minority”²⁵ and the recommendations of the EU Commission against Racism and Intolerance (ECRI), the General Directorate of the State Police has drafted and sent during the relevant period a series of orders and instructions to its local structures concerning the protection and observance of human rights, in general, and for that community, in particular.

²⁴ Law No. 9859, dated 21 January .2008, “On some additions and amendments to the Law No. 7895, dated 27 January 1995 “Penal Code of Republic of Albania”.

²⁵ Adopted by Decision of the Council of Ministers No. 633, dated 18 September 2003.

Recommendation No. 19

347. After the year 1991, the Albanian political stage has substantially enriched its own spectrum, including pure political parties which maintain left, right and centre ideological positions (Socialist Party, – SP, Democratic Party – DP, Republican Party – RP, Socialist Movement for Integration – SMI, Social-Democratic Party – SD, PSD); defender of human rights or even with national character (Party Union for Human Rights – PUHR, Monarchist Party – MP, Party of National Front – PNF, Party of Legality – PL, Party of Social – Democratic Union – PSDU, Union for Dignity and Integration – UDI, Party of National Unity – PNU); environmental and even religious Parties (Agrarian Environmental Party – AEP, Demo-Christian Party – DCP) and others.

348. In the general parliamentary elections of 28 June 2009, the only Party that took part in those elections, with members, representatives of minorities was the PUHR. Today it is represented with an MP in Albania's Assembly. Likewise, the Minister of Labour, Social Affairs and Equal Opportunities in the Governmental cabinet run by Prime Minister Berisha is a member of the Greek minority.

The Greek national minority

349. Referring to the information received by representatives of local government bodies, over 30 per cent of the administration of the district of Saranda belongs to the Greek national minority with different functions at the Municipality as: Vice Mayor, members of the Municipal Council or regional departments, principals of regional educational and health departments, principals of the Albanian Power Corporation, Telekom Company, the State Water Supply Enterprise and others.

350. The Chief of Police *Commisariat* of Delvinë district and operative officers, a policeman and an officer belong to this minority; meanwhile, there is a growing demand for qualified personnel. In the *Commisariat* of Saranda Police Service, out of 11 hired policemen, 6 belong to the minority.

351. The same picture is in Gjirokastra district. The number of minority representatives in the public administration has kept on increasing in the last three years as against the ratio with the population percentage. There are four members from the minority in the District Council and one minority representative in the Municipal Council. The members of the minority account for 5 per cent of police levels in the Police *Commisariat* in the district of Gjirokastra. The number of minority representatives in the judiciary bodies is inferior.

352. All the meetings among representatives from minority and local government confirm a good spirit of understanding. Dialogue has played an important role among the local structures of the minority and governing structures. There is a shared desire by the governing authorities and minority representatives for a constructive discussion and cooperation.

The Macedonian national minority

353. Certainly, the life of this minority has its own problems. The small number of the members of the Macedonian minority at customs and border police, albeit trainings and the level of their education was the essence of some complaints lodged by representatives of the Macedonian community in the Commune of Liqenas and from the Association "Druzhtvo Prespa". The meetings in the border points concluded that out of 60 police officials, 10 come from the Macedonian minority.

The national Serbo-Macedonian minority

354. According to the heads of the minority association, they do not have any proper representation, neither in the local government structures nor in the central government. (Parliament, State structures, diplomatic representation). There are two representatives of this community in the Shkodra Municipality. No representative of this community is member of the Municipal Council nor does he/she holds the duty of a civil official, since the vacancies there are occupied by representatives of the political parties that win the local elections.

355. Meanwhile, in the structures of public administration of Malësi e Madhe, the minority is represented by the : Director of the Directorate of Railways, Director of Public Health, Director of Human Resources in the Educational Department and the Director of the Secondary School in Gruemirë.

356. The representatives of this community in the Municipal administration in Koplik, Prefecture of Malësi e Madhe conduct their functions in the following State functions: Head of the Financial Department, Head of Agricultural Department, Head of the Tax Administration in the Prefecture of Malësi e Madhe.

Recommendation No. 20

357. The Government of Albania has always considered the rights of women as an integral part of human rights. In this regard, specific laws and important policies are drafted, aimed at eliminating gender discrimination. The principle of equality between men and women accounts for an important place in the Constitution of Republic of Albania (Constitution, article 18/2).

358. *The Civil Code* (adopted under Law No. 7850, dated 29 July 1994) with relevant amendments in article 1 specifies that every physical person enjoys full and equal capacity to have civil rights and obligations within the boundaries defined by law, without conditioning the enjoyment of civil rights with ethnic or social affiliation and without mentioning specific preferences on account of race, colour, sex, age and/or faith.

359. *The Code of Civil Procedures* (adopted under Law No. 8116, dated 29 March 1996) does also specify binding rules, equal and the same for the arbitration of civil disputes envisaged there, while specifying no specific rules for individuals with ethnic, gender, age or special race affiliation.

360. *The Family Code* (endorsed under Law No. 9062, dated 8 May 2003) in its definition on marriage, it establishes legal cohabitation as relying on the moral and juridical equality of the partners.

361. *The Penal Code* contains the most severe sanctions for discrimination. Article 253 stipulates that “distinctions made on account of origin and gender by the State official; or in public service, which produce unfair privileges, the rejection of a right, or even a benefit stemming from law are punished through a fine or prison terms to five years”.

362. *The Labour Code* establishes the prohibition of any discrimination in the field of labour and profession, including the gender (art. 9).

363. *The Code of Elections of Republic of Albania*, adopted by Law No. 10019, dated 29 December 2008, in its article 3 specifies: “Every Albanian citizen who has turned 18 years, on the election day as well is eligible to elect and be elected in compliance with the rules established in this Code, without distinction of race, ethnicity, gender, language, political conviction, faith, physical capacity or economic situation.”

364. *The Code of Administrative Procedures of Republic of Albania* (adopted by Law No. 8485, dated 12 May 1999) in its article 11 (“Principle of equality and proportionality”) specifies the principle of non-discrimination. Under this provision, public administration in the relations with private persons is guided by the principle of equality, in the sense that no one should be privileged or discriminated on account of gender, race religion ...”

365. The endorsement of the Law no. 9970, dated 24.07.2008 “On gender equality in the society” has as its main goal the protection of citizens by any sort of discrimination performed on account of gender, ensuring equal chances and opportunities for males and females and the achievement of the highest standards in the field of gender equality.

366. In compliance with Article 1 of the Convention “On the elimination of all forms of women discrimination”, article 4/3 of the Law “On gender equality in the society” provides the definition of gender discrimination. Under this law, “Discrimination on account of gender means any distinction, exclusion or restriction on gender basis, which is designed to produce as an outcome the damage, failure to acknowledge, non-enjoyment or non-exercise on equal basis by each gender of human rights and freedoms established in the Constitution and the laws in the political, socio-economic, cultural and civil areas.”

367. Law No. 9888, dated 10 March 2008, “On the rights and treatment of those sentenced with prison terms and the pre-detainees”. This law was drafted after the revision of the Law No. 8328, dated 16 April 1998, “On the rights and treatment of those sentenced with prison terms”. Article 5 of this Law specifies that the execution of punishment with imprisonment takes place while observing the dignity of the convicted and it is characterized by human feeling. Likewise, it stipulates the major principles for the treatment of the sentenced persons – impartiality or non-discrimination on account of sex, nationality, race, socio-economic situation, political views and religious faith. The sentenced persons should be provided with such living conditions that they should reduce to the minimum the negative prejudicing effects of imprisonment and the changes in the life of other nationals. The relevant institution has started amending this law, in order to improve the conditions of the rights of the persons punished with prison terms, in harmony with the most important international acts. This initiative has been realized in cooperation with EURALIUS (European Assistance Mission for the Albanian Justice System) and UNICEF.

368. Pursuant to this Law, the General Regulation on Prisons is adopted; among others, it specifies the obligation of the Prison Administration for the human and educational treatment for the convicted through modern and effective administration means, free from discrimination on account of race, colour, sex, language, religion, political thoughts, national or social origin, economic situation and other grounds. Under this regulation, every sentenced person should be introduced with his own rights and obligations emanating from the law, this Regulation and the Internal Prison Regulation. To this end, the Library of the Institution makes available for those convicted the necessary legal and sub-legal acts. For the convicted persons who cannot read or write, these acts are communicated orally by the educational service.

Sanctions in the cases of gender discrimination

(a) The Labour Code contains sanctions related to discrimination. The latter may lead to sanctions at amounts up to 50 times more than the monthly minimum salary (art. 202);

(b) The Penal Code of Republic of Albania (amended) in article 6 stipulates as an aggravating circumstance the commission of a criminal offence driven by motives related to race, gender, religion, nationality, language, political, religious or social convictions. Meanwhile, article 253 stipulates that “the distinctions on account of origin and sex made

by the State official or an official in public service which produces unfair privileges or leads to the rejection of a right or benefit stemming from the law are punishable with a fine or prison terms up to 5 years”;

(c) Law No. 9970, dated 24. July 2008 “On gender equality in the society” for the cases of gender discrimination, depending on the provisions infringed and the disciplinary accountabilities (art. 18/2/g), it specifies punishment with fines at an amount of 100.000 lekë. The compensation for the material and moral damage produced by the infringement of the provisions of this law includes the restoration of infringed rights through judiciary ways under the Civil Code. The violations of the provisions of this Law, when they constitute a criminal offence are punished under the provisions of the Penal Code.

369. It is mention – worthy that the Albanian legislation makes a special treatment of violence on family basis, including family violence. Violence against women is addressed by some sections of the Penal Code, which are shown in the table below.

<i>Penal Code sections</i>	<i>Criminal offences against liberty</i>	<i>Criminal offences against moral and dignity</i>	<i>Criminal offences against children, marriage and family</i>	<i>Sexual offences</i>
Criminal offences	• Kidnapping • Trafficking of females • Illegal ban of the right from freedom	• Exploitation of prostitution	• Coercive or prevention to cohabitate or to break up marriage	- Violent sexual act (with minor or adult girls) • Sexual relations with persons of the same gender or who are under custody

370. During the year 2009 nearly 1217 persons were denounced for violence to the local police structures, against 822 similar cases during the same period of last year. The number of application – law suits “On the issuance of the Instant Order for Protection/Protection Order” for that year was 841, whereas for the year 2008 only 377 cases were registered. The Table below provides data on family violence referring to offences/penal contraventions under the provisions of the Penal Code for the year 2009.

<i>No.</i>	<i>Criminal offences/penal contraventions</i>	<i>Aggrieved</i>				
		<i>Total</i>	<i>Females</i>	<i>Persons under 8 years</i>	<i>Repeated cases</i>	<i>Application for law suit/ protection order</i>
1.	Criminal cases for penal prosecution/counselling	754	600	2	35	600
2.	Murders (art. 76–83, 85 P.C)	16	8	2	0	0
3.	Murder attempt	4	0	0	0	0
4.	Producing a suicide (art. 99)	9	3	2	0	1
5.	Intentional serious injuries (art. 88, 88/a)	9	7	0	0	1
6.	Intentional light injuries (art. 89)	64	14	4	1	9
7.	Sexual relations (art. 100–107)	5	1	2	0	0
8.	Exploitation for Prostitution (art. 114)	2	0	1	0	0
9.	Shameful offences (art. 108)	2	1	2	0	0

No.	Criminal offences/penal contraventions	Aggrieved				
		Total	Females	Persons under 8 years	Repeated cases	Application for law suit/ protection order
10.	Trafficking (art. 110/1, 114/b, 128/b)	0	0	0	0	0
11.	Kidnapping (art. 109, 109/a)	0	0	0	0	0
12.	Torture (arts. 86, 87)	0	0	0	0	0
13.	Disrupture of pregnancy against a woman's will (art. 93)	1	0	0	0	1
14.	Abandonment (art. 124)	11	4	10	0	0
15.	Failure to provide subsistence living means (art. 125)	1	0	0	0	1
16.	Unlawful child's custody (art. 127)	4	2	1	0	1
17.	Coercive cohabitation (art. 130)	1	0	0	0	1
18.	Failure to provide assistance (art. 97)	0	0	0	0	0
19.	Intimidation (art. 84)	84	60	1	3	52
20.	Offensive behaviour (art. 119)	7	1	0	0	0
21.	Demolition of property (arts. 150–154)	14	2	1	0	2
22.	Violation of house (art. 112)	48	2	0	1	42
23.	Other offences (arts. 90; 91; 92;120;261; 121; 134; 139; 275)	190	140	21	2	130
Total		1 217	845	49	42	841

371. This Table provides statistical data for the period 2003–08 and the first quarter of the year 2009 on the court criminal rulings on the violation of rights as a whole and for females in particular. The Ministry of Justice through the Annual Statistical Bulletin brings to evidence only the judgments rendered by relevant Albanian courts, under the respective articles of the Penal Code. The statistical data unified by the Ministry of Justice maybe found in its official website (www.justice.gov.al, rubric “Statistics”).

Criminal offences	Article	Year	Criminal issues for trial	Non-suit issues	Culpability decision	Innocence decision	Incompetence	Ceased	Returned to complete investigation	Pending issues
Interruption of pregnancy without women consent	93	2003	0	0	0	0	0	0	0	0
		2004	0	0	0	0	0	0	0	0
		2005	0	0	0	0	0	0	0	0
		2006	0	0	0	0	0	0	0	0
		2007	0	0	0	0	0	0	0	0
		2008	0	0	0	0	0	0	0	0
		2009	0	0	0	0	0	0	0	0
Sexual/ homosexual relations with	100/100	2003	12	11	11	0	0	0	0	1
		2004	15	10	10	0	0	0	0	4
		2005	11	11	11	0	0	0	0	0

<i>Criminal offences</i>	<i>Article</i>	<i>Year</i>	<i>Criminal issues for trial</i>	<i>Non-suit issues</i>	<i>Culpability decision</i>	<i>Innocence decision</i>	<i>Incompetence</i>	<i>Ceased</i>	<i>Returned to complete investigation</i>	<i>Pending issues</i>
minors		2006	10	7	6	0	0	0	1	3
		2007	16	10	9	0	1	0	0	6
		2008	20	14	12	2	0	0	0	6
		2009	9	5	5	0	0	0	0	9
Violent sexual/homosexual relations, with minors (14–18 years)	101	2003	0	0	0	0	0	0	0	0
		2004	3	0	0	0	0	0	0	3
		2005	15	12	9	2	0	1	0	3
		2006	9	7	6	1	0	0	0	3
		2007	7	4	3	0	1	0	0	3
		2008	11	8	6	1	0	1	0	3
		2009	7	3	2	1	0	0	0	4
Violent sexual relation with adults	102	2003	12	0	20	0	0	0	0	0
		2004	8	0	14	0	0	0	0	0
		2005	15	11	7	1	0	3	0	4
		2006	16	13	10	1	0	2	0	3
		2007	20	1	10	0	0	4	0	5
		2008	9	9	5	1	0	2	1	0
		2009	2	0	0	0	0	0	0	2
Sexual/homosexual relations with persons unable to protect themselves	103	2003	0	0	0	0	0	0	0	0
		2004	0	0	0	0	0	0	0	0
		2005	1	0	1	0	0	0	0	0
		2006	1	0	1	0	0	0	0	0
		2007	0	0	0	0	0	0	0	0
		2008	0	0	0	0	0	0	0	0
		2009	1	0	0	0	0	0	0	1
Sexual/homosexual relations through intimidation and use of weapons	104	2004	0	0	0	0	0	0	0	0
		2005	0	0	0	0	0	0	0	0
		2006	0	0	0	0	0	0	0	0
		2007	0	0	0	0	0	0	0	0
		2008	0	0	0	0	0	0	0	0
		2009	0	0	0	0	0	0	0	0
Sexual/homosexual relations through abuse of office	105	2003	0	0	0	0	0	0	0	0
		2004	0	0	0	0	0	0	0	0
		2005	0	0	0	0	0	0	0	0
		2006	0	0	0	0	0	0	0	0
		2007	0	0	0	0	0	0	0	0
		2008	0	0	0	0	0	0	0	0
		2009	0	0	0	0	0	0	0	0

<i>Criminal offences</i>	<i>Article</i>	<i>Year</i>	<i>Criminal issues for trial</i>	<i>Non-suit issues</i>	<i>Culpability decision</i>	<i>Innocence decision</i>	<i>Incompetence</i>	<i>Ceased</i>	<i>Returned to complete investigation</i>	<i>Pending issues</i>
Sexual/homosexual relations with persons of the same kinship or under custody	106	2003	0	0	0	0	0	0	0	0
		2004	2	2	2	0	0	0	0	0
		2005	0	0	0	0	0	0	0	0
		2006	2	1	0	0	0	0	0	1
		2007	1	1	0	1	0	0	0	0
		2008	0	0	0	0	0	0	0	0
		2009	0	0	0	0	0	0	0	0
Exploitation of prostitution	114	2003	22	21	21	0	0	0	0	0
		2004	73	46	46	0	0	0	0	0
		2005	33	18	13	1	2	2	0	15
		2006	23	9	8	1	0	0	0	5
		2007	19	13	11	2	0	0	0	6
		2008	19	13	9	0	3	0	1	6
		2009	9	3	3	0	0	0	0	6
Exploitation of prostitution under aggravating circumstances	114/a	2003	58	0	73	0	0	0	0	0
		2004	19	0	54	0	0	0	0	0
		2005	75	60	55	3	2	0	0	15
		2006	44	28	24	2	1	0	1	16
		2007	52	27	21	3	1	0	2	25
		2008	47	31	28	1	1	0	1	16
		2009	27	8	6	0	2	0	0	19

Source: Ministry of Justice.

International framework

372. The Albanian legislation in the recent years and penal legislation, in particular, has changed both progressively and qualitatively, reflecting in its substance various international acts where by Albania has become a party. The Albanian official institution and, in particular, the Ministry of Justice, Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities and others have launched legal initiatives for the improvement of the legal framework, which ensures gender equality and concrete arrangements in terms of directly applying the articles of the relevant Convention in Albania.

373. Viewed from this perspective and pursuant to the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (paras. 82 and 83,) Albania has agreed to make the following amendments to article 20, paragraph 1 of the Convention, concerning the meeting time of the Committee (CEDAW/C/ALB/1-2 para. 82).

374. The Albanian Parliament has also ratified the Additional Protocol of the Convention by Law No. 9052, dated 17 April 2003. (CEDAW/C/ALB/1-2, para. 83).

375. Apart from improvements in the domestic legislation, during the period 2003–2006 Albania has also ratified a series of international acts aimed, among others, at eliminating the women discrimination. Among them one may mention the following:

- (a) Protocol No. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms” ratified by Law No. 9264, dated 29 July 2004, whose subject matter is also the prohibition of discrimination as a whole;
- (b) Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” ratified by Law No. 9094, dated 3 July 2003;
- (c) European Convention on the Compensation for the victims of violent crimes” ratified by Law No. 9265, dated 29 July 2004;
- (d) The Council of Europe Convention “For the measures against trafficking in human beings” ratified by Law No. 9642, dated 20 November 2006;
- (e) Convention of the International Labour Organization No. 156 (1981) on workers with family responsibilities.

376. Given these amendments, one may say that the Albanian legislation complies relatively well with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. The principle of equality between men and women (as was mentioned above in explanations under article 1) is foreseen in the Constitution, like the prohibition of discrimination.

Gender policies

377. The gender policies pursued by the Government were ear targeted at reinforcing women’s status, so that in the future they should have an ongoing and larger access to the labour market and more chances in their official, political and business career. The Government’s working programme foresees full-fledged commitment of the executive power to eliminate violence against women and their exploitation for prostitution or other degrading purposes. Accordingly, the programme is clearly oriented towards policies and measures designed to prevent violence against women and crime in the family, whose implementation accounts for a significant part at all governing levels.

378. With a view to improve the situation of gender equality at home and as one of the measures to prevent gender discrimination, the MLSAEO, in its quality as the responsible authority for gender equality issues during the period 2006–07 was engaged in drafting the National Strategy and the Plan of Action for Gender Equality & Family Violence (2007–2010). This Strategy, adopted by Decision of the Council of Ministers No. 913, dated 19 December 2007 defines the most important areas of operational, political and legislative intervention on a national level, while adjusting according to the country’s concrete conditions the most critical fields of the “Beijing Platform for Action 1995”. Its goal is the inclusion of gender and family violence issues in the public policies, laying the foundations for the advancement of gender equality and the minimization of the phenomenon of family violence in the future. This Strategy is intersectoral and accompanied by a Plan of Action broken down in specific actions for the year 2007–10, under the eight aspects it has defined. The strategic priorities of this document are shown below:

- (a) Strengthen the protective legal and institutional mechanism by ensuring gender equality;
- (b) Increased women participation at decision-making;
- (c) Enhance women opportunities for employment and professional training;

- (d) Promotion of equal access of women and girls in the qualitative educational system;
- (e) Improve the social situation for vulnerable women and offer social services to them;
- (f) Protect population health, through the improvement of the health system, tailored after the specific needs of the population at this area;
- (g) Improve the media role for a new mentality which responds to contemporary developments, concerning gender equality in the society and the increased women representation in this profession;
- (h) Increased awareness towards the occurrence of violence, legal and administrative defence and support for individuals affected by family violence.

379. The activities are covered in part by the State budget and in part by the donors in the “One UN” framework.

380. The implementation of this Strategy has involved governmental institutions at central level (line ministries and their subordinating institutions) and other structures at local level (prefectures, municipalities). As the responsible authority for gender equality, the MLSAEO does also cooperate in this respect with academic institutions, the media, the civil society, international organizations and others.

381. The NSGE&FV is currently monitored by the Directorate of Policies and Equal Opportunities in the MLSAEO. The annual reports from this monitoring process are examined and adopted by the National Council of Gender Equality (NCGE). Detailed information on the structures has been provided in paragraphs 73–90 of the present report.

Raising awareness campaign on gender equality issues and combating family violence

382. During the period 2006–09, there were organized awareness campaigns in cooperation with the field actors for the issues of gender equality and family violence. They were organized through education, training, information and raising citizens’ awareness, workers and officials of public administration and judiciary system on the following concepts: gender equality; women non-discrimination; elimination of gender stereotypes at all areas; division of family responsibilities; prevention and reduction of family violence; publications; ongoing updating of information at the website of the Directorate of Policies and Equal Opportunities (www.mpcs.gov.al/dpshb), and others.

383. During the year 2006, in the framework of the project “Drafting the National Strategy and Plan of Action for Gender Equality” and thanks to the support by the United Nations specialized agencies, the MLSAEO conducted a survey on the current state of play in Albania on the gender equality issues. This survey consisted in completing a Questionnaire prepared by the Staff of Directorate of Policies of Equal Opportunities and it was distributed all over Albania through the network of focal points in the Prefectures.

384. From the processing of Questionnaires and international instruments it was noted that with regard to the question “What do you know about international documents related to the protection of the rights of girls and women? – from the interviewed women, 70.6 per cent had knowledge on the Human Rights Charter, 4.9 per cent on the Convention on the Elimination of All Forms of Discrimination against Women and 7.6 per cent on the Platform for Action Peking 1995. From the interviewed men, 77.9 per cent had knowledge on the Universal Declaration of Human Rights, 5 per cent on the Convention and 1.1 per cent on the Platform for Action Peking. As to the question: What do you know on the domestic legislation for the protection of human rights for girls and women? – it turned out

that 2 per cent of interviewed women and 17.8 per cent of interviewed men had knowledge on the law “On gender equality in the society”.

385. In order to sensitize the public opinion, in general and the public administration officials at central and local level, in particular, the MLSAEO has staged a number of other events, both for gender equality and prevention of family violence. The following may be mentioned in this respect:

- (a) Two surveys “The situation of gender equality in Albania” and “Violence in the family”; both were published and distributed to institutions and other groups concerned;
- (b) A series of articles in the daily newspaper “Standard” on gender equality issues;
- (c) Preparation and distribution of posters on violence and gender equality;
- (d) Broadcasts in the Radio and Public TV;
- (e) Exhibition of paintings with themes on violence against women and exhibitions with photos of women by two well-known photographers (on the occasion of the 8th of March);
- (f) Fair for business women;
- (g) Round tables for legislation, gender equality and family violence;
- (h) An event set to address the issue and raise the awareness for the International Women’s Day – 8 March 2008, “Progress is with me, join us”, with the attendance of the President of the Republic, the Prime Minister, MPs, representatives from other institutions, NGOs and international organizations acting at home;
- (i) Raising the awareness for the National Strategy of Gender Equality and Family Violence (NSGE&FV) 2007–2010, through Round Tables in the 12 country’s Prefectures and the distribution of this Strategy.

386. Referring to the NSGE&FV, the Chapter on the Rights, Legislation and Institutional Mechanism; one of the goals to be achieved for the period 2007–2010 is the translation and publication of all international documents on the issues of gender equality and the Convention on the Elimination of All Forms of Discrimination against Women, in particular. The following are done on this issue:

- (a) Re-publication of the Convention on the Elimination All Forms of Discrimination against Women and of the Additional Protocol in the Albanian language, in the form of a brochure with an explanatory foreword. The brochure was distributed to central and local institutions as well as to participants at an event held on the occasion of 8 March entitled: “Progress is with me, join us”;
- (b) Translation and publication of legal international acts by the United Nations, the Council of Europe and the EU related to gender equality. The published material was distributed to all central and local institutions and to the NGOs working in this field.

387. During the year 2008–09, the awareness campaign “Women rights are human rights” where apart from broadcasts in TV and public radio and articles in newspapers, 12 Round Tables in the country’s Prefectures were also included, where the participants were trained and introduced with the domestic and international legislation (particularly the Convention on the Elimination of All Forms of Discrimination against Women, its additional Protocol, the Peking Platform, ILOP Convention and others).

388. Recently, the Albanian Center of International Law (non-governmental organization) has published and distributed a Compendium in Albanian with national and international acts related to legal equality issues, including a large number of International

Conventions and the Convention on the Elimination of All Forms of Discrimination against Women. Likewise, the MTCYS has organized the event “Information Days” under the logo: “Promotion of Human Rights” with the Convention on the Elimination of All Forms of Discrimination against Women being an important part of the relevant documents.

Recommendation No. 21

389. With regard to the teaching situation for Roma in Albania, the MES has focused its work on the following aspects:

- (a) School attendance for all Roma children;
- (b) Reduce the cases of school abandonment by Roma children;
- (c) Reconstruction of schools with groups of Roma children;
- (d) Raise the awareness of Roma families for school attendance by their own children;
- (e) Qualification of teachers working with the Roma children aimed at raising the parents’ awareness to send their own children to school.

390. In cooperation with NGOs, the MES has staged various events for the promotion and realization of human rights and the rights of Roma children, in particular. Currently, work is on to include in the curricula of issues related to the danger coming from the use of drugs, alcohol, smoking, school abandonment and other occurrences related to the present wounds of the Albanian society, as prostitution, trafficking and others.

391. In cooperation with UNICEF and “Save the Children” and pursuant to the implementation of the National Strategy for the Improvement of the Roma Living Conditions, the MES has concluded a survey designed to bring to evidence the teaching situation for Roma folks in our country; it is also following up the realization of some concrete projects for pre-school education.

392. The opening and operation of kindergartens for Roma children has been one of the priority measures, finding wide-ranging support among the domestic and foreign donors; this is also thanks to their fruitful cooperation with Roma associations. During the period 2004–07, a series of initiatives were unveiled, with the support of various donors, aimed at setting up such kindergartens in some areas with a large concentration of the Roma community folks.

393. In the year 2005, the building of the kindergarten “Lulet e vogla” (The Small Flowers”) was reconstructed in the city of Korça for the Roma community, through a project implemented by the associations “Terre des Hommes” and Arsis/Greece.

394. The difficult situation of this community has also arrested the attention of business companies; through their strategies of social marketing these companies have started to assist the Roma community.

395. In the context of these strategies, the “Vodafone” mobile company has backed up the association “Roma for Integration” in setting up a kindergarten in the neighbourhood “Selitë e Vogël” in Tirana under the project “Children Pre-School Education”. The kindergarten was inaugurated in 2006 and it has nearly 30 kids. The continued activity of this association has embarked into an institutional way and the MES structures are providing their whole necessary support for licensing this institution.

396. Meanwhile local government units have made proper arrangements to foster the registration of Roma children in pre-school educational institutions. The Municipality of Tirana, with a view to enhance the inflow capacities has reduced the admission fees for

vulnerable families. If a family has a kid registered in a nursery or kindergarten, the fee is 50 per cent; but when the same family has more than one registered child there, then the kindergarten services are free.

397. An ingredient component of the projects implemented by Roma organizations are courses in Albanian language designed to prepare Roma children for the first class. This is the case in some cities, as in Tirana, Korça, Kuçova, Lushnja and Fushë Kruja. In the meantime, such interventions are also scheduled to be realized by Regional Educational Departments, mainly in kindergartens with a larger number of Roma children.

398. There are no official available data on the number of children attending the school and the percentage of such an attendance; however, NGOs that address problems of Roma community and Roma associations provide alternative data, which were frequently taken into consideration by State institutions.

Recommendation No. 22

399. Referring to this recommendation, we admit that there were delays in the implementation of Law No. 9235, dated 29 July 2004 “On the property restitution and compensation”; however, these delays have no relevance whatsoever to ethnic or religious distinctions. The abusive implementation for many years of the Law No. 7501, dated 19 July 1991 in several cases has produced overlapping of properties in public, private and religious community properties. Nonetheless, the structures responsible in this process continue their work for the final solution of this issue.

Recommendation No. 23

400. Both the print and electronic media in the Republic of Albania are entirely free from any State influence. This means that the State is entirely unable to interfere in producing the programmes for TV or radio broadcasts and on issues addressed by the print media. Except for the Public Radio & Television, the rest of other print and electronic media are private – owned; accordingly, they are subject to market economy rules. Referring to Public Radio & Television, it is envisaged to keep the broadcasts in the minority languages, particularly for those areas where the minority population accounts for the bulk of population.

401. The Albanian Television (TVSH) through its own TV programmes has devoted special attention to the national and linguistic minorities and to specific communities in Albania. The themes of these programmes touch issues of social position for the persons affiliated to those minorities/communities, communicative relations among them, their structures and the search for effective ways, potentials and alternatives for their integration to the society.

402. The formats of prepared programmes address social problems in line with certain social strata and age groups, as the programmes “Fokus Fëminor”(“Children Focus”) on the learning difficulties for Roma children), “Grua” (Woman – problems of double-fold discrimination of Roma women and females), “Scanner” (problems of discrimination and integration of minorities in Albania), “7x7” (problems of political organization of minorities, PUHR – a binding or a defining bridge between the two cultures).

403. The bi-weekly cycle devoted to national minorities in the daily TV broadcast entitled “ZIK – ZAK” has aired specific programmes for the Roma, Vllahe/Aromanian and Egyptian communities with topics related to them: historical background, language and culture (music, dancing, usances), housing and settlements, administrative registration and their relations with the rule of law, their international social problems, relevant associations,

their integration efforts and others. Likewise, a special programme was prepared for both communities entitled: “Roma – a success story in various fields of life”.

404. During the period 2008–09, TVSH has produced and broadcasted two documentaries with topics ranging from good-neighbourliness relations and cooperation among Albanians and the Greek minority in the country’s south. The first documentary is entitled “Neighbours” (author Pluton Vasi), and the next “Upper Dropulli” (author Ilir Buçpapaj). At the core of their attention lies spiritual ties, marriages, schooling, common destinies as well as their commitments to the political and administrative life.

- RADIO TIRANA – The first channel of this radio prepares and broadcasts on monthly basis for each minority in Albania a special chronicle lasting 30 minutes and another all-comprehensive chronicle with a larger timing

405. In 2008, in cooperation with the Media Institute, 8 radio reports on the linguistic Roma and vllahe/aromanian minorities were prepared and broadcasted, each in their own languages. The third channel of this radio broadcasts on daily basis a 15-minute programme in the Greek and Serb language.

- RADIO KORÇA, broadcasts every day at 19.00, a 30-minute programme with news and music in the Macedonian language
- RADIO GJIROKASTRA, BROAD 18.00 broadcasts a 45-minute cultural programme in the Greek language
- TV GJIROKASTRA, broadcasts once a week, a 60-minute programme in the Greek language with documentaries, TV reports and others

406. Based on the demands of the subjects concerned, the National Council of Radio-Television has licensed two private local radiophonic operators “Radio Armonia” and “Radio Prespa” (respectively for the Greek and Macedonian minority, as well as the loyal private TV Armonia” (Greek minority).

407. The licensing area for “TV Armonia” and “Radio Armonis” is the district of Gjirokastër and for “Radio Prespa” the Commune of Liqenas.

Recommendation No. 24

408. Referring to recommendation 24, our comment is that access is not missing; however, we admit that more needs to be done to inform and make the Roma minority and the Egyptian community aware of their rights not only to have access to public places but to all social services offered by State.

Recommendation No. 25

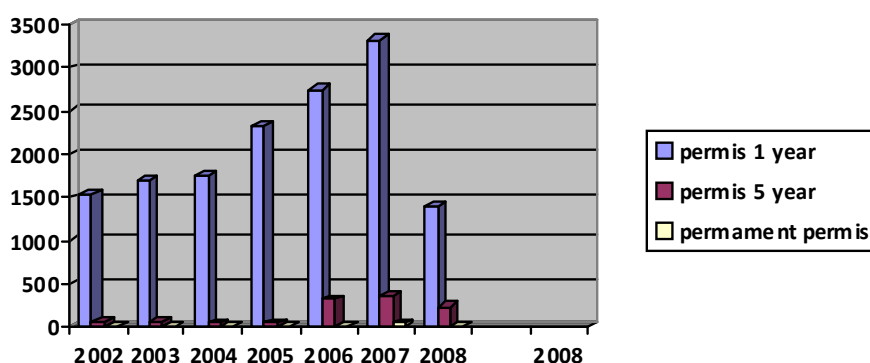
409. In this regard, the General Directorate of the State Police in cooperation with Mission PAMECA II and III has worked out the blueprint of the Strategy of Combating Terrorism; it is also submitted for views and opinions to line institutions. The goal of this strategy shall be to reduce the Risk of National and International Terrorism, which could threaten democracy and the living mode of Albanian citizens. Soon, the approval procedures are expected to start, so that it becomes a concrete working document for the structures engaged in combating terrorist acts.

410. Currently, these structures are working under the National Plan of Action against Terrorism; the latter is endorsed by the Decision of the Council of Ministers No. 12 dated 28 January 2002.

411. Referring to the regime for the entry, stay, employment, treatment and exit of foreigners from the Albanian territory, the Law “On Foreigners”,²⁶ defines in clear terms the functions, powers, competences of state authorities and other public, private or foreign entities dealing with foreigners (art. 1).

412. Conditioned by the fact of a regular stay in the Albanian territory, the Law recognizes the right of possession of documents for “the alien” (refer to paragraphs 117–121 of the present report, article 1).

413. In the following, one may see graphically presented the residence permits (annual, 5-year and permanent permits) issued by the local offices of the Border and Migration Police for the period January 2002–June 2008.



Recommendation No. 27

414. The Institution of the Ombudsman is mentioned for the first time ever in the Albanian legislation by the Constitution of Albania of 1998. The State fundamental act, in its articles 60–63 defines the function, the principles of its activity, the structure and competences of the Ombudsman. Likewise, its article 134/“dh” establishes the right of this institution to set in motion the Court of Constitution.

415. This institution represents a State mechanism beyond the judiciary structures for the independent inquiry of complaints, demands or notices by citizens against the conduct, decisions, regular commissions or commissions from public administration.

416. The essential principles and features of this Institution are independence, confidentiality, professionalism, flexibility, reliability, and public transparency.

417. The Code of Administrative Procedures,²⁷ Law no. 8503, dated 30.6.1999 “On the right of information for official documents”²⁸, law no. 9888, dated 10 March 2008 “On the rights and the treatment of those sentenced with prison terms”²⁹ and the Law no. 9135,

²⁶ Adopted under Law No. 8492, dated 27 May 1999 and amended under the Law adopted in 2008, No. 9959, dated 17 July 2008.

²⁷ Law no. 8485, dated 12 May 1999, Code of Administrative Procedures of Republic of Albania, article 45.

²⁸ Article 18.

²⁹ Article 74/1.

dated 11 September 2003 “For the consumer protection”,³⁰ lay the legal basis which defines almost all rights and functional duties of the Ombudsman’s office.

418. The Institution deals with the examination of issues after submitting complaints, applications and notices by individuals, either directly or on the initiative of the institution itself for all cases made public.

419. Article 12 of the organic law on the activity of the institution envisages the right that “every individual group of individuals or non-governmental organizations who claim that their rights, freedoms and legitimate interests are violated through unlawful and irregular omissions or commissions by public administration bodies ...” should demand its intervention to remedy the violated right or freedom.

420. Law No. 9398, dated 12 May 2005 “On Some Amendments in the Law on the Ombudsman” removed the legal restriction for the initiation of cases *ex officio* by the Ombudsman (“with the consent by the person concerned or the aggrieved”), which addresses the cases of aggrieved minors or persons with disabilities. Article 13 of this Law stipulates that “In the cases when the Ombudsman starts the procedure of examining the issue on his own initiative and when the custodian or his own legal representative does not act, then the consent of the aggrieved is not required, when he/she is minor, mentally disabled, with disabilities or for the protection of the rights of a large number of individuals.”

421. Likewise, the above-cited law has established some other rights and powers for the activity of the Ombudsman Office. The last paragraph of article 25 of this Law foresees that “The Ombudsman accepts complaints, applications or notices related to the violation of human rights by the administration of the judiciary, the final court rulings and judiciary procedures. Investigation and demands by the Ombudsman does not affect the independence of the court in rendering a judgment.”

422. Section of Human Rights, Minorities and reporting at the Ministry of Foreign Affairs is a specific one; it deals with the performance of tasks in the context of the implementation and coordination of the Albanian Government’s policy on minorities.

423. Some of the duties of this section are: (i) prepare national reports concerning the implementation of the United Nations conventions in the field of human rights, (ii) follow up of the compliance with the obligation in the field of human rights for the minorities in the framework of Albania’s integration to the EU and reporting, (iii) Organize and chair meetings of the Working Groups with representatives of line Ministries and issue instructions on the necessary information for drafting reports, (iv) maintain contacts with representatives of associations of minorities and associations in the field of human rights.

424. Referring to the structure of the “Section for National Minorities at the Directorate of Prefectures in the Ministry of Interior on which the Committee requests information in this recommendation, we have to clarify that after the changes made in the structures of central institutions in the aftermath of the general parliamentary elections of the year 2005 and 2009, this structure does not exist any more.”

425. Referring to Point “b” of the recommendation, our comment is that there is a wide-ranging and developed network of NGOs in Albania, which conducts their activity both at local and national level, focusing mainly in the area of observance of human rights.

426. During the period 2001–06, civil society in cooperation with various donors has been particularly active on the following: (i) monitor continuously the state of play of

³⁰ Article 55.

observance of human rights and minorities; (ii) raise the awareness of public opinion on the rights of minorities; (iii) training public administration, central and local bodies; (iv) enhancing the capacities of organizations of minorities; (v) activities to increase the participation of minorities at public life; (vi) activities for the prevention of trafficking of women and children; (vii) training for the media (viii) draft legislation and sub-legal acts; (ix) information publications.

427. The Albanian Government, while commending the role of the civil society in the continuous improvement of the state of play concerning human rights, intends to maintain and develop constructive relations with the organizations of civil society active at this area.

428. Evidence to this spirit is also the signing on 15 October 2002 of a Memorandum of Understanding between the Ministry of Foreign Affairs and Non-Profit Organizations engaged with the study of international relations.

429. This Memorandum is designed to foster cooperation, upgrade the degree of transparency and the contribution of civil society in the full-fledged efforts towards Albania's integration to the European and Euro-Atlantic structures as well as the maintenance and the well-balanced observance of partnership relations and opponence among them.

430. The parties express their readiness to invite their own experts, members of the inter-institutional working groups for various issues of politics, international relations and Euro-Atlantic integration.

431. In this regard, non-profit Organizations are continuously invited by the inter-ministerial group, under the coordination of Foreign Ministry to assist in and contribute to the preparation of reports submitted to the Bodies envisaged by the United Nations Human Right Treaties.

432. An important aspect in the context of increased cooperation and dialogue with civil society in the process of the implementation and raising the awareness on the Convention on the Elimination of All Forms of Racial Discrimination is also the active participation of central and local institutions at civil society events and projects.

433. We have to mention as very successful in this respect, the project of the Albanian Helsinki Committee "Monitoring the observance of minority rights in the Korça Municipality"; accordingly, the Municipal Council under its Decision dated 23 May 2006 decided on the active participation in the implementation of this project, setting up even a working group composed of five members of the Council; the latter supervised the process of completing the questionnaires drafted for the project implementation.

434. A very positive experience was also offered by the programme "Improvement of Inter-Ethnic Relations in Southeast Europe",³¹ which was almost entirely implemented at local level.

435. Under the Law "On the Ombudsman" in carrying out his own functions, the latter cooperates closely with non-profit organizations, receiving periodically their views and opinions on the situation on human rights and freedoms. In this sense, he has offered his cooperation to the most engaged non-profit organizations in the field of upholding human rights, reflecting in this way the functions of this Institution and its strategy of cooperation.

436. Albania has taken an active part in the implementation of several regional projects in the framework of the First Table of Democracy and Human Rights of the Stability Pact for

³¹ Program of Foundation" King Boudouin" Civil Open Society Foundation (OSFA), "Charles Sterwart Mott Foundation" (CFMF) and the Human Development and Promotion Center (HDPC).

Southeast Europe and the Group of Minorities of the Central European Initiative. A number of NGOs, which are also active in these initiatives have also contributed to their elaboration.³²

437. The active participation by Republic of Albania in these projects is an evidence of its growing efforts in promoting and raising public awareness for the respect for cultural diversity in Albania.

438. Considering as a deficiency the failure to include participants from minorities in the drafting process of the first report and in the implementation of the recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities, representatives from minority associations and civil society were invited to take an active part throughout the process of drafting the second report.

439. To this end, a meeting was held between the Deputy Foreign Minister and representatives of minorities and civil society that are active in the field of upholding human rights of the minorities.

440. During this meeting, the Foreign Ministry required the cooperation of representatives from civil society and associations of minorities in preparing the second official report by Republic of Albania; apart from the questionnaire of the Advisory Committee which is to be completed by NGOs, another material was also distributed; the latter sought the position of these associations on the following:

- (a) The specific problems for the national and ethno-linguistic minorities;
- (b) Statistics on minorities;
- (c) Assessments on the state of play of observance of their rights, particularly factual information on conducting the right of using the native language in the relations with local authorities, topographic and place names, education in the native language, data on their representation in the central and local bodies, police, various financing in the residential areas and the free movement in the countries of origin;
- (d) Various publications from NGOs on minorities;
- (e) Events and projects on the observance of human rights of minorities;
- (f) Assessments of State policies regarding national minorities, the problems of minorities in Albania and the fields which need a larger engagement by State bodies;
- (g) Assessment on the implementation of the National Strategy "On the Improvement of living conditions for the Roma minority".

441. Various publications in the area of upholding human rights of minorities are as follows:

- (a) Publication by INSTAT, in cooperation with the Ministry of Foreign Affairs on statistical data on minorities;
- (b) Survey on the legal frame and the structures of minorities in the context of the Central European Initiative;
- (c) Publication of the National Strategy "On the Improvement of Living Conditions for the Roma Minority", in cooperation with OSCE.

442. The publications from Civil Society are as follows:

³² Link Diversity, Non-discriminating Review, Central Europe Initiative (CEI).

(a) Publication from the Albanian Center for Human Rights; it contains the Convention, the Opinion and Resolution of the Advisory Committee on the Frame Convention;

(b) Publications by the Albanian Helsinki Committee:

(i) “Minorities in Albania” (Albanian and English version);

(ii) “The Question of minorities in Europe (texts and insights in the Albanian version);

(iii) Framework Convention on national minorities (English version);

(iv) Brochure Framework Convention “For the Protection of National Minorities, Constitution of Republic of Albania and Albanian legislation on minority rights (version in Albanian, Macedonian and Greek);

(v) Leaflets for minorities.

443. Work done by the Albanian Group for Human Rights:

(a) “Insight on the issue of Roma and Egyptian population in Albania”;

(b) Survey on minorities in Albania – sponsored by the Swedish Helsinki Committee;

(c) Media and Minorities – sponsored by CIDA – The Canadian Embassy;

(d) Materials from Soros Foundation;

(e) Executive Summary of the Report for the Implementation of the National Strategy “For the improvement of the living conditions of Roma minority in Albania”;

(f) Monitor the National Strategy “For the improvement of the living conditions of Roma Minority”.

444. In this regard, we may also mention the work done by minority associations for their periodic publication.

Recommendation No. 28

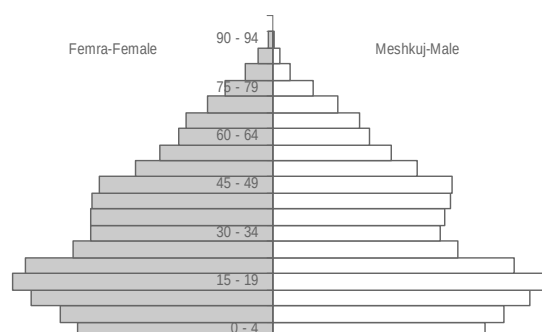
445. Referring to the implementation of the Durban Declaration related to the Roma community, we need to clarify that Republic of Albania has drafted and is implementing for the Roma community its Strategy “For the improvement of the living conditions of Roma community”.

Recommendations Nos. 29 and 30

446. Soon, the Albanian State will finalize the procedures recommended with regard to articles 8 and 14 of the Convention.

Annex

Table A.1.1 Pyramid of population, 2006



Source: Female and Male – INSTAT, 2006.

Table A.i.2
Live births by sex

<i>Year</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Sex ratio</i>
1990	82 125	42 564	39 561	1.08
1995	72 081	38 085	33 996	1.12
2000	51 242	26 686	24 556	1.09
2001	54 283	28 524	25 759	1.11
2002	45 515	24 164	21 351	1.13
2003	47 012	24 894	22 118	1.13
2004	43 022	22 859	20 163	1.13
2005	39 612	21 007	18 605	1.13
2006	34 229	18 250	15 979	1.14

Source: Female and Male – INSTAT, 2006.

Table A.i.3
Live birth by age group of mother, in per cent

<i>Vitet</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>Years Age group of mother</i>
Grupmosha e nënës										
Deri 19	2.89	4.77	4.88	2.23	4.95	5.39	5.23	6.34	5.8	Up to 19
20–24	30.16	30.01	31.03	25.44	30.07	31.09	31.42	33.07	32.8	20–24
25–29	37.33	34.72	34.56	36.10	33.72	33.69	33.65	32.42	32.8	25–29
30–34	20.84	18.79	19.97	23.82	21.06	20.04	19.74	18.91	18.8	30–34
35–39	6.63	6.47	7.15	9.22	7.81	7.40	7.53	7.14	7.2	35–39
40–44	1.62	1.12	1.44	2.25	1.85	1.70	1.71	1.48	1.5	40–44
45–49	0.17	0.08	0.09	0.17	0.17	0.16	0.15	0.16	0.1	45–49

<i>Vitet</i>	1990	1995	2000	2001	2002	2003	2004	2005	2006	<i>Years Age group of mother</i>
Mbi 50 vjeç	0.05	0.01	0.02	0.15	0.03	0.05	0.03	0.04	0.0	Above 50
Të Panjohur	0.30	4.03	0.87	0.63	0.35	0.49	0.56	0.45	1.0	Unknown
Gjithsej	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	Total

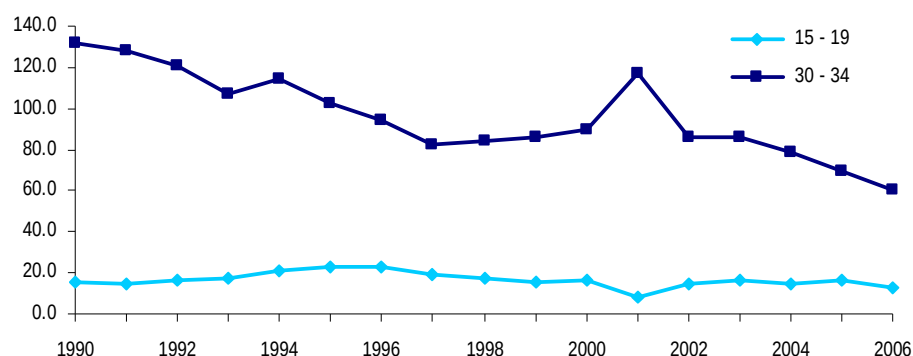
Source: Female and Male – INSTAT, 2006.

Table A.i.4
Age specific fertility rate per 1000 women, 1990–2006

<i>Years</i>	<i>Live births</i>	<i>Age specific fertility rate per 1,000 women</i>							<i>ISF TFR</i>
		15–19	20–24	25–29	30–34	35–39	40–44	45–49	
1990	82 125	15.3	164.5	213.6	131.6	55.7	17.4	2.7	3.0
1995	72 081	23.1	160.9	190.0	102.3	38.5	8.5	0.8	2.6
2000	51 242	16.3	119.7	142.5	89.3	30.7	7.2	0.6	2.0
2005	39 162	16.3	92.3	111.4	69.6	26.3	5.3	0.6	1.6
2006	34 229	12.9	79.4	98.0	60.2	23.1	4.6	0.5	1.4

Source: Female and Male – INSTAT, 2006.

Graph. A.i.1
Age specific fertility rate



Source: INSTAT.

Table A.i.5
Births and abortions

<i>Years</i>	<i>Births</i>	<i>Abortions</i>	<i>Abortions/1,000 births</i>
1995	72 081	31 874	442
2000	51 242	21 004	419
2001	54 283	17 125	325
2002	45 515	17 500	384
2003	47 012	12 087	257

<i>Years</i>	<i>Births</i>	<i>Abortions</i>	<i>Abortions/1,000 births</i>
2004	43 022	10 517	244
2005	39 612	9 403	237
2006	34 229	9 552	279

Source: INSTAT.

Table A.i.6
Deaths by gender

<i>Years</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
2000	16 421	9 505	6 916
2001	15 813	9 160	6 653
2002	16 248	9 123	7 125
2003	17 967	10 038	7 929
2004	17 749	9 949	7 800
2005	17 423	9 690	7 733
2006	16 935	9 082	7 853

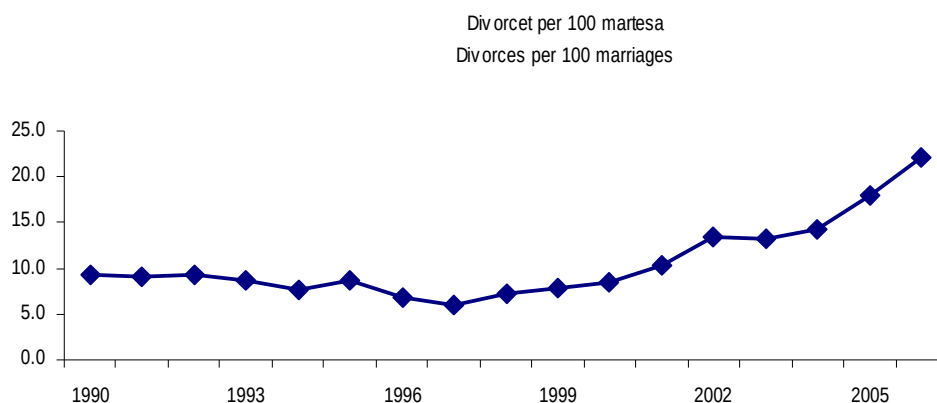
Source: Female and Male – INSTAT, 2005.

Table A.i.7
Average age of marriage by sex

<i>Years</i>	<i>Male</i>	<i>Female</i>
1990	27.3	23.0
1995	27.8	23.0
2000	28.1	23.0
2002	28.8	23.3
2003	28.9	23.3
2004	29.2	23.8
2005	28.5	23.0
2006	28.5	23.1

Source: Female and Male – INSTAT, 2006.

Graf A.i.2

Graph: Divorces per 100 marriages

Source: Female and Male – INSTAT, 2006.

Table A.ii.2.1

Children, pupils and students by sex

	2001/02		2002/03		2003/04		2004/05		2005/06	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Total	346 801	372 494	380 348	370 061	384 416	370 234	402 463	385 419	399 656	384 366
Children in kindergarten	39 900	38 573	38 472	37 693	39 022	36 733	40 902	37 863	40 775	37 708
Pupils	290 865	307 797	325 456	305 188	325 418	300 868	336 432	309 428	328 049	303 333
Students	16 036	26 124	16 420	27 180	19 976	32 633	25 129	38 128	30 832	43 325

Source: Female and Male – INSTAT, 2006.

Table A.ii.2.2

Pupils and students graduated

2002/03	2003/04	2004/05	2005/06	Pupils and students
53 185	56 513	59 519	58 216	Pupils graduated on basic 9 years education
26 382	28 730	30 241	29 886	Male
26 803	27 783	29 278	28 330	Female
22 182	24 840	29 380	27 905	Pupils graduated on secondary education
10 432	12 157	14 614	12 762	Male
11 750	12 683	14 766	15 143	Female
5 229	5 977	5 752	7 630	Students graduated
1 468	1 804	1 649	2 118	Male
3 761	4 173	4 103	5 512	Female

Burimi: Femra dhe Meshkuj – INSTAT, 2006.

Source: Female and Male – INSTAT, 2006.

Table A.ii.2.3
Graduated students in the tertiary education/Level 5

<i>School year</i>	<i>Total</i>	<i>Female</i>	<i>Full time</i>		<i>Part time</i>	
			<i>Total</i>	<i>Female</i>	<i>Total</i>	<i>Female</i>
1994/95	4 436	2 556	3 711	2 135	725	421
1995/96	4 630	2 606	3 702	2 086	928	520
1996/97	3 708	1 990	3 295	1 761	413	229
1997/98	3 861	2 456	2 861	1 821	1 000	635
1998/99	3 997	2 612	2 953	1 991	1 044	621
1999/00	4 735	3 170	3 545	2 372	1 190	798
2000/01	4 618	3 168	3 442	2 382	1 176	786
2001/02	5 016	3 477	3 734	2 550	1 282	927
2002/03	5 229	3 761	4 064	2 879	1 165	882
2003/04	5 977	4 173	4 760	3 335	1 217	838

Source: Statistical yearbook, 1995–2004.

Table A.ii.2.4
Registered unemployment by sex, 1995–2009

<i>Year</i>	<i>Registered unemployed</i>							
	<i>Woman</i>	<i>Men</i>	<i>Education level</i>	<i>High school education</i>	<i>Higher education</i>	<i>15–19 years</i>	<i>21–34 years</i>	<i>35 years +</i>
1995	91 425	79 567	82 717	84 584	3 700	20 701	78 069	72 231
1996	88 025	70 130	78 069	76 957	3 129	17 859	71 923	68 373
1997	108 962	84 564	94 664	93 702	5 160	23 565	89 961	81 000
1998	127 066	107 971	111 997	117 096	5 954	32 227	104 879	97 931
1999	129 723	110 071	114 834	117 973	6 987	30 932	109 268	99 931
2000	113 166	101 919	104 604	104 615	5 866	26 737	97 724	90 624
2001	95 093	85 420	89 309	87 097	4 107	12 868	84 802	82 834
2002	91 059	81 326	87 297	82 267	2 821	13 410	78 353	80 622
2003	85 905	77 125	86 910	73 541	2 579	12 609	73 353	77 025
2004	67 334	74 893	84 066	70 219	2 723	11 060	66 473	79 101
2005	79 219	74 031	81 845	68 563	2 824	11 434	63 910	78 280
2006	77 643	72 151	81 278	65 148	3 373	11 250	60 119	74 443
2007	73 025	69 801	77 009	62 531	3 131	10 616	55 940	76 315
2008	70 243	71 457	75 012	62 703	3 985	10 064	52 418	79 218
2009	73 602	71 164	77 502	63 303	3 961	8 627	53 100	83 039

Source: INSTAT/MPÇSSHB.

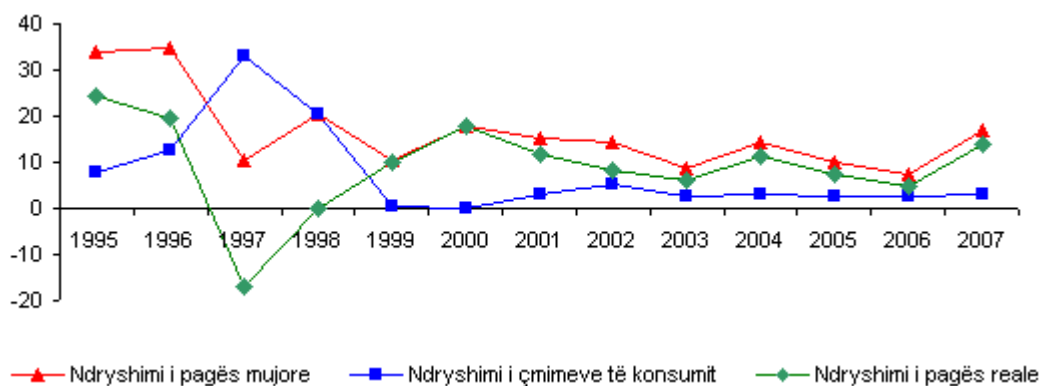
Table. A.ii.2.5.

Categories and level of unemployed

Year	Registered unemployed	Jobless with unemployment aid	Long-term jobless	Unemployment rate (%)	Male (%)	Female (%)
1995	171 001 (100%)	46 132 (27.0%)	124 353 (72.7%)	12.9	11.6	14.8
1996	158 155 (100%)	37 654 (23.8%)	120 252 (76.0%)	12.3	11.4	13.6
1997	193 526 (100%)	30 937 (16.0%)	162 589 (84.0%)	14.9	13.8	16.6
1998	235 037 (100%)	24 625 (10.5%)	209 327 (89.0%)	17.7	15.8	20.9
1999	239 794 (100%)	22 486 (9.4%)	216 302 (90.2%)	18.4	16.4	21.4
2000	215 085 (100%)	21 894 (10.2%)	192 724 (89.6%)	16.8	14.9	19.3
2001	180 513 (100%)	14 322 (7.9%)	165 656 (91.8%)	16.4	14.2	19.9
2002	172 385 (100%)	11 184 (6.5%)	160 466 (93.1%)	15.8	13.6	19.1
2003	163 030 (100%)	11 276 (6.9%)	150 992 (92.6%)	15.0	12.9	18.2
2004	157 080 (100%)	11 125 (7.0%)	144 959 (92.3%)	14.4	12.4	17.5
2005	153 250 (100%)	10 306 (6.7%)	142 143 (92.7%)	14.1	12.1	17.2
2006	149 794 (100%)	11 137 (7.4%)	137 049 (91.5%)	13.8	11.8	16.8
2007	141 871 (100%)	11 137 (7.8%)	123 943 (86.8%)	13.5	14.4	12.2
2008	141 700 (100%)	9 956 (7%)	91 949 (64.9%)	13.0	12.5	13.5

Source: INSTAT/MPÇSSHB

Table A.ii.3

Real wage growth in the State sector (red colour – change of monthly wage; blue colour – change of consumer index and green colour – change of real wage)

Source: INSTAT.

International Acts enacted by the Assembly No. (Parliament) (2002–2009)		Goal
Law No. 8888, dated 25.4.2002 “For the ratification of the Convention” On crime in the cyber field”		Devising a joint penal policy designed to protect the society from cyber crime; adjustment for a contemporary legislation and fostering international cooperation in combating crime in the cyber field
Additional Protocol to the Convention on Cyber Crime”		It establishes the penalization of acts of racist and xenophobe nature through computer

No. <i>International Acts enacted by the Assembly (Parliament) (2002–2009)</i>	<i>Goal</i>
effective as of 1 March 2006)	systems
Law No. 8960, dated 24 October 2002 amended “For the Ratification of the European Social Charter”	Non-subjugation of persons with family responsibilities to discrimination, if they are engaged or if they wish to be employed
Law No. 9068, dated 15 May 2003 “For the Ratification of the European Convention on the International Validity of Criminal Judgements”	Execution of court judgments by the member States and their non-refusal, when the application state considers that there are serious grounds to believe that the punishment is provoked or aggravated on account of race, religious faith, nationality or political conviction
Law No. 9262, dated 29 July 2004 “For the ratification of the Additional Protocol of the Convention for Cyber Crime, the criminalization of acts of racist and xenophobe nature perpetrated through computer systems”	Adoption of the necessary legislative measures for the definition of a criminal offence under the domestic law carried out by public distribution through a computer system of a material that denies, minimizes to a considerable extent, approves or justifies what international law considers a genocide or crime against humanity
Law No. 9264, dated 29 July 2004, Protocol no. 12 of the Convention “For the Protection of Human Rights and Fundamental Freedoms”	Adoption of measures to prevent discrimination in general, so that no one would be discriminated by public authorities and pursuant to rights stipulated by law, the treatment should be offered without any distinction on account of sex, race, colour, language, religion, political views or on other grounds, national or social origin, affiliation to a national minority, assets, background or any other status
Law No. 9547, dated 1 June 2006 “For the ratification of the Convention No. 168 of the International Labour Organization “For the Promotion of Employment and Protection from Unemployment, 1988”	Setting up protective systems against unemployment and favourable to employment policies, ensuring equality of treatment for all protected persons, without discrimination on account of race, sex, faith, political opinion, national background, nationality, ethnic or social origin, inability or age
Law No. 9564, dated 19 June 2006 “For the Ratification of the Convention No.143 “For Migrant Workers (additional provisions), 1975” of the International Labour Organization, done in Geneva	Adoption of the necessary measures within its own jurisdiction to control the migration situation (immigration and emigration)
Law No. 9642, dated 20 November 2006 For the ratification of the Council of Europe Convention “For the Measures against Trafficking in Human Beings”	Adoption of measures for the protection of the rights of the victims of human trafficking, without any sort of discrimination on account of sex, race, colour, language, religion, political convictions or others, national or social origin, affiliation to a national minority, assets birth or any other status
Law No. 9703, dated 2 April 2007 “On the accession of Republic of Albania to the International	The implementation of the provisions of this Convention throughout the migration process and for all migrant workers and members of

<i>No.</i>	<i>International Acts enacted by the Assembly (Parliament) (2002–2009)</i>	<i>Goal</i>
	Covenant “For the Protection of the Rights of All Migrant Workers and the Members of their Families”	their families, without any distinction on account of gender, race, colour, language, religion, political; convictions, national or social origin, age, economic or civil situation and others
	Law No. 9773, dated 12 July 2007 is already ratified by Republic of Albania – Convention of International Labour Organization (ILO) “For the Protection of Workers with Family Responsibility, C 156, 1981”	Provide conditions for conducting the rights according to an effective equality and non-discrimination of workers (men and women) with family responsibility, in order to avoid conflicts between professional and family responsibilities
	Law No. 9809, dated 27 September 2007 “For the Ratification of the Convention No. 147 of the International Labour Organization (ILO) “For the Minimum Standards for Commercial Ships, 1976”, and the Protocol 1996 to the Convention “On Commercial Transportation”	Establish the legal frame for the registration of ships in the Albanian territory, aimed at protecting life in commercial ships and the standards of ensuring social life, avoiding any distinction, exception or preference on the basis of age, colour, sex, religion, political convictions, national background or social origin

Table II.1.1

<i>No.</i>	<i>Sub-legal acts (2002–2009)</i>	<i>Goal</i>
	DCM No. 633, dated 18.09.2003 “For the Adoption of the Strategy for the Improvement of the Living Conditions of Roma Minority”	Draft a strategy aimed at making a critical analysis of the socio-economic situation of Roma minority. The definition of duties and responsible structures for the implementation of measures in view of integrating the Roma minority in Albania, eliminating in this way discrimination on account of race.
	DCM No. 127, dated 11.03.2004 “On the Establishment of the State Committee for Minorities”	Set up the National Committee of Minorities, with a view to further foster the participation of persons belonging to minorities at public life and to suggest measures for conducting and upholding the rights and freedoms of these minorities. Cooperation with the governing central and local bodies and with the relevant international bodies and organization conducting the rights and freedoms of persons belonging to minorities.
	DCM No. 368, dated 31.05.2005 “On the adoption of the National Strategy for Children”	Define strategic objectives in the field of upholding the rights of child against any form of violence, abuse and discrimination. Promotion and strengthening of cooperation with all responsible actors at all governing levels and communities.

No. Sub-legal acts (2002–2009)	Goal
Order No. 3705/1, dated 11.05.2006 by the Minister of Justice for the Adoption of Pre-Detention Regulation	Treatment of the pre-detainees without discrimination and with impartiality, while observing the national and international standards of human rights, without any discrimination on account of race, colour, ethnicity, religion, gender, age, inability or religious affiliation.
DCM No. 463, dated 05.07.2006 “For the Adoption of the National Plan for the Implementation of the Stabilization and Association Agreement”	Training for the teaching methods for children and ways of conducting the study activity, free from any racial, gender or religious discrimination.
DCM No. 822, dated 06.12.2006 “For the Adoption of Standards of Social Care Services for Persons with Disabilities at Residential and Daily Care Centers”	Define the Standards for Social Care Services for the persons with disabilities so that the local governing organizations would work together with these social categories, their family members and the representation organizations to prevent and avoid discrimination and social exclusion.
DCM No. 913, dated 19.12.2007 “For the Adoption of the National Strategy for Gender Equality and Family Violence 2007–2010 and its Implementing Plan of Action	Define concrete goals and measures of each governmental structure tasked with the law enforcement for gender equality and family violence, which shall be accomplished without any kind of discrimination.
DCM No. 786, dated 04.06.2008 “For the Adoption of the Disciplinary Regulation of State Police”	Define obligations and norms of behaviour for the police officers while they perform their duty/service and equal treatment of persons without discrimination on account of gender, race, colour, language, faith, ethnicity, political, religious or philosophical convictions, sexual orientation, economic, education, social or parental affiliation.
DCM No. 80, dated 28.01.2008 “For the Adoption of the Sectorial Strategy for Social Protection and its Implementing Plan of Action”	Offering social protection, social aid or services for any individual in distress, albeit the gender, origin, religion, age, disabilities or other specific particularities. Prevention of discrimination in benefiting services.
DCM No. 1104, dated 30.07. 2008 “On some Addition to the DCM no. 80, dated 28.1.2008 "For the Adoption of the Sectorial Strategy for Social Protection and its Implementing Plan of Action”	Prevention of discrimination by defining the criteria for the custody family; define the discriminatory stances for the applicants who want to be custodian parents; respect the religious faith from the child/children and the protection of persons with disabilities or ethnic minorities.

Table.II.1.2

Conventions that Albania has signed in the context of international organizations

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
1	Council of Europe (CE)	European Convention for the Protection of Human Rights and Fundamental Freedoms (04.11.1950)	13.07.1995	02.10.1996	Art. 2, para. 2
2		Protocol of European Convention for the Protection of Human Rights and Fundamental Freedoms (20.3.1952)	02.10.1996	02.10.1996	
3		European Cultural Convention (19.12.1954)	25.06.1992	25.06.1992	
4		European Convention on Extradition. (13.12.1957)	19.05.1998	17.08.1998	
5		European Convention on Mutual Assistance in Criminal Matters (20.4.1959)	19.05.1998	03.07.2000	
6		Protocol No. 2 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (06.05.1963)	13.07.1995	02.10.1996	
7		Protocol No. 3 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Amendments to articles 29, 30 and 34 of the Convention (6 May 1963)	13.07.1995	02.10.1996	
8		Protocol No. 4 to the European Convention for the Protection of Human Rights and Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the First Protocol thereto. (16.09.1963)	02.10.1996	02.10.1996	
9		European Convention on the Supervision of the Conditionally Sentenced or Conditionally Released Offenders (30.11.1964)	08.06.2000	18.08.2001	
10		Fifth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, amendments to articles 22 and 40 of the Convention (20.1.1966)	13.07.1995	02.10.1996	
11		European Convention on Information on Foreign Law (7.6.1968)	08.06.2000	18.08.2001	
12		European Convention on the International Validity of Criminal Judgments (28.5.1970)	08.06.2000	23.01.2004	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
13	CE	European Convention on the Transfer of Proceedings in Criminal Matters (15.5.1972)	19.05.1998	05.07.2000	Art. 3, para. 2/a
14		Additional Protocol to the European Convention on Extradition (15.10.1975)	19.05.1998	17.08.1998	
15		European Convention on the Suppression of Terrorism (27.1.1977)	04.04.2000	22.12.2000	
16		European Agreement for Transmission of Applications for Legal Aid (27.1.1977)	08.06.2000	18.06.2001	
17		Second Additional Protocol to the European Convention on Extradition (17.3.1978)	19.05.1998	17.08.1998	
18		Additional Protocol to European Convention on Mutual Assistance in Criminal Matters (17.3.1978)	19.05.1998	03.07.2000	
19		European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities (21.05.1980)	07.05.1999	08.02.2002	
20		Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (28.01.1981)	09.06.2004	01.06.2005	
21		European Convention for the Transfer of the Sentenced Persons (21.03.1983)	19.05.1998	01.08.2000	
22		Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms for the Abolition of Death Penalty	04.04.2000	01.10.2000	
23		Additional Protocol to the European Convention for the Compensation of the Victims of Violent Crimes (24.11.1983)	09.10.2003	01.03.2005	
24		Protocol No. 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (22.11.1984)	02.10.1996	01.01.1997	
25		Protocol No. 8 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (19.3.1985)	13.07.1995	02.10.1996	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
26		European Convention on Spectacular Violence and Misbehaviour at Sports Events and in particular at Football Matches 09.08.1985)	02.02.1995	01.11.1999	
27		European Charter for Local Self - Government(15.10.1985)	27.05.1998	01.08.2000	
28		European Convention for the Prevention of Torture, Inhuman or Degrading Punishment or Treatment (26.11.1987)	02.10.1996	01.02.1997	
29		European Convention on Transfrontier Television (05.05.1989)	02.07.1999	01.08.2005	
30		European Convention on the Protection of the Archaeological Heritage (16.1.1991)	06.02.2008	20.08.2008	
31		Convention on the Participation of Foreigners in Public Life at Local Level (05.2.1992)	09.06.2004	01.11.2005	
32		Protocol No. 1 to the European Convention for the Prevention of Torture, Inhuman or Degrading Punishment or Treatment	02.10.1996	01.03.2002	
33		Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment (04.11.1993)	02.10.1996	01.03.2002	
34		Protocol No. 11 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby.	13.07.1995	01.11.1998	
35		The Framework European Convention for the Protection of National Minorities (01.02.1995)	29.06.1995	01.01.2000	
36		Additional Protocol of the Outline European Convention on the Transfrontier Cooperation between the Territorial Communities or Authorities (09.11.1995)	07.05.1999	12.03.2002	
37		European Agreement on the participation of persons in the proceedings of the European Court for Human Rights (05.03.1996)	21.09.2000	01.03.2003	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
38	CE	The revised European Social Charter.(3.5.1996)	21.09.1998	01.01.2003	
39		European Convention on the Equivalence of Diplomas leading to Admission to Universities (11.4.1997)	04.11.1999	01.05.2002	
40		European Convention on Statehood (6.11.1997)	07.05.1999	01.06.2004	
41		The Second Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (05.05.1998)	07.05.1999	12.03.2002	
42		The amended Protocol to the European Convention for Transfrontier Television”	01.10.1998	01.09.2005	Executive NCRT
43		European Criminal Law Convention on Corruption (27.1.1999)	27.01.1999	01.07.2002	Art. 29, para. 2
44		European Civil Law Convention on Corruption (4.11.1999)	04.04.2000	01.11.2003	
45		Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (4.11.2000)	26.05.2003	01.05.2005	
46		Additional Protocol to the European Agreement on Transmission of Applications for Legal Aid (4.10.2001)	13.11.2001	01.03.2003	
47		Additional Protocol to the Convention for the Protection of Individuals with Regard to the Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows (08.11.2001)	09.06.2004	01.06.2005	
48		The Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (08.11.2001)	13.11.2001	01.02.2004	
49		European Convention on Cybercrime (23.11.2001)	23.11.2001	01.04.2004	
50		Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (03.05.2002)	26.05.2003	01.06.2007	
51		Additional Protocol to the European Convention on Cybercrime (28.01.2003)	26.05.2003	26.11.2004	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
52		Amending Protocol to the Convention on the Prevention of Terrorism. (15.05.2003)	09.10.2003	15.11.2004	
53		Additional Protocol to the Criminal Convention on Corruption (15.05.2003)	15.05.2003	01.03.2005	
54		European Convention on Contact Concerning Children, Strasbourg (15.05.2003)	09.10.2003	01.09.2005	
55		Protocol No. 14. For the Protection of Human Rights and Fundamental Freedoms amending the control system of the Convention (13.05.2004)	10.11.2004	03.02.2006	
56		The Council of Europe Convention on the Prevention of Terrorism (16.05.2005)	22.12.2005	01.06.2007	
57		The Council of Europe Framework Convention on Action Against Trafficking in Human Beings (16.05.2005)	22.12.2005	01.02.2008	
58		The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (16.05.2005)	22.12.2005	01.05.2008	
59		Convention for the Protection of Children from Sexual Abuse and Exploitation (25.10.2007)	17.12.2008	14.04.2009	
60		UN Charter and the Statute of the International Justice Tribunal, San Francisco, 26 June 1944	14.12.1955		
61	United Nations	Amendments of articles 23, 27 and 61 of the United Nations Charter, endorsed by the General Assembly in its resolution 1991 A and B (XVIII) of 17 December 1963 (17.12. 1963)		07.12.1964	
62		Amendments of article 109 of the United Nations Charter adopted by the General Assembly in its resolution 2101 (XX) of 20 December 1965 (20.11.1965)		12.10.1966	
63		Amendment of article 61 of the United Nations Charter adopted by the General Assembly in its resolution 2847 (XXVI) of 20 December 1971		22.03.1974	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
64	United Nations	The Convention on the Privileges and Immunities of the United Nations (13.02.1946)		02.07.1947	Section 30
65		Vienna Convention on Diplomatic Relations, Vienna (18.04.1961)	18.04.1961	08.02.1988	
66		Vienna Convention on Consular Relations, Vienna (24.04.1963)		04.10.1991	
67		Convention on the Prevention and Punishment of the Crime of Genocide (9.12.1948)		12.05.1956	
68		International Convention on the Elimination of all Forms of Racial Discrimination (7.3.1966)		11.05.1994	
69		International Covenant on Economic, Social and Cultural Rights (16.12.1966)		04.09.1991	
70		International Covenant on the Civil and Political Rights (16.12.1966)		04.09.1991	
71		The Convention on the Non- Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (26.11.1968)		19.05.1971	
72		Convention on the Elimination of All Forms of Discrimination of Women (18.12.1979)		11.05.1994	
73		Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (6.10.1999)		23.06.2003	
74		Convention against Torture and other Inhuman or Degrading Punishment or Treatment (1984)		11.05.1994	
75		Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (18.12.2002)		01.10.2003	
76		Convention on the Rights of Child (20.11.1989) and the two Additional Protocols	26.01.1990	27.02.1992	
77		International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families (18.12.1990)		02.07.2007	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
78		First Additional Protocol to the Covenant on Civil and Political Rights		04.01.2008	
79		Second Additional Protocol to the Covenant on Civil and Political Rights		17.01.2008	
80		International Convention for the Protection of All Persons from enforced Disappearance	06.02.2007	08.11.2007	
81		Convention relating to the Status of Refugees, Geneva 28.07.1951		18.08.1992	
82		Convention relating to the Status of Stateless Persons (28.09.1954)		23.07.2003	
83		Convention on the Reduction of Statelessness (30.08.1961.)		09.07.2003	
84		Protocol relating to the Status of Refugees (31.01.1967)		18.09.1992	
85		Protocol signed in Lake Success, New York, on 12 November 1947, for amending the Convention for the Suppression of the Traffic in Women and Children (30.09.1921) and the Convention for the Suppression of the Traffic of Women of Full Age (11.10.1933), done on 12.11.1947.		25.07.1949	
86		International Convention for the Suppression of the Traffic in Women and Children, done in Geneva on 30 September 1921 and amended on 12.11.1947.		25.07.1949	
87		International Convention for the Suppression of the Traffic in Women and Children (30.09.1921)		13.10.1924	
88		Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (21.03.1950)		06.11.1958	
89		Amending Protocol to the Convention for the Prevention of the Distribution and Trafficking of shameful Publications (12.09.1923)		25.07.1949	
90		Convention for the Prevention of Distribution and Trafficking of Shameful Publications (12 September 1923) amended on 12.11.1947		25.07.1949	
91		International Convention on the Ban of the Distribution and Trafficking of Shameful Publications (12.09.1923)		13.10.1924	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
92	United Nations	Constitution of the World Health Organization (1946)	22.07.1946	26.05.1947	Articles 7 and 9
93		Amending articles 24 and 25 of the Constitution of the World Health Organization (28.05. 1959)		11.08.1960	
94		Amending articles 24 and 25 of the Constitution of the World Health Organization (23.05.1967)		17.10.1974	
95		Framework Convention on Control over Tobacco (21.05. 2003)	29.06.2004	25.07.2006	
96		Customs Convention on the Temporary Importation of Private Road Vehicles (04.06.1954)		05.09.2003	
97		International Convention to Facilitate the Crossing of Frontiers for Passengers and Baggage Carried by Rail (10.01.1952)		22.04.2004	
98		United Nations Convention on The Carriage Of Goods By Sea, 1978 (Hamburg Rules) (31.03.1978)		01.08.2007	
99		Covenant for Women's Political Rights (31.03.1953)		16.11.1966	
100		Convention on the Nationality of Married Women (20.02. 1957)		27.07.1960	
101		Protocol amending the Slavery Convention (25.10.1926)		02.07.1957	
102		Supplementary Convention on the Abolition of Slavery, of the Slave Trade and Institutions and Practices Similar to Slavery (07.09.1956)		06.11.1958	
103		International Convention against the taking of hostages (17.12.1979)		22.01.2002	
104		Roma Statute of the International Criminal Court (17.07.1998)	18.07.1998	31.01.2003	
105		Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (15.11.2000)	12.12.2000	21.08.2002	
106		Convention on the Recognition and Enforcement of Foreign Arbitral Trials (10.06.1958)		27.05.2001	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
107		Vienna Convention on the Law of Treaties (23.05.1969)		27.05.2001	Chapters 24 and 25
108	UNESCO	Convention on the Protection and Promotion of the Diversity of Cultural Expressions (20.10.2005)		17.11.2006	
109		Convention on the Protection of the Cultural Heritage (17.10.2003)		04.04.2006	
110		Convention on the Recognition of Qualifications concerning Higher Education in the European Region (11.04.1997)	04.11.1999	06.03.2002	
111		Convention on the Protection of Underwater Cultural Heritage (02.11. 2001)		19.03.2009	
112		Revised Universal Copyright Convention (24 July 1971)		04.02.2004	
113		Convention against Discrimination in Education (14.12.1960)		21.11.1963	
114		Convention for the Protection of Cultural Property in the Event of Armed Conflict with the regulations for the implementation of the Convention (14.05.1954)		20.12.1960	
115		The Statute of the Hague on Private International Law (31.10.1951)	04.06.2002	04.06.2002	
116	HCCH	Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents (05.10.1961)	03.09.2003	09.05.2004	
117		Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (19.10.1996)		18.05.2006	
118		Convention on the Civil Aspects of International Child Abduction (25.10.1980)		04.05.2007	
119		Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption(29.05.1993)	12.09.2000	01.01.2001	
120		Convention on International Access to Justice (25.10.1980)		15.10.2007	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
121	ILO	Convention No. 11 concerning the Rights of Association and Combination of Agricultural Workers		03.06.1957	
122		Convention No. 26 concerning the Creation of Minimum Wage-Fixing Machinery		02.08.2001	
123		Convention No.29 concerning Forced or Compulsory Labour		25.06.1957	
124		Convention No. 52 concerning Annual Holidays with Pay		03.06.1957	
125		Convention No. 77 concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons		03.06.1957	
126		Convention No. 78 concerning Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations		03.06.1957	
127		Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise		03.06.1957	
128		Convention No. 95 concerning the Protection of Wages		02.08.2001	
129		Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively		03.06.1957	
130		Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value		03.06.1957	
131		Convention No. 105 concerning the Abolition of Forced Labour		27.02.1997	
132		Convention No. 111 concerning Discrimination in Respect of Employment and Occupation		27.02.1997	
133		Convention No. 131 concerning Minimum Wage Fixing, with Special Reference to Developing Countries		18.10.2004	
134		Convention No. 135 concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking		18.10.2004	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
135	ILO	Convention No. 138 concerning Minimum Age for Admission to Employment		16.02.1998	
136		Convention No. 141 concerning Organisations of Rural Workers and Their Role in Economic and Social Development		18.10.2004	
137		Convention No. 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards		30.06.1999	
138		Convention No. 150 concerning Labour Administration: Role, Functions and Organisation		24.07.2002	
139		Convention No. 151 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service		30.06.1999	
140		Convention No. 154 concerning the Promotion of Collective Bargaining		24.07.2002	
141		Convention No. 155 concerning Occupational Safety and Health and the Working Environment		09.02.2004	
142		Convention No. 171 concerning Night Work		28.06.2004	
143		Convention No. 174 concerning the Prevention of Major Industrial Accidents		03.03.2003	
144		Convention No. 175 concerning Part-Time Work		03.03.2003	
145		Convention No. 176 concerning Safety and Health in Mines		03.03.2003	
146		Convention No. 181 concerning Private Employment Agencies		30.06.1999	
147		Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour		02.08.2001	
148		Convention No. 183 concerning the revision of the Maternity Protection Convention		24.07.2004	

No.	International org.	Title	Signed	Entry into force (ratification/accession)	Reserves/ declarations
149		Convention No. 122 concerning Employment Policy		07.01.2009	
150		Convention No. 88 concerning the Organisation of the Employment Service		07.01.2009	

Law No. 10221, dated 4 February 2010 “For the Protection from Discrimination”

Although the period of its endorsement is not included in the reported time period, (2002–09), given the significance of this law and its novelties for the Albanian legislation, it is mention – worthy to present an overview of what it represents.

The blueprint of the Draft – Law “For the Protection from all forms of discrimination in the Republic of Albania” was a legal initiative of some NGOs operating in Albania.

The contents of this Law was the implementation and observance of the principle of equality on gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical convictions, the socio-economic and educational situation, pregnancy, parental affiliation, age, the family or marital status, the civil status, the dwelling place, the health state, genetic inclinations, disabilities, affiliation to a specific group or on any other account (Article 1).

The observance and implementation of the principle of equality, despite the causes mentioned in article 1 represent the goal of this law. It is designed to provide each and every citizen with the following rights: i) equality before the law and equal protection from the law; ii) equality of chances and opportunities to exercise the rights, to enjoy freedoms and to take part in the public life iii) effective protection from discrimination and from any other form of behaviour that instigates discrimination (Article 2).

Article 4 establishes that its effects are equally applicable to all persons living in the territory of Republic of Albania (Albanian nationals, foreign nationals and stateless persons) as well as the Albanian nationals living abroad.

Albanian nationals with provisional or permanent residence abroad and foreign physical or juridical persons with their residential location or seat outside the territory of Republic of Albania enjoy the protection that this law provides in their relations with Albanian State bodies.

The Law establishes specific provisions which stipulate the prohibition of discrimination and protection from such discrimination for each of the reasons mentioned in article 1. [ban of discriminating advertisement, different legal treatment, ban of discrimination in conducting the voting right, ban of discrimination regarding the practice of consciousness and religion, (articles 5, 6, 7, 8, 9, 10)].

The discrimination forms established under this law are categorized as follows: (i) “direct discrimination”; (ii) “indirect discrimination”; (iii) “discrimination on account of association”; (iv) “harassment”; (v) “instruction to discriminate”; (vi) “denial of a reasonable adjustment”; and (vii) “victimization” (art. 3).

The protection that the law provides to the relationships between physical and juridical entities in the private/public life or sectors includes the following areas:

(a) Employment – (the right for equal working conditions and treatment for job-seekers; membership in trade unions and the possibility to benefit from the facilities offered by such a membership; preventing any sort of harassment, including the sexual one by the employer vis á vis the employee, a job-seeker or among the employees);

(b) Education – (elimination of all forms of distinction, restriction or exclusion based on the above-mentioned causes in article 1 of this Law related to the establishment, financing and activities of the public/private educational or professional institutions and equal treatment for the pupils and students; equal and non-discriminatory treatment for subjects in the process of admission to public educational institutions; preventing any sort

of harassment and sexual harassment, in particular, against students, pupils and employees in educational institutions);

(c) Goods and services (the right of entities to benefit public goods and services with or without payment against any discrimination services; the opportunity to attend public places; the opportunity to benefit from the social assistance, health and social insurance schemes or any other social advantage provided for the public; the opportunity to benefit from housing, from free services as well as banking and transport services and others).

This law does not consider as discriminatory the implementation of special and temporary measures, based on causes mentioned in article 1 of this Law and devised to encourage equality in the field of employment, education, public goods and services.

Provisions 14 and 18 of the Law establish that the Council of Ministers, the Minister of Labour, Social Affairs and Equal Opportunities, the Minister of Interior and the Minister of Education and Science are responsible for adopting the measures with positive character aimed at fighting against discrimination in each of these areas.

For the first time ever in the Albanian legislation, this Law stipulates the establishment of the Office of the Commissionaire for Protection from Discrimination; it shall ensure effective protection of subjects from discrimination and other forms of behaviour that instigate discrimination.

The Office is run by the Commissionaire for the Protection from Discrimination, who is independent in performing the duty and it is subject only to the Constitution and to the Law. The candidate for this office shall be proposed by a group of MPs and it will be elected with the qualified majority of the votes of the Assembly members.

All the officials of this office enjoy the status of a civil servant.

Pursuant to article 32 of this Law, the Commissionaire is tasked to review complaints from persons/groups of persons who claim to have been discriminated, carrying out administrative investigations, monitoring law enforcement, conducting polls and submitting recommendation to competent bodies.

Unlike the Ombudsman, where by his decisions have only a recommending effect for the judiciary bodies (for all civil and criminal cases), the Law acknowledges the right of the Commissionaire for Protection from Discrimination to impose administrative sanctions for issues related to the administrative law.

Another form stipulated by law in restoring a right in cases of discrimination is filing a complaint to the competent court. The complainant may ask from the court an indemnification under the law, under the definitions of the Code of Civil Procedures and file an application to competent bodies for criminal prosecution.
