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THE PROTECTION OF NATIONAL MINORITIES**

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**FRAMEWORK CONVENTION FOR THE PROTECTION
OF NATIONAL MINORITIES
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Introduction

The Council of Europe Framework Convention for the Protection of National Minorities was signed by the Republic of Albania on 29.06.1995. It was ratified by the Assembly of the Republic of Albania with the Law 8496, dated 03.06.1999 and, after the instruments of ratification were deposited on 28.09.2000, it came into effect on 01.01.2000.

This First Report has been drafted in conformity with the instructions of the Council of Europe Committee of Ministers and in the context of the states' reports presented pursuant to Article 25, paragraph 1, of the Framework Convention for the Protection of National Minorities.

The first part contains a short geographical, historical and economic description of the country, the fundamental directions of the policy and strategy of the Albanian state, regarding the respect and protection of the rights of the national minorities in Albania, as well as a short historical description of the question of the national minorities living in its territory such as: Greek, Macedonian, Montenegrin and the linguistic minorities of Roma and Aromanians.

The second part focuses on the implementation of the provisions of the Framework Convention of the Council of Europe for the Protection of the National Minorities by the Republic of Albania and has been drafted on the basis of the written materials prepared by: the Ministry of Justice, the Ministry of Education and Science, the Local Government Ministry, the Ministry of Culture, Youth and Sports, the Ministry of Labor and Social Affairs, the Institute of Statistics (INSTAT), the Albanian Helsinki Committee, and other non-governmental organizations.

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Part I

General Information on Albania

Geographical position

Albania lies in the western part of the Balkan Peninsula. It borders with Montenegro and Kosovo in the North, Former Yugoslav Republic of Macedonia in the Northeast and Greece in the South. Albania is washed by the Adriatic and Ionian seas in the West and Southwest.

Albania has an area of 28.750 square kilometers. The total borderline of it is 1094 km, from which 316 km are coastline, 657 km are land border, 48 km are river border and 73 km of the border passes through lakes. This is a mostly mountain country, with two thirds of the territory covered by mountains and hills, and the rest is with fields.

Brief historical view

The present Albanian predecessors were the Illyrians. For some consecutive centuries, Albania was under the Roman occupation and, later, the Ottoman one. Albania declared its independence from the Ottoman Empire on November 28, 1912.

After World War One, Albania was declared a parliamentary republic, which soon turned into a constitutional kingdom. King Zog ruled the country until 1939, when Albania was invaded by Italian fascists.

With the liberation of the country from the Nazi invaders, in November 1944, Albania lived, for nearly 50 years, under a single-party system, in isolation and complete poverty. The democratic changes in Eastern Europe and the mounting opposition and pressure of the people and of the University students in particular, forced the Communist government to allow the creation of independent political parties, which marked the end of the half-century single-party system domination in Albania.

After the 1990s, Albanians won their fundamental civil and political rights and the country, through a long and difficult transition, is making important steps to build and strengthen the democratic institutions and the rule of law.

Population

Albania has a population of 3.182.417 inhabitants (the 1989 census), with a density of 115.8 persons per square kilometer. The birth rate is 0.97 percent births per 1.000 people. The annual population growth is around 2 percent.

Prior to 1990, two thirds of the country's population lived in the countryside. This proportion has changed at present as a result of the free movement of people from the countryside to urban areas or to other states.

From the ethnic point of view, 98 percent of the population is Albanian and only 2 percent consists of Greek, Macedonian and Montenegrin national minorities. Albanian is one of the Indo-European languages and among the oldest in Europe. Two religions coexist peacefully together in Albania: the Islamic and the Christian, with four main religious communities, Moslem, Bektashian, Orthodox and Catholic.

State organization

Albania is a parliamentary republic. The Republic of Albania is a unitary state. The system of government is based on the separation and balancing legislative, executive and judicial powers.

The Assembly of Albania is the highest-level body of the state and legislative power. It consists of 140 deputies, who are elected for a 4-year term. One-hundred deputies are elected directly in single member electoral zones with an approximately equal number of voters. Forty deputies are elected from the multi-name lists of parties or party coalitions.

The Head of State is the President, who is elected by the Assembly for a 5-year term.

The Council of Ministers is the highest executive organ and consists of the Prime Minister, the Deputy Prime Minister, and the ministers.

The Constitutional Court guarantees the respect for the Constitution and interprets it conclusively.

The judicial power is exercised by the High Court, as well as by the courts of appeal and courts of first instance.

The People's Advocate (Ombudsman) defends the rights, freedoms and lawful interests of the individuals from unlawful and improper action or failure to act of the organs of public administration.

Any international agreement that has been ratified by law constitutes part of the internal juridical system. It is implemented directly except for the cases when it is not self-executing and its implementation requires the issuance of a law. An international agreement that has been ratified by law has priority over laws of the country that are not compatible with it. Also, the norms issued by an international organization have priority, in case of conflict, over the law of the country when the direct application of the norms issued by the organization is expressly contemplated in the agreement ratified by the Republic of Albania for participation therein.

The territorial-administrative division is based on communes, municipalities and regions. Albania has 12 regions, 65 municipalities and 309 communes. Each commune or municipality and region has its own local government bodies. The executive organ of the municipality or commune is the chairman, who is elected by secret voting, directly by the people. In the same way is also elected the council, which is the representative organ of the local government unit. The government representative in regions is the prefect.

Economic situation

The economic system in Albania is based on private and public property, as well as on a market economy and on freedom of economic activity. The process of reforming the centralized economy into a market economy in Albania as a result of the catastrophic consequences from the former communism and the conflictual policies pursued in many cases, is long and difficult, characterized by numerous fluctuations, and coupled with social conflicts.

Continuous and successful efforts have been made in the recent years in Albania to stabilize the macro-economic indices. After the instant fall of the Gross Domestic Production (GDP) during 1997 to the 1992 levels, an annual 8 percent growth was recorded over the 1998-1999 period.

In 1999, inflation fell to nearly zero, which is the lowest inflation level registered since 1990. The continuous rise of the budgetary deficit was put on check in 1999. After an immediate devaluation in 1997, the local currency is now showing a tendency towards higher values and stability.

Foreign assistance remains the key part of the public investment financing. Over the last two years, a total of around USD680 million was financed, with only 50 percent of the amount used due to reasons linked with the aid absorbable capacity and weaknesses on the part of foreign contractors.

Though Albania is a country with numerable natural resources, the economic growth, however real and evident, has failed to change considerably the lives of the Albanians. The Albanian family has remained poor, with few incomes and inappropriate living conditions. Only one in five families consider itself to have sufficient financial sources for a proper livelihood. The declared average level of one family income is about 17.000 lek per month. Each family has an average of about 62 square meter residential area, or 14.6 square meters per person and the possibilities to buy a house are limited.

Unemployment continues to be high due to the movement of the rural population towards urban zones, the lack of great investments and many other factors. In the framework of the social assistance program, about 140.000 families benefited economic assistance pay during 1999. In the same year, the number of pensioners receiving old age pension amounted to 260.000 people, with a pension value from around 4.000 to 5.000 lek.

The difficult economic conditions have forced many Albanians, including also a good part of the Albanian intellectual elite, to emigrate for a better and safer life. Emigration has led to a significant lower level of unemployment in the country, particularly in the southern part of Albania, where the number of emigrants is greater. The incomes from emigrants are about 1/5 of the GDP.

General information on national minorities

The national minorities in Albania have been identified from the numerical point of view only in the general censuses on national level.

Number of national minority people compared to the total population of the country

Year total	Number of nat.minority people	Their percentage in the population of the country
1960	44.570	2.7 %
1979	54.687	2.1 %
1989	64.816	2.0 %

Source: The 1989 Population and Housing Census in Albania, publication of the Statistics Department.

The latest official information on the numerical size of the national minority people in Albania is the 1989 Population and Housing Census realized by the Statistics Department (after 1993 named as the Institute of Statistics - INSTAT, a body depending on the Council of Ministers), in which the national minorities were registered according to the districts where they were living, as in the following:

Number of population of national minorities according to districts:

Total	Gjirokastra	Saranda	Korça	Tirana	Other districts
64.816	20.395	36.773	4.706	852	2.090

Source: The 1989 Population and Housing Census in Albania, publication of the Statistics Department.

It should be noted that the above table does not indicate the number of the Roma and Aromanian population, for whom there was not any special column in the 1989 census.

We stress that the population and housing census started in Albania on April 1, 2001. This registration was held on the basis of the Constitution of Albania and pursuant to the Law 8669, dated 26.10.2000, which are legal acts drafted with the assistance and under the direct supervision of the respective international institutions. It is also conducted on the basis of such elements which are in line with the international conventions Albania has signed and ratified, and the recommendations of the UN European Economic Commission and Eurostat for the countries which are realizing the census and registration of the residential buildings for the year 2000, and the most advanced and liberal European demands and standards. The process to set up the organizational and technical structures has also been held with the financial support of several countries, such as Italy, Switzerland, Greece, and the Council of Europe, as well as under the direct monitorship of experts from the European Union member countries.

For its very nature, this census did not include the declaration of nationality and religion. The census process proceeded normally. The participation in the census of the people belonging to national minorities was significant. Now they are present in the program and this creates the conditions that, in a near future, this registration be possibly added with other information such as the nationality, religion and the mother tongue.

Albanian state policy towards national minorities

Albania attaches a special attention to the good relations, tolerance, cooperation, cohabitation and understanding between the Albanians and the national minorities living in its territory. During all its past and present history, the Albanian society has not encountered any ethnic, racial or religious problem or conflict. This is a fact acknowledged by international organizations as well.

Albania's commitments to the protection of national minorities started after World War One, with its admission in the League of Nations in December 1920. On October 2, 1921, Albania made a special declaration before the League Council, through which it pledged to respect the rights of the national minorities within its territory in conformity with the provisions of the peace treaties reached after World War One.

Also following World War Two, the communist regime, in service of its ideological and political goals to pose as an exemplary defender of the national minorities, pursued a specific favorite policy for the national minorities in Albania, for the Greek and Macedonian minorities in particular.

With the democratic changes in Albania, the treatment of the national minorities assumed a new dimension, which is clearly expressed in Albania's membership in international organizations, such as OSCE, the Council of Europe, etc., in the ratification of or adherence to almost all international conventions on human rights and, in particular, in the ratification without reserves of the Framework Convention for the Protection of National Minorities.

The Albanian Government considers the respect for and the protection of the national minorities as an obligation stemming from the fundamental orientation of the Republic of Albania to protect and respect the fundamental rights and freedoms of the individuals. These rights and freedoms are guaranteed by the Constitution and the legislation in force, which are drafted in full compliance with the recognized international standards. Additionally, the Government of Albania considers the respect and protection for the national minorities also as an essential element serving to build the bridges of friendship between the neighboring peoples and countries, and its complete integration in Europe. In this sense, the policy of the Albanian state rises on two fundamental pillars determined by the international instruments for the protection of national minorities:

the legal guarantee and the exercise in practice of the right for an non-discriminating treatment of the people belonging to national minorities regarding the respect for all human rights, civil rights and political freedoms contemplated by the Constitution and the legislation for all Albanian nationals;

the legal guarantee and the adoption of concrete measures to protect and respect the rights of national minority members, such as: the right to freely express their belonging, to preserve and develop their identity through exercising freely and without restraint those special elements which characterize the life of their community as a minority, the learning of the native language, the cultural activity, the exercise of religion, etc.

The 1998 Constitution of the Republic of Albania sanctions the universally known principles of the human rights and it considers “*pluralism, national identity and inheritance, religious coexistence and the coexistence with, and understanding of the Albanians for minorities*” (Article 3), as the bases of the Albanian state. It considers the fundamental human rights and freedoms as “*indivisible, inalienable, and inviolable and stand at the base of the entire juridical order*” (article 15), sanctioning in this way the equality, with no discrimination at all, of all the nationals living in the territory of the Republic of Albania, Albanians, members of national minorities, stateless foreigners or persons, both in the exercise of all fundamental rights and freedoms and in the fulfillment of the obligations pursuant to the Constitution and other laws. The principles linked with the political, economic, social and cultural rights, endorsed in various international acts, are an integral part of the entire Albanian constitutional and legal corpus.

The Constitution of the Republic of Albania considers the national minorities an indivisible part of the Albanian society. It guarantees them full equality before the law and in the exercise of their freedoms and rights, and acknowledges them the right “*freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging*” and the right “*to preserve and develop them, to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity*”.

While working to build and consolidate the democratic state institutions, to create the legal state and the legislation, the Albanian state is making efforts to implement and

observe in practice all the fundamental human rights and freedoms in Albania, including those of the minorities.

A more detailed presentation of the constitutional provisions, of legal and sub-legal acts on the rights and protection for the national minorities is the information provided according to the Framework Convention, as well as in Appendix 1.

Brief historical view on national minorities living in Albania

Historical tradition in Albania has followed the way of recognizing as national minorities those minorities which have their own motherlands with which they have common characteristics such: the spiritual constitution, the language, culture, customs and traditions, religious belief, etc. Such minorities are considered the Greek, Macedonian and Montenegrin national minorities.

The Roma and Aromanians are recognized and respected as linguistic minorities.

Greek national minority

In the South of Albania, bordering Greece, lives a Greek population, which comprises the largest national minority as for its number. According to the data from the 1989 Population and Housing Census, the number of this population is 58.758 inhabitants, geographically spread as follows:

Geographic distribution and the number of the population of the Greek national minority compared to the total Albanian population

No.	District	Greek minority	Total Population
Saranda and Delvina	36.531	87.768	
Gjirokastra	19.921	66.373	
Berati and Kuçova	49	179.398	
Fieri and Mallakastra	123	245.062	
Gramshi	13	43.565	
Kolonja	20	24.781	
Korça and Devolli	158	215.221	
Lushnja	51	134.280	
Permeti	442	39.775	

Pogradeci	19	71.446
Skrapari	16	46.503
Tepelena	57	49.850
Vlora	202	176.788
Dibra	17	149.650
Elbasani and Peqini	131	241.950
Durrresi and Kavaja	192	245.499
Kruja and Laçi	17	106.852
Kukesi and Hasi	17	101.302
Lezha	15	62.001
Librazhdi	33	71.982
Mati	22	76.674
Mirdita	16	50.447
Puka	17	48.969
Shkodra and Malesia e Madhe	53	236.289
Tirana	610	368.213
Tropoja	16	44.779
The total of all Albania	58.758	3.182.417

Source: The 1989 Population and Housing Census, publication of the Statistics Department.

As is seen in the above table, the majority of the Greek national minority in Albania lives in the southern districts of Saranda, Delvina and Gjirokastra.

As a district, Saranda consists of 64 villages, of which 35 are lived mostly by Greek minority people and the rest is with Albanian population. Some 50-70 percent of the population, from almost all the villages, and especially from those in which Greek national minority lives, has emigrated to Greece.

According to a survey held last year by the Albanian Helsinki Committee, until 1990, the city of Saranda had about 17 thousand inhabitants, with nearly 7.500 of them belonging to Greek national minority. Actually, the city has about 30 thousand inhabitants. The inhabitants who have come in the recent years are basically from the villages of the districts of Vlora, Gjirokastra, the zone of Kurvelesh, etc. The reasons for their transfer to Saranda have been simply economic. As a coastal city, Saranda offers more possibilities for employment, especially in the fields of tourism and trade. According to this survey, in fact, the members of this national minority in this city count for no more than 3.500 people. The other part has emigrated to Greece on economic grounds.

Delvina district has 37 villages, of which 18 have Greek minority people and 4 villages have a mixed population, Albanian and Greek. The Greek national minority population in this district is about 15.000 and concentrated mainly in the city of Delvina. More than half of the Albanian population and about 2/3 of the Greek minority people have emigrated to Greece in the recent years. Only in the city of Delvina, compared to 1990, the population has halved from 8.000 to 4.000 inhabitants, while the number of the Greek minority people of the city has reduced from 2.000 in 1990 to 500 inhabitants at present. Most of the leavers maintain contacts with their families.

Another large group of the Greek national minority in Albania is concentrated in the district of Gjirokastra, divided into the region of Dropulli i Poshtem and that of Dropulli i Siperm.

The whole Dropulli region extends very close to the city of Gjirokastra, up to the border with Greece. Almost 34 villages of this region are completely with Greek minority population. Dropulli i Poshtem has a total of 16 villages with around 8 100 inhabitants, and some of them are: Derviçani, Vanistera, Sofratika, Terihati, Grapshi, Glina, etc. While Dropulli i Siperm has a total of 18 villages with about 8.400 inhabitants, some of which are Jergucat, Bularat, Sotira, Vrisera, Kakavija, Koshovica, Agjionikolla, etc.

Lastly, we have to mention that in two other villages inhabited by people of the Greek national minority, live in the district of Permet.

The Greek national minority is the first minority recognized by the Albanian State. Besides, it may be said that the national minority question in Albania has been identified for a long time with the Greek national minority. This is linked with the commitment the new Albanian State undertook after World War One, to recognize the standards determined by the League of Nations with regard to the protection of the national minorities. With this commitment, the Greek national minority in southern Albania was recognized the right to open schools in the Greek language, which functioned as “private schools” financed by the Greek Government.

The situation of the Greek national minority under almost half a century communist regime has been a subject of different discussions and comments. Nevertheless, it must be stressed that the Greek minority people have shared the fate of the majority of the population and have suffered the same limitations imposed by the regime. But the Greek minority people have not been subjected to any specific discrimination. A positive impact in this direction had the peaceful atmosphere and the tradition of normal and friendly coexistence, which has prevailed for a long time between the majority of the population and the Greek minority. This has been considered as an important achievement of the Albanian society, which has resisted various circumstances.

The democratic changes in Albania over the last decade have brought about essential changes also to the position of the Greek national minority. It has improved and this minority enjoys today all the rights in compliance with the most liberal European

standards and the values, which regulate the life of an open democratic and pluralistic society.

After the 1990s, the general number of the Greek national minority in Albania has considerably reduced. Due to the opening of the borders, the backwardness and numerous economic difficulties of the transition period in Albania, a good part of the population in southern regions of the country have had the chance to get employment and live in Greece.

It is a fact that they are favored, among others, by the Greek government in the granting of visas (of up to 5 year terms) or stay permits, in finding jobs, in the education for their children, medical treatment, etc. This is one of the main reasons that, the number of the Greek national minority in Albania at present has fallen considerably. In many villages with mostly Greek minority people, the number of the emigrants to Greece ranges between 40-70 percent of the total number of the village inhabitants. However, they keep without hindrance regular contacts with their relatives in Albania and time and again they return home for several day stay.

There are many cases when, with the money they gain from their work in Greece, they build new houses for themselves, engage in small businesses, such as the construction of hotels or restaurants, especially on the southern coastline, etc. Greek minority people, almost in no case, prefer to sell the houses or other immovable properties they have in Albania.

Another factor, which plays a positive role to improving the position of the Greek minority, is, without doubt, the new spirit that characterizes the relations between Albania and Greece, which have developed and expanded continuously.

Macedonian national minority

The Macedonian national minority is concentrated in the area of Prespa. This area extends to the southeastern corner of Albania, bordering the Former Yugoslav Republic of Macedonia and Greece. The area of Prespa is 213.9 square kilometers. The population of this zone is 4.878 inhabitants, which means 240 inhabitants per square kilometer. The Albanian border of Lake Prespa is 35 km. Along this line, there are nine villages of the area of Prespa, namely: Lajthiza, Pusteci, Zaroshka, Cerja, Shulini, Gollomboqi, Gorica e Vogel, Bezmishti and Gorica e Madhe and a village in Devoll. From the administrative viewpoint, the nine villages in which Macedonian national minority people are living, make up a commune called the Commune of Prespa. The center of this Commune is the village Pustec.

The inhabitants of the Prespa area are engaged mainly in agriculture, livestock and fishing.

After the 1990s, no great movements of population have occurred in the area of Prespa, differently from other regions in Albania inhabited by national minorities. Given the close distance with Macedonian dwelling centers, many people from this minority go to work there during the day and return to their villages in the evening.

Albania has pursued an open, correct and friendly policy towards the FYROM, being the first country to recognize it after the disintegration of Former Yugoslavia. The relations between the two countries have recorded a vigorous development, which is reflected in the political, economic and trade aspects.

Montenegrin national minority

The Montenegrin national minority lives mostly in some small villages in the area of Vraca (villages Gril, Omaraj, Borici i Vogel) north of the city of Shkodra (in the Northwestern part of Albania) near the lake with the same name and off the border with Montenegro. The statistical data on the number of this minority people are not specifically and accurately defined in the census of 1989. However, from the data produced in last year's survey held by the Albanian Helsinki Committee, this minority consists of about 2000 people and has retained its compactness as a national minority, its native language, culture, religion, traditions, etc.

With the beginning of the democratic processes in Albania, in 1990, almost all Montenegrin minority left for Montenegro. The economic difficulties and the tensions created in former Yugoslavia urged a part of those who had left to return to their homes in Albania. We may say that about 600 from 2 thousand people who moved to Montenegro, have returned to their houses at present. The rest either continues to live in Montenegro (the majority) or has moved to other countries of Western Europe, U.S. or Canada. Nevertheless, in most of the cases, they keep regular contacts with their family members and kinship and continue to possess and maintain their houses and properties in Albania.

Roma

As was also stressed above, the statistical data with regard to the number of Roma living in Albania, do not exist because not any census has been conducted for them.

The arrival of Roma people to Albania is assumed to date back to nearly the 15th century with the Ottoman occupation. The Roma people have settled mostly in Central and Southern Albania, because of the mild climate of these regions. They consist of four main tribes: Kallbuxhinj (Tirana, Elbasani, Pogradeci, Korça, Bilishti, Gjirokastra, Saranda); Meçkare (Lushnja, Fieri, Vlora); Kurtofet - scattered; Cergaret - nomads. In general they have large families. The average number of the born children in a family is 5-6, but there are also families with 12-17 children.

Until the 1960s, the Roma of Albania led a nomadic life. According to seasons, they moved from one region to another. This way of living created problems for the regime in power, because it could leave these people out of control. For these reasons, beginning from the 1960s, the authorities of that time started to concentrate the Rom in agricultural enterprises, forcing them to be employed, while in the cities they were worked mostly in parks maintaining enterprise or in public services.

With the demographic changes, many Roma families have moved from other cities and districts of Albania and settled basically in the suburbs of Tirana city. As the epicenter of Albania, Tirana offers them greater chances, especially for trading, which has been and remains the main occupation for the Rom people. While a very large part of the Roma has again started to lead a nomad life. Whole families emigrate to Greece or Former Yugoslav Republic of Macedonia for 6-7 months a year.

The Roma in Albania have succeeded to preserve their traditional language, which they use in their environment, but they also write it in very rare cases, because Albania has had no Roma schools functioning.

The Roma of Albania, like the Roma across the world, are involved mostly in handicrafts such as farriers, basket makers, horse breeders, blacksmiths, cart-drivers, peddlers, beast tamers, musicians, dancers.

As for the position of the Roma, we may say that they are not subject to any discrimination in their treatment as a separate community. However, the Roma problem lies with the fact that they are a community with a very low living standard. In a sense, the question of the Roma people has similar problems with those existing at regional level.

Aromanians

Among the national minorities in Albania are also the Aromanians (mostly known as Vlachs). The Albanian territories in set spaces and times, have felt the growth of the population by Aromanian nomads. This peopling has been manifested in different forms, both in the aspect of time and in the mode of living. From the time aspect, the populating with Aromanians is considered as an ancient populating, perhaps around the 6th century, and a later populating, that perhaps of the start of the past century.

Over the two phases of the populating time process, the Aromanians emerged as a livestock nomadic population, which, later, through a gradual stabilization, engaged in other economic activities, in agriculture, and in the cities, they went in for craftsmanship.

Ancient Aromanian (Vlachs) population settled in the rural areas of Myzeqe of Fier and Vlora, in Frasher of Permet, in Moker of Pogradec, in Kolonja etc., as well as in some cities such as in Korça, Berat, Tirana, Elbasan and Durrës.

The Aromanian (Vlachs) population settled in the city of Voskopoja, in village Shipcke, which lies in the Mountainous zone of Voskopoja. With the ruin of the city of Voskopoja, the Aromanian people left and settled in Manastir, and partly in other cities of Albania.

The country's peopling with later Aromanians was made by people coming from the high plateaus of Pindus in Greece. This group of people is known in Albania under the name "kucovlachs" or "sarakaçane". Until 1950, this population retained its nomad livestock character and its stabilization is linked with the so-called "completion of the socialist cooperation of agriculture" under the communist dictatorship in Albania.

After this period, the movement of Aromanian population in Albania and its entire demographic evolution was subjected to the demographic and social-economic laws, like all the population of the country, in which it was completely integrated.

The data for the number of the Aromanian minority in Albania appeared for the first time in the 1950 census. In this census, the Aromanian population counts for 2381 inhabitants. While in the 1955 census, the number of the Aromanian population was put at 4249. In the later censuses no data were produced regarding the number of the Aromanians in Albania.

After the 1990s, the Aromanians united in their associations "Armeni-Alban", "The Aromanians' Association Voskopoja" and "Aefallofisi." These associations play an important role in preserving their language, culture and traditions. They also have their monthly newspaper "Fratia-Vellazeria" (Fraternity) which appears in Albanian and Aromanian.

The Aromanians, as a population completely integrated into the Albanian society, are making their contribution to all the spheres of the political, economic, social and cultural life in Albania. Most of them are settled in the cities and, another good part works in important posts in the state, education and culture administration or in their private businesses. Furthermore, the part of the Aromanian population (kucovlachs and sarakaçans), which came later in this country and settled mostly in rural dwelling places, is in a satisfactory economic situation. Their predominant part, favored by the facilities created by Greece in granting them long-term visas, is working in Greece and now, a big part of them have constructed new homes, have opened various food or garment production lines and, in some cases, they are engaged in important businesses. As for the education of their children, the two groups of Aromanians have benefited both from the right to studying and to scholarships offered by the Ministry of Education and Science in Albania and the scholarships provided by Romania and Greece.

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Part II

IMPLEMENTATION OF THE PROVISIONS OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Section I

Article 1

The protection of national minorities and of the human rights of the persons belonging to these minorities forms an integral part of the international protection of human rights, and as such, falls within the scope of international cooperation.

With the collapse of the past communist regime, Albania has always been committed to its uniting with the great family of the European countries and all other countries of the international community, which have placed in the foundations of their state systems the respect for and the protection of the human rights and the rights of the national minorities. This clear orientation of the Albanian state is also reflected in the acceptance and ratification it has made to a great number of international conventions in this field. Albania is a UN member since December 14, 1955 and has ratified almost all-important conventions of this organization relating to the protection of human rights. Some of these documents are:

*The Universal Declaration on Human Rights, 1948 (adhered to in 1955);
The International Convention on the Elimination of all Forms of Racial Discrimination, 1969, (adhered to in 1994);
The International Pact on Civil and Political Rights, 1966 (adhered to in 1991);
The International Pact on Economic, Social and Cultural Rights, 1976, (adhered to in 1991);
The Convention on Elimination of all Forms of Women's' Discrimination, 1980 (adhered to in 1996);
The Convention on Children's Rights, 1989, (adhered to in 1992);
The Convention Against Discrimination in Education, 1960, (adhered to in 1963), etc.*

Since June 1991, Albania is also a member of the OSCE and has signed all its documents such as:

*The Final Act of the Helsinki Conference, 1975;
The Declaration of Copenhagen, 1990;
The Charter of Paris for a new Europe, 1990;
The Document of the Conference of Moscow, 1991, etc.*

Furthermore, since July 13, 1995, Albania is a member of the Council of Europe, and has established a close cooperation with it. Albania has signed and ratified a great number of important documents adopted by the Council of Europe, among which are:

The Convention for the Protection of Fundamental Human Rights and Freedoms, 1951, (ratified with Law 8137, dated 31.07.1996) and the Protocols 1, 2, 4, 6, 7, 11 of this Convention,

The Framework Convention for the Protection of National Minorities, 1995, (ratified with Law 8496, dated 03.06.1999, without any reserve) etc.

The European Convention on Cross-Border Television 1999 (ratified with Law 8525, dated 09.09.1999)

“Partial Extended Agreement of the European Center of Modern Languages” in Gratz of Austria (ratified with Law 8706, dated 01.12.2000), etc.

The Constitution of Albania contemplates a special status for the international instruments the Republic of Albania is a party of. We may mention in particular articles 121 and 122 of the Constitution, which contemplate that any ratified international convention constitutes part of the internal legal system. They are directly applicable, except when they are not self-executing and their application requires the adoption of a law. International agreements have priority, in case of conflict, over the laws of the country when the direct application of the norms issued by an international organization is expressly contemplated in the agreement.

From this point of view, by accepting the above-mentioned international documents, Albania indicates it is resolute and committed to respect and protect, with no discrimination, the human rights of all Albanian nationals, including the national minority people as well.

Pursuant to article 5 of the Law 8137, dated 31.07.1996, “*On ratification of Convention for the protection of fundamental human rights and freedoms*”, Albania recognizes “*in the conditions of reciprocity the jurisdiction of the European Court for Human Rights for the interpretation and implementation of the Convention for the Protection of Fundamental Human Rights and Freedoms,*” and *the Supplementary Protocols No.1, No.4 and No.7, for the cases “when the violation of the rights guaranteed by these documents has been inflicted after they have come into effect in the Republic of Albania.”* Article 4 of the same law also states that Albania recognizes *the competence of the European Commission for Human Rights to accept petitions from any individual, non-governmental organization or group of people, claiming to be victims of a violation of the rights guaranteed in the Convention for the Protection of Fundamental Human Rights and Freedoms, and the Supplementary Protocols No.1, No.4 and No.7 for the cases when the violation of the rights guaranteed by these documents has been inflicted after they have come into effect in the Republic of Albania.”*

Likewise, Albania is as well committed to a particular protection of persons belonging to national minorities, as specified and guaranteed by the Framework Convention for the Protection of National Minorities, by also accepting international monitoring of its obligations in this field. In this context, the Albanian government has organized 8 visits to Albania of the OSCE Higher Commissioner for National Minorities. The latest visit was held in February 1999.

Albania has also accepted the right of the individual to file complaints at all levels of Albanian courts, the Constitutional Court, the People's Advocate (Ombudsman), etc.

Article 2

The provisions of this Framework Convention will be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and co-operation between states.

As is also mentioned in the foreword of this report, Albania believes that the protection of the national minorities serves not only the natural aspirations and the rights of these minorities, but also the construction of the bridges of friendship between the neighboring peoples and countries. Proceeding from its strategic orientation towards Euro-Atlantic integration, the Albanian Government is determined to work to restore confidence, to ensure a continuous development of close partnership relations with all the states, and in particular, with its neighbors, in the spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly ties and cooperation between the states, implementing and respecting in this way also its obligations and commitments flowing from Article 2 of this Convention. In this aspect, Albania has signed a number of multilateral accords, which are referred to in the comments of Article 1, and from the treaties of friendship, cooperation, good neighborliness and security or agreements and protocols of bilateral cooperation with the neighbor countries in the field of education, science, economic cooperation, cross-border trading, etc., which directly or indirectly, serve the welfare of the national minorities living in its territory. Albania is also playing an active role and is making its contribution to the process of stabilization, security and peace in the region also in the framework of the regional initiatives, such as the Stability Pact for South Eastern Europe, the South Eastern Europe Cooperation Process (SEECPP), etc.

Article 3

1. *Every person belonging to national minorities shall have the right **freely to choose to be treated as such** and no disadvantage shall result from this choice or from the exercise of the rights, which are connected to that choice.*

2. *The persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention **individually as well as in community with others.***

3.1. According to the Constitution of the Republic of Albania, Article 20, second paragraph, the persons belonging to national minorities “have the right freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic

belonging”. On this basis, all national minority persons in Albania have the right freely to choose to be treated as such or not.

The right freely to express (or not) their ethnic affiliation and the choice to be treated or not as a person of a minority is recognized to all the persons belonging to national minorities, regardless of the fact where they live in community, in their traditional settlements, or anywhere in the territory of the Republic of Albania.

The right of every person belonging to a national minority, freely to express or not his ethnic affiliation and the choice to be treated or not as a person of a minority does not create any disadvantage. “*No one,*” says that second paragraph of Article 18 of the Constitution, *may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, education, social status or the parentage.*” The Albanian legislation also prohibits all policies and practices, which would bring about disadvantages for the national minority people in every field of life.

3.2. Persons who belong to the national minorities living in Albania have the right to exercise in full equality before the law and with no discrimination all the rights and freedoms guaranteed by law to the Albanian citizens, individually or jointly with others. They have the right to unite in organizations and associations; to be elected or to elect their representatives in the elected central or local government structures; the right to propose laws, if they consist of as many as 20 thousand electors; to exert freely their religious rituals; to study and be taught in school in their mother tongue, and the specific rights stemming from the principles of the Framework Convention for the Protection of National Minorities.

Section II

Article 4

1 *The Parties undertake to guarantee to persons belonging to national minorities the right of **equality before the law** and of equal protection of the law. In this respect, any **discrimination** based on belonging to a national minority shall be prohibited.*

2 *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of **economic, social, political and cultural life, full and effective equality** between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*

3 *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of **discrimination**.*

4.1 The Constitution of the Republic of Albania guarantees everybody's equality before the law (Article 18, paragraph 1) and prohibits unjust discrimination for reasons such as gender, race, religion, ethnicity, language, political, religion or philosophical beliefs, economic, educational and social status or ancestry (Article 18, paragraph 2). Equal legal defense in Albania is based on these principles. But this article, in paragraph 3, also contemplates that *"no one may be discriminated against for reasons mentioned in paragraph 2 without a reasonable and objective justification"*, creating the possibility for the application of a positive discrimination in adopting favorable specific measures, and offering special chances of treatment or support to individuals or set categories of individuals or groups, when reasonable and objective grounds exist.

A series of legal provisions exist relating to the protection of the national minority people residing in Albania or the denunciation of discriminating acts towards them. Article 265 of the Penal Code prohibits *"instigating racial, national or religious hatred and disputes, as well as preparation, dissemination or keeping with the intention to distribute, writings relevant to them"*, whereas Article 266 punishes *"risking of public peace, calling for hatred against parts of population, by offending or slandering against them, demanding the use of violence or arbitrary acts against them,"* etc. Likewise, Article 73 punishes the crime of genocide, while pursuant to articles 131, 132 punishments are passed for those who ruin objects of cult, create obstacles for religious organizations and their free exercise of activities. Point f of Article 131 of the Constitution contemplates that the Constitutional Court decides on the final adjudication of complaints of individuals for the violation of their constitutional rights due to the process of law, after all legal remedies for the protection of these rights are exhausted.

Another guarantee to the protection of the legitimate rights of the national minority people is also the institution of the People's Advocate (Ombudsman - elected by the Assembly in February, 2000.) According to Law 8454, dated 04.02.1999 *"On People's Advocate"*, *"People's Advocate defends the rights, freedoms and legitimate interests of individuals from the unlawful or improper action or failure to act of the organs of public administration, as well as of third parties acting on its behalf."*

Led by the principles of impartiality, confidentiality, professionalism and independence, the People's Advocate exercises his activity in defense of the human rights and freedoms, contemplated in constitutional provisions and in laws. The provisions of this law are also applicable to the protection of the rights of foreigners, who are regular residents in Albania or not, of refugees, and stateless persons who are in the territory of the Republic of Albania, in conformity with the conditions pursuant to law."

An equal treatment in the field of the relations with the public administration for national minority members is also guaranteed in Article 11 of the Administrative Procedure Code, its first paragraph, which says that: *"In relations to private persons, the public administration is guided by the equity principle, i.e. no one shall be either privileged or discriminated against in view of gender, race, religion, ethnicity, language, political, religious or philosophical views, economic, academic, social situation or parental belonging."*

The national minority people living in Albania are protected from discriminating acts also in the field of labor and social insurance. Hence, Article 9 of the Code of Labor, which covers the labor relations both in public and in private sectors, prohibits any sort of discrimination in employment or in the professional life. Whereas the legislation on social insurance, such as health insurance or insurance for all kinds of pensions (invalidity or pension for the aged) offers equal rights to all, regardless of their nationality or race. An Appeals Commission, whose decisions are obligatory, solves the infringements in this field.

The Albanian Penal Code considers crime also the discrimination in the public sphere. Hence, under its Article 253, sentences up to 5 years in jail are passed for *“a state administration or public service employee, when due to his duty and while in the exercise of his duty, inflicts discrimination on grounds of origin, gender, health situation, religious political convictions, involvement in trade union activity or on account of relevance to a certain ethnic group, nation, race or religion, which effects unjust privileges or the denial of a right or benefit under the law.”*

Also the legislation in the field of education guarantees equal rights to all. Article 3, of Law 7952, dated 21.06.1995, *“On Pre-university Education System”*, ensures *“equal rights to all citizens to be educated at all education levels determined by this law, regardless of the social status, nationality, language, gender, religion, race, political belonging, health state and economic level.”*

Protection from acts of discrimination against national minority people does also offer Article 14 of the European Convention on Human Rights, which Albania has ratified.

In addition to the legislative organ and various executive bodies monitoring and protecting the human rights, including those of the national minorities, a great number of non-governmental organizations are also functioning in Albania.

4.2 Along with its efforts to adopt appropriate measures in order to encourage complete and efficient equality between the people of national minorities and the other part of the population in all the fields of economic, social, political and cultural life, Albania is working to improve and complete its legislation in accordance with the new Constitution. Since the provisions of the Council of Europe Convention for the Protection of National Minorities are not directly applicable, on the basis of its principles and the internal legislation, preparations are underway in Albania to make the necessary amendments and adaptations or to start the drafting of a special law on national minorities, which will govern all the juridical relations of the national minority people living in its territory with the state and the rest of the population.

In the same framework, in 2000, the Office of National Minorities was established at the Ministry of Foreign Affairs, which, in line with the internal laws, has as one of its fundamental duties to follow the fulfillment of international obligations and commitments of Albania in the field of the rights of national minority people. It establishes and

conducts the official dialogue with the national minority communities, their organizations and representatives and presents their concrete problems and complaints to the Government. In addition, this Office encourages and backs up their legitimate activities aiming to preserve and further develop their linguistic, cultural, religious and national identities, and assists in providing a proper climate for an ever better inter-ethnic understanding.

A Sector for National Minorities has also been established and functions since 1998 in the Department of Prefectures in the Local Government Ministry, having the duty to deal with issues related to the efficient participation of the national minorities in the decision-making process, both at the level of local government and public administration.

One of the inspectors in the Elementary Education Department in the Ministry of Education and Science covers the problems of education of the children of national minority people.

Lastly, one of the Prime Minister's advisers follows and deals with the social questions and those of the national minorities.

Article 5

*The Parties undertake to promote the conditions necessary for persons belonging to national minorities to **maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.***

2. *Without prejudice to measures taken in pursuance of their **general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such **assimilation.*****

5.1 The democratic changes in Albania over the last decade created a favorable climate for the development and initiatives of the non-governmental sector in the framework of the juridical state. All national minorities living in Albania have taken this opportunity to give a new impulse to the preservation and development of the main elements of their identity: language, tradition, religion and cultural heritage.

It should be underlined that the families of, Greek, Macedonian or Montenegrin national minorities, as well as the families of the Roma and Aromanians linguistic minorities have transmitted their native language from generation to generation. Though according to the Constitution (article 14) “*the official language in the Republic of Albania is Albanian*”, the national minorities, under Article 20 of the Constitution, have the right to preserve, and develop, “*to study and to be taught in their mother tongue*”. The right to use the mother tongue privately and in public is guaranteed in practice as well. The individuals of national minorities use their language freely in the daily life, with one another, in public

meetings, in their associations, in electoral campaigns, in their press and publications of cultural, literary, historical or scientific character, in the media and in religious ceremonies. An important factor contributing to the preservation and development of the mother tongue of the minorities is also the existence of numerous public schools for the children of the minority people.

Also the Roma in Albania have been able to preserve their traditional language, which they use in their environment. The Roma write their language in very rare cases, because no Roma schools have ever functioned in Albania.

In the context of the efforts presently undertaken in Albania for the economic and social integration of the Roma people into the Albanian society and basically for the elevation of their educational and cultural level in Tirana, Shkodra, Korça, Elbasan, Fier, Gjirokastra and other districts, in quarters lived mostly by Roma families, schools of the national education system have been built, rehabilitated or are under construction in which Roma children study together with Albanian children. A great contribution to this direction, along that by the Albanian state, is made by the “Soros” Foundation. During the year 2000 alone, schools with the greatest number of pupils consisting of Roma children started to function in Tirana, Korça, Gjirokastra and another one is expected to be inaugurated in the city of Shkodra soon. A specific work has been made in Gjirokastra, in which, in the framework of the Step-by-Step Program (Soros), courses are opened against illiteracy for Roma youths, along with some pre-school multi-ethnic classes formed for Roma and Albanian children aged between 4 to 6 years. The Step-by-Step methodology is based on the idea of an open society where teaching is conducted on an individual basis in a friendly environment of children. Another pilot program is underway by Soros, in cooperation with the Ministry of Education and Science, in the “Bajram Curri” school in Tirana.

The Aromanians, too, have preserved their traditional language, which they speak in their environments. This language has been preserved better and to a greater extent particularly among compact groups living in villages, and to some degree, among the old and mid-aged generations of those living in cities. Whereas the younger generation in cities speak this language very little, not to say at all, clearly proving that the Aromanians have reached a certain level of their integration into the local majority people, but still they preserve some specific features, which we have mentioned above, such as: tradition, culture and language within the family. For this reason the Albanian people have recognized and respected the Aromanians as a linguistic minority and have not identified them with other national minority groups.

Following the 1990s, the cultural and artistic activity of the national minority people assumed an evident development as well. A variety of organizations and associations have been formed and are actually functioning among the minorities, contributing considerably to the recognition of the history, traditions and culture of these minorities.

In Dropull, in the Prefecture of Gjirokastra, the “Association of Minority Talents” carries out its activity with the participation of renowned writers, poets, painters and artists from

the national minority, who are remarkable not only in minority environments but throughout Albania and beyond. This Association has realized a wide range of activities, such as painting exhibitions, photo-exhibitions, exhibitions with objects from the material folk culture, etc. The “Dropulli” Folk Ensemble, which is one of the most outstanding ensembles in Albania, takes part actively not only in the cultural and artistic life of the country, but, with the direct support of the Ministry of Culture, Youth and Sports, the Municipality, the Cultural Center and various private sponsors, this ensemble has also performed a number of concerts outside Albania, with the most notable ones those held in Greece.

The association “Druzha Prespa” in the Commune of Liqenas in the Prefecture of Korça, directs and organizes the activity of folk groups of Macedonian national minority villages. This association has organized the Festival of Liqenas and a series of artistic tours of Albania and the neighboring environs of Former Yugoslav Republic of Macedonia, during which, with their songs, melodies, dances and especially with their folk costumes they have brought to evidence the values of their folk tradition and its development.

The cultural association “Moraça Rozafa” of the Montenegrin minority carries out its activity in the Commune of Vraka, in the Prefecture of Shkodra. It has held several cultural and artistic activities, keeping alive the songs, dances, rituals and traditional costumes of the Montenegrin folk tradition.

The Roma are organized in their associations “Amaro - Drom”, founded in March 1991, “Amaro Divas” founded in 1996, “Romani Baxt”, founded in 1991 and “The Group for the Development of Roma Culture” which was established at the beginning of this year.

The Association “Amaro - Drom” consists of a central nucleus in Tirana and, according to information from their Tirana-based office, their activities are supported by four coordinating centers, mainly in Fushe Kruja, Lushnja, Fieri, Korça. Important to mention is the fact that this association has also the Forum of Women and the Forum of Youth. The Association issues its monthly newspaper named “Ylli i Karvanit”(The Caravan Star). The Association plays a great role to preserving their language, the rich folklore and the art of music. It has formed a number of groups with talented instrumentalists, singers and dancers, which have participated in many national and international activities. The association “Amaro Drom” has also a football team which has participated in several national sport events.

A similar activity is also conducted by the association “Amaro Divas”. It also has its own artistic group and has opened a course to teach musical instruments. In addition, this association publishes its monthly review, under the name of the association itself.

The association “Romani Baxt” has opened a kindergarten for the Roma children.

The Aromanians have also their associations, “Armeni - Alban” founded in 1991, “Aefallofisi” and “Association of Vlachs Voskopoja” both founded at a later period of

time. The Association “Armeni - Alban” (Aromanians of Albania) has a broad activity aiming to keep alive their language, culture and traditions. In order to realize these goals, it has carried out a number of activities of which we may mention: the festival of Aromanian Song, held in Voskopoja in September 1996, the participation of its folkloric group in the Annual Festival of the Balkan Aromanians, in Constantza of Romania, in 1997 and 1999 and have organized commemorative conferences for historic events, as the one to mark May 23, etc.

The demographic changes over the last decade made possible the restoration of the freedom of conscience and religious belief. In this context, all religious institutions of the cult reopened in the country and the people were free to exercise their religion and the religious rituals.

Now the freedom of conscience and religion for the national minority persons, like for all other Albanian nationals, is guaranteed under Article 24 of the Constitution. They are free to take part in religious communities or in their practices, and to make public their convictions and belief. The religious services in their institutions of the cult are conducted in their native language (more detailed comments are in Article 8).

The preservation and development of the identity of the national minorities living in Albania, along with the factors we mentioned above, is also significantly attributed to the opening of the borders, to the free movement of people and the development of relations with neighboring countries, which are their motherlands, and with which the minorities have common characteristics, such as: the spiritual constitution, the language, culture, customs and traditions, the religious belief, etc. These countries have created broad opportunities in:

- the free cross-border movement and the advantages offered to national minority persons through long-term visas to go to their motherlands;
- favors in trade exchanges;
- their free medical treatment in their countries;
- scholarships for high schools and university studies;
- publication of text books and their free distribution to pupils, artistic literature, etc.
- providing with didactic material basis the schools of national minorities and free qualification of their teachers;
- financial support offered to them in order to encourage their participation in sport and cultural, artistic activities;
- advantages for long-term or seasonal employment.

5.2 As we have pointed out in the foreword of this Report, the Albanians have historically claimed distinction for understanding and tolerance towards national minority members, a fact which has determined the exemplary coexistence between them and religious communities. Albania is working to preserve and further develop this cohabitation. Actually, it is pursuing two fundamental directions in its policy:

Protection and respect of the human rights and freedoms and the development of the special identity of the minorities,

Their complete integration in the Albanian society.

Proceeding from the general climate of co-habitation existing between Albanians and national minorities and the political directions for a multi-cultural integration, policies and practices, which aim to assimilate the national minorities people, are alien to the Albanian state. A good testimony to this is the care the Albanian state is taking, within the country's modest economic possibilities, of the development of the national minorities' identity in the field of education, culture, the exercise of religious belief, as well as of the progress in all the spheres of the economic, social and political life, etc. It has also followed a favorable policy with regard to the establishment of contacts between representatives of the national minorities and the institutions of the neighboring countries, which are assisting in the development and consolidation of their identity.

Also in the conditions when, due to the hard transition and the economic difficulties in Albania, a considerable number of national minority people from many villages lived mostly by them has left to work in the neighboring countries, their assimilation is not only a matter quite out of question but on the contrary, their ethnic belonging is preserved. All the minority people who have left Albania hold without let or hindrance regular contacts with their relatives here. Time and again, they return home for holidays. In many cases, with the money they have earned from their work in emigration, they build new houses for themselves, engage in small businesses, such as the construction of hotels, restaurants, trade units, etc. It is a positive fact that in no case do they prefer to sell their houses or other immovable properties they have in Albania.

The juridical and administrative guarantee to the protection of the identity of the national minorities: their religion, language, traditions and cultural heritage prove in the best way that the policies pursued by the Albanian state are policies of the integration of the people belonging to national minorities in the fields of the political, economic, social and cultural life and not policies of assimilation.

Article 6

- 1. The parties shall encourage **a spirit of tolerance and intercultural dialogue** and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of **discrimination, hostility or violence** as a result of their ethnic, cultural, linguistic or religious identity.*

6.1 Generally speaking, in Albania there are no cases of intolerance, hatred or ethnic discord. On the contrary, there is a good tradition of understanding and tolerance between the majority of the population and the minorities. This tradition is reflected in the mutual respect, the relations of cooperation and the peaceful coexistence between them not only in the areas and villages with ethnically mixed population, but also in the general national aspect. But we may say that though the Roma people in Albania are not subject to a discriminating treatment as a separate community, cases of some racist prejudice towards them have sometimes occurred. Along with the work to draft the legislation and the efforts for a correct practical implementation of this legislation, to prevent discrimination and intolerance, the state has adopted a number of measures aiming to promote mutual respect, understanding and cooperation between all the people living in Albania.

Significant steps are made in the Albanian educational system to educate the younger generation with the sense of appreciation for the cultural diversity, appreciation for the minorities' contribution to the Albanian society. Teaching human rights is part of the mandatory didactic program of all elementary and high schools of this system. In the text books of the school, such as in the subject of the Civic Education, Ethic, etc., problems of interpersonal relations between the majority people and the persons belonging to national minorities are treated, and they help educate in the pupils the feelings of respect, friendship, cooperation and mutual assistance. In the subjects of History, Geography or Literature, according to the teaching programs, the pupils are provided with broad information on the history, traditions and cultures of those countries, which are the motherlands of the national minorities living in Albania. These textbooks carry extensive analyses on the literary or historical works of distinguished authors of the literature and culture of these countries.

Excerpts from the folklore of the Greek and Macedonian minority, by writers and poets of these minorities, as well as from outstanding writers and poets of the Greek and Macedonian literature of different periods of time are selected and included in the new textbooks used in the schools of the Greek and Macedonian national minorities, such as "Grammar and literature", "Albanian grammar and literature" prepared and published by the Text Book Publishing House. Furthermore, there is a growing number of publications for out-class reading from the national minority literature and from Greek and Macedonian literature.

In the context of the Southeast European Cooperation Process (SEECp), Albania, jointly with other participating countries, is looking forward to undertake a full study with the aim of removing the notion "*bad neighbor*" from the textbooks of history of these countries.

An important contribution is also that by the Greek Library and Cultural Center, which are established and operate in Tirana on the basis of the agreement entered into between the Albanian and the Greek governments. Along with a variety of activities they hold, these centers ensure access to a very rich literature for all the persons who are interested in different fields of life in Greece.

Publications are also made by the Aromanians associations, such as a guide book with conversations in the Albanian-Aromanian languages, books with poems and verses by Aromanian authors in Albanian and Aromanian or their translations from Aromanian into Albanian, etc.

Various non-governmental organizations, the Writers and Artists' League of Albania, the National Museum, the Arts Gallery have organized time and again different activities with a broad participation of most outstanding Albanian personalities and personalities from the national minorities in the fields of literature, art, culture, history, etc., to mark important events of the life of the national minorities and their mother nations, of their distinguished personalities, to present publications and books, etc.

In this respect, the Ministry of Culture, Youth and Sports held in Tirana this year the Festival of Folk Groups of the Balkan countries, whose performances were broadcast directly by some Albanian private TV stations. In addition to this, in cooperation with the agency "Karabashi", the Festival of National Minority Children entitled "White Pigeon" was held in June 2000. Taking part in the festival were artistic groups of children from all national and linguistic minorities residing in Albania. During this year, with the direct backing of this Ministry, many light music singers have come from neighboring countries for concerts in Albania. The National Theater troupe as well as professional theater troupes, especially those of Korça and Gjirokastra, has put on stage dramas by authors from neighboring countries.

A number of projects implemented in various districts of the country by the Albanian Government, in cooperation with different international organizations and especially with the Soros Foundation aim to boost the participation and integration of the children of Roma families in school. These projects, which encourage cultural and sport activities that are jointly attended by both Albanian and Roma children, have also contributed to the promotion of the respect, feelings of friendship and cooperation between them.

A satisfactory work has also been made by the written and electronic media to promote tolerance for and no discrimination against national minorities. They have frequently sensitized the public opinion and the respective state organs, by assisting in the solution of various problems, which have preoccupied the minorities. The electronic media has prepared time and again reportages, extensive programs or news information covering the life, activity and problems of the national minorities. Likewise, they have broadcast documentary films on the nature, history, archaeology, the economic and social development of the neighboring countries, concerts of their folk artistic, light music groups, etc.

However, there have been a few cases in this respect when media, proceeding from the interests of the moment, has not adopted a balanced and impartial stance, inciting in this way momentary national passions. Sometimes it has encouraged stereotypes and negative prejudices towards national minority people, especially towards the Roma, who, in rare cases are referred to as people inclined to light ordinary crimes. Nevertheless, these

stances are not a worrying phenomenon and there is a general positive sense in the media to create a tolerant and peaceful coexistence with the national minorities.

6.2 Legal defense in Albania, which is guaranteed both by the internal laws and the adopted international instruments, is applied to any individual, protecting them against discrimination, hostility or violence, and grave penal sanctions are contemplated for those who commit them. Paragraph 2 of Article 18 of the Constitution says that *“no one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.”* In order to protect persons who may be subjected to threats or acts of discrimination, hostility or violence on grounds of their ethnic, cultural, linguistic or religious belonging, the Penal Code of the Republic of Albania, in its Special Part, in Article 73 contemplates that *“the application of a premeditated plan aiming the complete or partial demolition of a national, ethnic, racial, or religious group, targeted against group members and associated with the following acts, namely: deliberate murdering of group members, inflicting serious physical and psychological harm on them, imposing grave living conditions causing physical ruin, imposing measures intended to prevent childbirth, or forced transfer of the children of one group to another group, is subjected to imprisonment sentences of no less than ten years, or life imprisonment, or capital punishment.”* Whereas Article 74 of this Code contemplates that *“murders, exterminations, enslaving, instances of internment and banishment, as well as any kind of inhuman torture or violence committed on political, ideological, racial, ethnic and religious grounds are subjected to imprisonment terms of no less than fifteen years, or life imprisonment, or capital punishment.”*(We note that with the signing of the Protocol 6, death penalty is abolished in Albania)

Any individual, who is a victim of ethnic or racial discrimination, be it open or hidden, can address the court for juridical protection. Besides, everybody has the right to be rehabilitated and/or indemnified in compliance with the law, in case he is harmed from an unlawful action or failure to act by state bodies.

There is no case in the Albanian juridical practice of indictments filed by persons belonging to a national minority for acts of discrimination, hostility or violence committed against them on grounds of their ethnic, cultural, linguistic or religious belonging.

In this respect, we may also mention the programs for professional training for the public order staff, which provide them with necessary information on the human rights and their protection, including those of the national minorities. Information on human rights is now part of all curricula of the Public Order Academy in Tirana. In cooperation with the Council of Europe and other international organizations, short term qualification courses of 15 days to one month, are held and continue to be organized in order to train and provide with the necessary information in this respect the police officers and the active police staff. These courses must be attended by all the members of public order staff. They make use of special programs carrying information on the international standards in relation to the protection of human rights. MAPE is also offering a special assistance in

this direction. Such a formation will contribute to the best possible respect for and implementation of the defense the Albanian legislation offers against acts of ethnic or racial discrimination. Under the motto “Police and Human Rights”, the Public Order Ministry published recently in all nationally distributed newspapers, parts from the Law on Police, from the European Convention on Fundamental Human Rights and Freedoms, such as its Article 3 on the prohibition of torture, Article 5 on the right to freedom and security, parts from Protocol 6 on the abolition of death penalty, etc.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Under the Constitution of Albania, the fundamental human rights and freedoms are indivisible, inalienable and inviolable, and stand at the base of the entire juridical order. (Article 15.) They are valid not only for persons belonging to national minorities as Albanian citizens, but also for the foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship. (Article 16)

Freedom to have peaceful meetings, without arms, and to participate in them is guaranteed by Constitution (Article 47). In addition to this, the Law 8145, dated 11.09.1996 “On the Right of Gatherings”, article 1 says that: “*All citizens of the Republic of Albania without distinction as to gender, race, color, language, religion, ethnicity, economic, financial, academic and social situation, political affiliations, ancestry or any other personal circumstances, have the right to public gatherings.*”

While Article 46 of the Constitution states that “*everyone has the right to organize collectively for any lawful purpose*”. The Law 8580, dated 17.02.2000, “On Political Parties,” based on this constitutional right of the citizens, leaves space also for the creation of political parties based on ethnic grounds. Article 7 of this law prohibits the registration of the political parties when their internal organization runs counter to the democratic principles, when their creation is in conflict with the constitutional provisions, when they incite and support racial, religious, regional or ethnic hatred, are based on totalitarian methods, etc. Another condition of this law for the creation of political parties is that the request for their registration should be signed by no less than 500 Albanian citizens, its founder members, with permanent residence in the Republic of Albania. The registration of the political parties is made in the first instance Tirana district Court, which keeps the register of the political parties.

National minorities in Albania at present have no their own political parties. However, their political, economic and social interests are generally protected by all the Albanian political parties, which have a considerable number of individuals who belong to the national minorities in Albania.

But we cannot leave unmentioned the fact that, with the democratic changes in Albania, representatives of the Greek national minority founded in January 1991, in the village of Dervişan their “Omonia” organization, a political-social forum, which continues its activity since that year.

Article 3 of its Statute says that members of the organization may be all the individuals who have Greek consciousness and nationality, without any discrimination as of gender, color, race and language, except for those who uphold fascist, chauvinistic and racial ideas.

The aim of its creation and activity is: the protection of the rights of the Greek national minority, in conformity with the international acts and agreements for the protection of the rights of national minorities.

The organization has four affiliates in Saranda, Delvina, Gjirokastra and Tirana, and some sub-sections in Korça, Vlora and Permeti. Its leading forum is the General Council consisting of 45 members, which is elected by the General Conference, held every two years.

In the first pluralistic elections conducted in Albania in 1991, the “Omonia” organization took part as a separate electoral subject and won 5 seats in the first Albanian pluralist parliament with 250 deputies.

In the elections of 1992, based on the new electoral law, according to which parties, party groupings and individuals could take part in elections, and the law “On Parties” of that time, this organization could not be represented as an electoral subject. The conflict was solved with the approval by the Ministry of Justice of the Party of Human Rights Union, a party founded basically by Greek minority people, but with members also of Albanian nationality and other minority people in Albania. In these elections this party won one seat in the parliament, which consisted of only 140 deputies. While in the elections of May 1996 this party won two seats in the parliament.

The cooperation between the “Omonia” organization and the Party of Human Rights Union continues also at present. Now this party takes part in the government coalition, has 4 deputies in the present 155-seat Albanian parliament, which emerged from the elections held in June 1997.

Under the Constitution, the freedom of expression (Article 22) and the freedom of conscience and of religion (Article 24) are also guaranteed.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

Historically, two religions, Islamic and Christian, with four main traditional religious communities, Moslem, Bektashian, Orthodox and Catholic, have coexisted peacefully in Albania. On the individual aspect, the peaceful cohabitation and understanding between religious communities, consisting also of persons or communities of national minorities, is in the best way proved with the numerable cases of marriages between persons of different religions, in the feelings of respect and mutual aid they give to one another in case of calamities, in the lack of violent acts against the members of one religious belief towards those of another or towards the objects of the cult. At the level of the functionaries and representatives of the cult, the coexistence and understanding is manifested in the absence of statements which may incite overestimation of one religious to another or underestimation of other believers, and through the mutual visits they pay to one another in cases of celebrations of religious character.

Under the 50-year long communist dictatorship, Albania was the only country in the world to prohibit by Constitution the freedom of conscience and religion, with a good part of the churches and mosques barbarously ruined. This practically eliminated the chance for the Albanian believers and those of the minority to exercise their belief. Religious institutions reopened only after the democratic changes in the country, and the people were allowed to practice freely their religion and religious rituals.

No statistical data exist for the precise number of the population according to religious beliefs, due to the simple fact that in the official census of 1989, all the population was considered atheist. However, according to the latest official statistics of 1953, the population in Albania consisted of Moslems (also including the Bektashian community) 70 percent, Orthodox 20 percent and Catholic 10 percent.

Today the freedom of conscience and religion in Albania, like for all Albanian citizens, for the persons of national minority as well, is guaranteed by Article 24 of the Constitution. According to it, *“everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals. All are free to take part in the religious community or its practices, or to make their beliefs and faith public”*.

On this basis, today in Albania, along with the four main religious communities, are also operating nearly 62 Christian, Protestant, Evangelical, Adventist, Baha’i, Mormon associations, coming mostly from Western Europe and the U.S., and Islamic religious charity associations.

As mentioned in the comments on Article 5, many Orthodox churches are reopened, rehabilitated and constructed in all Greek national minority villages for people to practice their belief. Moreover, there are villages, such as Leshnica, bordering Greece, in which there are six Orthodox rehabilitated or reconstructed churches. A considerable financial assistance for the reconstruction and functioning of the churches is provided by Greece and the national minority people themselves.

Likewise, Orthodox churches are also rehabilitated or constructed in most of the Macedonian national minority villages. A new and very big church, named Saint Maria, is under construction in the center of the Commune of Pustec. The Orthodox Church of Former Yugoslav Republic of Macedonia has given and is still providing a considerable aid in this respect.

The Montenegrin national minority, with the financial support of Montenegro and the Greek Orthodox Church, has built three Orthodox churches.

The Aromanians, too, have reopened, rehabilitated and built their churches. A new and very big church is under construction in the front part of the largest and most beautiful park of the city of Korça.

The religious sermons and rituals in all the churches of the national minority are conducted in their native language.

We must note that the Orthodox community, members of which are also the national minority people in Albania, exercises its belief in more than 350-400 churches compared to 320 mosques that are presently functioning for all the Moslem community, which, as mentioned above, consists nearly 70 percent of the population in Albania.

The Orthodox religious clergy and those of the minorities are graduated from the Theological Higher School and Academy in Tirana. A great part of the priests of the national minorities are prepared in theological schools in Greece and Former Yugoslav Republic of Macedonia and time and again they to attend various qualification courses held in these countries.

In the Republic of Albania, though there are no official religions and the state is neutral on questions of belief and conscience, it recognizes the equality of religious communities and guarantees the freedom of their expression in public life (Article 10 of the Constitution of the Republic of Albania.) Discrimination on reasons such as religion or religious beliefs is unconstitutional (Article 18 of the Constitution, Article 253 of the Penal Code). Inciting religious hatred and disputes constitutes a penal act and is punished by fines or by up to ten-year imprisonment terms (Penal Code, Article 265). Likewise, Section X of the Penal Code, articles 131, 132 and 133, qualify as punishable penal acts the obstructing of the activities of religious organizations, the ruining or damaging of the objects of cult and the prevention of religious ceremonies.

Within its possibilities, and along with the funds from the state budget for the Institute of the Monuments of Culture to restore and maintain religious institutions, the Albanian state is making its contribution also through creating customs and fiscal facilities, reinstating the properties (in cases when it has been possible) or through granting free of charge or at symbolic prices sites in public ownership for the construction of religious objects of cult, schools, hospitals, asylums, etc. Recently, the Albanian Government reinstated to the Orthodox church and the Moslem community their sites for the construction of an Orthodox Church and a mosque in the center of Tirana, while a Catholic church is under construction as well near the center.

The Decision of the Council of Ministers No.341, dated 07.07.2000 exempts from customs taxes all the “materials and equipment for the construction and reconstruction of religious objects of cult, institutions of religious character, and other commodities, these institutions need for the conduct of religious activities.”

It has also created a number of facilities for the granting of licenses to religious schools of all kinds (Decision of the Council of Ministers No.248, dated 28.05.1999.)

The State Committee of Cults dealing with issues related to the freedom of the religious beliefs and their exercising has been formed and operates close to the Council of Ministers.

Article 9

*The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes **freedom to hold opinions and to receive and impart information and ideas in the minority language**, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*

*Paragraph 1 does not prevent Parties **from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.***

*The Parties shall not hinder the creation and the use of **printed media** by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using **their own media.***

*In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate **access to the media** for persons belonging to national minorities and in order to promote tolerance and permit **cultural pluralism.***

9.1. With the aim of preserving and consolidating the cultural identity of national minorities and in order to keep them continuously informed of the political, social, economic and cultural developments not only in Albania but also on the international plane, the Albanian legislation contemplates full access in their mother tongue, to both printed and electronic media.

The freedom of expression, as contemplated in the Framework Convention, is a fundamental constitutional right in Albania. Article 22 of the Constitution *guarantees the freedom of expression and the freedom of the press, radio and television to all, including national minorities, and prohibits prior censorship of the means of communication.*

9.2. “The Law on Press” No.7756, dated 11.10.1993, has been amended with the Law No.8239, dated 03.09.1997, and has actually only one article, saying: *“The press is free. Freedom of press is protected by law.”* A new project, entitled “Act of the Press Freedom” was recently published in the Albanian press, to be subjected to an open discussion and to receive the necessary political and professional consensus. In this context, the representatives of the national minorities as well will make their remarks and suggestions.

On the basis of the above-mentioned existing law, the persons of the national minorities enjoy, like all Albanian citizens, and without hindrance, the right to create their printed media in their native language. The press of the national minorities, as all the press in Albania, is not subjected to prior censorship.

Actually, the Greek national minority, living in the districts of Gjirokastra, Saranda, Delvina, etc., have the following reviews: “Lajko Vima,” a newspaper which dates back to 1945; “I Foni tis Omonias” (Voice of Omonia) a weekly paper; “2000”, a newspaper which appears in three languages Greek, English, Albanian; “Oaz” and “Progres” illustrated reviews. These newspapers and reviews are freely distributed in every village. Furthermore, some 15 other titles of papers and reviews in the Greek language enter from Greece to this minority area.

The Macedonian and Montenegrin press is brought without hindrance at all to the Macedonian or Montenegrin national minorities in Albania.

The Aromanians have their newspaper “Fratia - Vellazerimi” which is published once a month in Albanian and Aromanian.

9.3. Law No.8410, dated 30.09.1998 “On Public and Private Radio and Television in the Republic of Albania.” guarantees the national minorities access to the electronic media. This law declares the freedom of the activity of the Radio-Television as well as their editorial independence (Article 4 and 5). Article 39 of this law prohibits *“the broadcasting of programs which incite violence, aggressive war, national and racial hatred.”* etc., whereas Article 36 says that *“public and private radio and television programs shall respect the personal dignity and fundamental human rights, the impartiality, entirety, truthfulness and pluralism of information, the rights of children and teenagers, public order and national security, the Albanian language and culture,*

constitutional and human rights of national minorities in compliance with international conventions signed by Albania, the religious diversity in Albania.

While Article 37 writes: *“The use of the Albanian language is obligatory for all programs, except for musical works with lyrics in a foreign language, foreign language teaching programs, the programs intended specifically for national minorities, and programs of local radio-television subjects licensed to broadcast in the language of minorities.”*

On this basis, the establishment of local radio sound and television stations by persons of the national minorities in their mother tongue is guaranteed. Their licensing is made by the National Radio and Television Council and the requests for license are made pursuant to law, and in conformity with the recognized international standards.

The radio and television broadcasting application for license includes: the name, location, legal form of the applying subject, the names and signatures of the persons who have the right to submit it, the official banking account statement on the financial capital of the juridical or physical person who makes the application, the name of the program and the broadcasting station, the subject and the general characteristics of the service, information on the duration of the program, the territory it will cover, the technical plan for the installation and the use of the equipment, the contract signed with the “Association of Authors” in regard to the copyright, as well as the list of administrators, the estimation of the expenses and revenues, the origin and the amount estimated to cover the expenses for the license valid term. The license may be refused only in the cases contemplated by law. Under Article 26, the license *“is denied to people who have been deprived of their ability to act by a final court ruling, to parties, political and religious associations, and state authorities of all levels, to public entities of economic character, as well as credit institutions.”*

The National Radio and Television Council *has not received and does not have* any request for license to establish local radio sound or television stations on the part of persons belonging to national minorities living in Albania.

Under Article 69 of the Law 8410, the ART (Albanian Radio Television) program, is, among others, obligated to ensure from the central and regional broadcasting studios the release of information also for national minorities. Though this obligation for the Albanian Radio and Television is expressly contemplated, the law does not determine concrete ratios in nominal value or in percentages for the volume and span that the obligatory information for the national minorities will have in its programming time. We note that one in 15 members of the ART Leading Council, who, according to the law on electronic media (Article 88) are elected by the Parliament, is a representative of the national minorities, and in this capacity, he should normally follow the ratios placed in relation to the volume and the time that the information on national minorities must have in the ART programs.

However, the activity of the minorities in all the fields of life, their achievements and problems have taken an importance place and are extensively being covered by the main programs of the Albanian Radio-Television, in its news hours, as well as in the other programs of cultural, economic and social character.

Actually, in addition to the program for the Greek minority in Albania aired by Radio Tirana in the Greek language for 30 minutes twice a day, Radio Gjirokastra too is broadcasting daily in the Greek language for 45 minutes (from 5 p.m. to 5.45 p.m.).

It must be also noted that with funds from the state, the local government organs have installed TV amplifiers in the territory of Albania through which the Greek national minority can watch the Greek TV stations such as NET, ANT1, MEGA, ET1, etc. We must stress that by a decision of the ART Leading Council, and with the installation of a TV amplifier on Mount Dajti, the Greek TV station ET1, can be freely watched also in Tirana.

For the Macedonian national minority too, the local radio of the city of Korça (Radio Korça) airs three times a week news in the Macedonian language. Moreover, the local television has special programs broadcast from this zone. While the Macedonian public and private radio or television stations can be freely seen without the need to install TV amplifiers.

The same can apply also to the small Montenegrin national minority, with regard to the public and private radio or television stations in Montenegro. The local radio of the city of Shkodra (Radio Shkodra) broadcasts programs for this minority.

During 2000, the printed and electronic media have realized an extensive coverage and sensitization of the public opinion of the life, activity and problems of the linguistic minorities of the Roma and Aromanians. This is attained thanks to some activities held by non-governmental organizations and especially the seminars conducted with the support of the Open Civil Society Foundation (Soros) in cooperation with the Ministry of Education and Science.

Article 10

The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

In the national minority families, be they Greek, Macedonian or Montenegrin, but also those of linguistic minorities of Roma and Aromanians, the mother tongue is transmitted from generation to generation.

Though according to the Constitution (Article 14) the official language in Albania is Albanian, the national minorities, under Article 20 of the Constitution, have the right “...to study and to be taught in their mother tongue.” Hence, recognition of the right to use the mother tongue privately in public, orally and in written, is a guaranteed practice.

The members of the national minorities use their language freely in the daily life, with one another, in public meetings, in their associations, in electoral campaigns, in the publication of documents and periodicals as well as in religious ceremonies. In the pre-school education, in kindergartens, in national minority areas, both in those of the Greek national minority and the Macedonian minority, children are taught, communicate with one another and with their educators in their mother tongue. The studying of their languages is also guaranteed in the elementary system and in the high schools, and it is applied in the schools functioning in national minority areas or in the areas with a considerable number of minority people. (See comments in Article 14).

As we mentioned in the comments of the first paragraph of this article, according to the Constitution (Article 14) “*the official language in the Republic of Albania is Albanian*”. Hence, all the documentation in the central government organs and in the administrative unit bodies of the local government are drafted in the official language.

While the verbal communication between national minority people and the authorities of the local government administration in the areas inhabited by national minorities may be realized, according to their free choice, in their mother tongue, because in most of the cases these authorities are members of national minorities themselves.

10.3. Though Albania has not adhered to the “European Charter on Regional or Minority Languages”, on the basis its the principles and standards, Article 28, point 1 of the Constitution, contemplates that everyone “...*whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him.* While Article 31 of the Constitution, point c, contemplates that during the penal process, everyone has the right “*to have the assistance of a translator without charge, when he does not speak or understand the Albanian language*”.

These principles are also reflected in the codes of Penal and Civil Procedure.

The Code of Penal Procedure, point 2, Article 8 contemplates that in all the phases of the juridical process, “*persons who do not know Albanian use their mother tongue, and, through an interpreter, have the right to speak and be informed of the evidence and acts, and of all the juridical procedure.*” In regard to the drafting of the acts of penal procedure, Article 98, point 2, of the same Code contemplates that “*the person who does not speak the Albanian language is interrogated in his mother tongue and the verbal process is kept in this language as well. The procedural acts given to this person, at his request, are translated in the same language.*” Also witnesses in a juridical process have the right to testify in their own language.

The right to use their language or to have the acts drafted in their mother tongue is entitled also to the persons who do not know the Albanian language during the civil juridical process as well. Article 27, paragraph 2 of the Civil Procedure Code, contemplates that “*The persons who do not know Albanian, use their language. They are informed of the evidence and of all the juridical procedure through an interpreter.*” While Article 116, paragraph 2, says that “*The court calls a translator when persons giving their testimony do not know the Albanian language or for the translation of documents written in a foreign language*”.

In order to guarantee the rights of the persons who do not know the Albanian language, during the penal and civil process, the Albanian legislation determines detailed rules regarding the assistance without charge of a translator, his presence even in the cases when the judge, the prosecutor or the officer of judicial police know the language to be translated, the obligations of the translator for the accuracy of translation and the protection of secrecy, for cases of incapability and incompatibility to carry out the duty, exclusion, renunciation and substitution of the interpreter, the deadlines for the written translations and the obligatory calling of the interpreter who, for no legal reasons, does not appear, charging him with the same penal and civil responsibility as the expert.

Lastly, we point out that under Article 5 of the Law 8328, dated 06.04.1998, On the rights and treatment of the convicts”, “*the treatment of the convicts should have no discrimination against on grounds of gender, nationality, race, economic and social situation, political viewpoints and religious beliefs.*” The Regulation of the Prisons in the Republic of Albania, adopted by the Decision of the Council of Ministers, No.96, dated 09.03.2000, contemplates in its articles 13, 45, 53 and 63, also the notification of the convicts in the language they understand about the rules of the prison, the imprisonment term modality, the rights and obligations of the prisoners, etc.

Article 11

*The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her **surname (patronym) and first names** in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*

*The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language **signs, inscriptions and other information** of a private nature visible to the public.*

*In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, **to display traditional local names, street names and other topographical indications intended for the public** also in the minority language when there is a sufficient demand for such indications.*

11.1. The members of national minorities living in Albania are free to decide and use their names and surnames according to the traditions in their mother tongue and have the right to their official recognition. The national minority persons register their names and those of their family members with the Civil Registry Offices of the Municipalities or Communes where they live. According to the law, the registration in the Civil Registry Office is made by the clerk of this office according to their phonetic pronunciation, but always on the basis of the orthography of the Latin alphabet, as the Albanian language, which is at the same time the official language in Albania, is written. This rule is also applied for the fact that the three national minorities living in the territory of Albania write their native languages on the basis of the orthography of the Cyrillic alphabet. Consequently, the registration of the names and surnames of their members on the basis of the Cyrillic orthography would cause numerous problems and confusion in their relations with the other part of the public administration and with other different institutions in Albania.

With regard to the signs of a private nature in the private life of the national minority persons, such as the letter exchanges between them, with their relatives in and outside the country, communication between them, the epitaphs, the naming of their trade units, shops or enterprises, of schools, advertisements and labels, etc., the national minority people are free to chose and display them, even in places for public use. Actually, in all the communes or villages inhabited by people belonging to national minorities, as well as in cities such as Delvina, Gjirokastra or Saranda, mostly lived by Greek national minority in Albania, a good part of the inscriptions and the names of the shops, restaurants, bars or hotels, owned by national minority people, are written in their native languages.

All the toponyms and names of the villages in the areas lived by national minority in Albania, are the original ones traditionally used by the minority people have in their mother tongue. Even a few changes made under the communist regime in Albania of the names of some villages, particularly those of religious content, have been mended following the 1990s.

The public use and display of traditional local names, street names and other topographic signs is not regulated by any specific law. But in fact there are no real obstacles preventing the naming and using of such names, even when they are in the national minority languages. In cases deemed reasonable, or when requested, the local authorities

of the minority areas are free to decide on these issues, certainly taking into account the limits linked with the rules of urban planning management.

The lack of boards displaying the names of villages, roads, the lack of traffic signs, etc., is not, in fact, a consequence of any legal or administrative hindrance, but such names and signs are generally missing in the Albanian language as well.

However, a complete legal improvement of all the matters treated in this article remains an issue to be dwelt upon in the future.

Article 12

The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

In this context, the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

12.1. Special and permanent care is made and continues to be made in Albania for the education of the national minorities.

This care is reflected in the concrete achievements in the democratic legislation of our state and particularly in the field of education. Our democratic institutions attach priority attention to the protection, promotion and development of one of the basic elements of the identity of the national minorities, the rights to education in the mother tongue.

Article 20, paragraphs 1 and 2 of the Constitution of the Republic of Albania, in relation to national minorities contemplate that “*Persons who belong to national minorities exercise the human right and freedoms in full equality before the law. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging, to study and to be taught in their mother tongue.*”

Equal rights to all offers also the legislation on the field of education. Article 3 of the Law 7952, dated 21.06.1995, “On the Pre-University Education System” guarantees equal rights to all citizens “to study in all levels of education determined by this law, regardless of social situation, nationality, language, gender, religious, race, political conviction, health situation and economic level.”

While Article 10, point 1, of the same Law, says: “Opportunities shall be created for persons belonging to national minorities to study and be taught in the mother tongue, to

learn their history and culture within the framework of the school curricula.” The legal frame for this purpose is also complimented with other sub-legal acts, such as the decisions of the Council of Ministers “On Elementary Education of National Minority in the Native Language,” and “On the Start of Teaching Greek Language in some High Schools,” and the respective instructions by the Ministry of Education and Science.

These basic documents of the Albanian legislation, which, reflect among others, the guarantee, protection and exercise of the rights to education of the minorities, are made known, in the appropriate time, not only to the local government bodies, but also to the education departments in the districts where national minorities live, as well as to the principals and teachers of the two Greek and Macedonian national minority schools, for their proper orientation in the daily educational activity.

Furthermore, continuous efforts are made also to impart the international legal documentation, special conventions and recommendations, the principles and standards contemplated by the “European Charter on Regional or Minority Languages,” “Framework Convention for the Protection of National Minorities,” etc., which were also made public in the seminar held by the Council of Ministers and the Council of Europe in March 1996, in Tirana.

12.2. The national minority of Greek nationality extends in 34 villages of the district of Gjirokastra, 35 villages of Saranda, 18 villages of Delvina and 2 villages in Permet. Whereas the Macedonian national minority is located in 9 villages of the district of Korça (zone of Prespa) and in one village of Devoll.

The education system for these national minorities, like for Albanians, consists of three levels: pre-school, elementary and general high education.

For the Greek minority there are 18 elementary schools and 14 primary schools (I-IV grades) and 2 general high schools in the district of Gjirokastra; 17 elementary schools and 4 primary schools (I-IV grades) in the district of Saranda; 7 elementary schools and 7 primary schools (I-IV grades) in the district of Delvina and only 2 primary schools (I-IV form) in the district of Permet.

For the Macedonian minority there are 2 elementary schools and 7 primary schools (I-IV grades) in the district of Korça and only one primary school (I-IV grades) in the district of Devoll.

The above-mentioned schools function in those areas which are traditionally inhabited by national minorities, in the mean time under the auspices of the Albanian state and on the basis of the above-mentioned legislation, in September 1996 classes for minority children were opened in the elementary schools with Albanian pupils in the cities of Gjirokastra, Saranda and Delvina, where Greek national minority people live and exercise the right to study and be taught in their language. The classes in these school forms are held in the same way as in all other national minority schools.

In the Pedagogical High School in the city of Gjirokastra there is a branch named “Teacher Training for Minorities”, the only one in our country, which trains teachers for the Greek national minority. In addition to this, a Greek language branch also functions in the “Eqerem Çabej” University, in Gjirokastra. In 1995, the Greek language branch was opened in the Foreign Languages’ Faculty of the University of Tirana.

Many boys and girls of the two national minorities, with no distinction and enjoying all their rights, attend studies in the high schools and universities of our country, in all the branches, as well as post-graduate studies.

Attending the elementary schools of the two national minorities, for 2000-2001 academic year, are 1845 pupils, consisting 0.37 percent of all the pupils of the elementary school level, with 297 teachers of whom 267 are from the national minority. Furthermore, in the areas, where persons belonging to the Greek and Macedonian national minorities live, there are 35 kindergartens functioning with a total of 628 children. Some 43 caretakers from the minority look after these children in the kindergartens. Further detailed information on the schools, teachers and the number of pupils is in the following tables:

Elementary Schools (*Greek national minority*)

District	Elementary schools I-VIII	Primary Schools I-IV	Mixed Schools	Special classes	Collective classes	No. of pupils	Minority teachers	Albanian teachers
Gjirokastra	18	14	3	14	62	586	110	9
Saranda	16	7	4	13	56	609	88	9
Delvina	7	9	4	6	41	355	51	12
Permet	-	2	-	-	2	14	2	-
Total	41	32	11	33	161	1564	251	30

Source: Ministry of Education and Science - Academic Year 1999-2000.

Pre-school education (*Greek national minority*)

District	Number of kindergartens	Number of Children	Number of educators
Gjirokastra	15	213	18
Saranda	6	119	6
Delvina	5	81	7
Permet	-	-	-
Total	26	413	31

Source: Ministry of Education and Science - Academic Year 1999-2000

Elementary school (*Macedonian national minority*)

District	Elementary school s I-VIII	Primary School s I-IV	Special classes	Collective classes	Number of pupils	Number of minority teachers
Korça	2	7	15	11	511	42
Devoll	-	1	-	1	11	1
Total	2	8	15	12	522	43

Source: Ministry of Education and Science - Academic year 1999-2000.

Pre-school Education (*Macedonian national minority*)

District	Number of kindergartens	Number of children	Number of educators
Korça	8	202	11
Devoll	1	13	1
Total	9	215	12

Source: Ministry of Education and Science - Academic Year 1999-2000

High School Education (*Greek and Macedonian national minority*)

District	General High schools	Number of pupils	Minority teachers	Albanian teachers
Gjirokastra	2	81	110	9
Saranda	2	95	88	9
Delvina	-	-	51	12
Korça	1	182	2	-
Total	5	358	251	30
High Pedagogical School (teaching branch - minority)		81	8	2

Source: Ministry of Education and Science - Academic Year 1999-2000

The pupil-teacher ratio for the two national minorities is 6 pupils per teacher, while this ratio for the Albanian elementary schools is 19 pupils per teacher. This proportion is very low for the national minority schools because though the number of school pupils has considerably fallen due to their emigration, the schools are not closed.

The education departments in the districts which have national minority schools functioning have constantly aimed to maintain the contingents of pupils, so that to keep running, as was said above, all the national minority schools even those which risk to be

closed due to the great decline of the number of pupils, with the intention to provide schooling for every child belonging to the national minority. Regardless of the continuous fall of the number of pupils and the continuous functioning at a high cost of primary schools, such as those in villages Rodat, Vodhino and Hillomo, Dhuvjan, Pepei, or the elementary schools in Sotire and Gline, of the district of Gjirokastra; Jerme, Italo, Komat, Lefter Talo and Memoraq of Saranda; Brajlat, Fitore, Dhrovjan and Krane of Delvina and some other, whose attendance is only 1,2,3 up to 5 pupils, proves of the tolerance and care of the Albanian state to keep these schools open, with the good will, as stressed above, so that no national minority child remains illiterate. The decline of the number of children is also coupled with the fall of the number of teachers.

The reduced number of pupils and teachers from year to year is clearly seen if we compare the tables attached to this Report, for the last 5 academic years.

12.3. Evident and concrete achievements are recorded in the education of the national minorities in Albania, with the establishment of democracy. These successes are reflected first of all in the structure of the national minority education, the curricula and the special text books for these schools.

Among many legal acts and by-laws, we may mention the Decision 396, dated 22.08.1994 of the Council of Ministers “On Elementary Education of the Minority People in Native Language” and the Instruction No 14, dated 03.09.1994 of the Ministry of Education, which, determines, among others, the criteria for the opening and functioning of schools for persons belonging to national minorities, the ratios between the use of the mother tongue and the Albanian language, with the teaching programs and subjects creating opportunities for the minority pupils in these schools to study their history, traditions and culture.

The pupils belonging to the Greek and Macedonian national minorities, along with the education in the official language, study their mother tongue at school, in compliance with the special curricula for these schools and the program of subjects adopted by the Ministry of Education and Science.

The subjects taught in the native language in the elementary schools of the national minorities are:

Native Language and Literature

- History
- Geography
- Knowledge on Nature
- Mathematics (in I-IV grades)
- Biology
- Social Education
- Drawing
- Music
- Labor Teaching

- Physical Training
- While the following subjects are taught in the Albanian language:
- Albanian Grammar and Literature
- History of Albania
- Geography of Albania
- On the subject of Social Education, Information on Constitution and governance in the Republic of Albania
- On the subject of music, the songs of Albanian national character
- Mathematics (V-VIII grades)
- Physics
- Chemistry

The proportions between the subjects in the elementary schools of the national minority are: 40 percent in the Albanian language and 60 percent in the national minority native language, whereas for the primary school level this proportion is 90 percent in the mother tongue and 10 percent in the Albanian language.

Over the last years, a continuous care is shown for the qualitative improvement of the curricula and textbooks. The textbooks are drafted both in the Greek and Macedonian languages. Care is taken in particular of the preparation of the new text books for the subject of “Grammar and Literary Reading” in the Greek and Macedonian native languages, “Albanian Grammar and Literary Reading”, as well as other textbooks in the language of the national minority and in the Albanian language specifically for the national minority schools.

In 1998, new subjects were introduced in the national minority schools: Knowledge on the History of the Greek People and Knowledge on the History of the Macedonian People.

These proportions of subjects, both in the national minority mother tongue and in the Albanian language create conditions and opportunities for the pupils easily to assimilate not only the teaching programs and text books of the elementary school, but also the teaching programs of the high school, which are all taught in the Albanian language, except for the subject “The Greek Language” held 2 classes per week in the first and second grades of the general high school (in the Greek minority part) since the academic year 1995-1996 onwards.

In the schools of the two national minorities, in most of the subjects, new curricula and improved programs are being used. New textbooks are printed in the Greek and Macedonian native languages. Likewise, new textbooks are also drafted in the Albanian language.

Other textbooks are in the process of drafting and publication.

A particular attention is devoted to the preparation of the new text books for the subjects: Native Language and Literature, Albanian Language and Literature, as well as other text

books in the language of the national minority and in the Albanian language, prepared particularly for the national minority schools. The textbooks of Albanian grammar, literature and literary reading are conceived and drafted specifically for the national minority schools. Hence, they are not the same with the textbooks of the national schools.

It is worth mentioning here the contribution of Greece and Former Yugoslav Republic of Macedonia to the publication of the textbooks for the national minority schools, in the context of the cooperation between these two neighboring countries.

The Literary Reading consist of selected parts from the folklore of the Greek and Macedonian national minorities, by writers of these two national minorities, as well as by writers of the Greek and Macedonian literature of different periods.

The publications for out-of-school reading from the literature of the Greek and Macedonian minority literature have also increased.

Article 13

*Within the framework of their education systems, the Parties recognize that persons belonging to a national minority have the right **to set up and to manage their own private educational and training establishments.***

The exercise of this right shall not entail any financial obligation for the Parties.

13.1. So far, no private education institutions are opened for national minority children in Albania, but there are non-public elementary schools, which are also attended by national minority children. The Non-Public Education Institution “ARSAKEIO” functions in Tirana. This non-public institution of the elementary school level is adopted by the Decision of the Council of Ministers No. 404, dated 01.07.1998. Along with the obligatory teaching programs and subjects in the Albanian language, other subjects are also taught in the Greek language in this school, such as: the Greek Language; Environment Study/Geography; Health Education; Mythology-History; Theater Play; Folk Tradition. These subjects are added with 9 more classes per week from I-IV grades.

This school is not for the Greek national minority children alone, many Albanian children have been enrolled there, as well.

This institution is administered by the Foundation “Filekpedheftiqi” founded in 1836, whose object of activity is developing education, and that of the children and youths in particular.

Article 14

*The Parties undertake to recognize that every person belonging to a national minority has **the right to learn his or her minority language.***

*In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities **for being taught the minority language or for receiving instruction in this language.***

*Paragraph 2 of this article shall be implemented **without prejudice to the learning of the official language or the teaching in this language.***

The education departments in the districts where minority schools are functioning have taken and are taking constant care to provide the national minority education institutions with the respective, qualified teaching staff. This priority has been observed, to different degrees within the present possibilities of every district, because it should be stressed that many graduate teachers, especially from these regions, have emigrated.

A special attention is devoted to the selection and employment of the teachers who teach minority native languages (Greek and Macedonian) and the Albanian language.

Attention has also been attached to the scientific and pedagogical qualification of the teachers and principals of the national minority schools. Their qualification has been one of the priority duties of the education departments in the districts with national minority areas. Under the auspices of the Ministry of Education and the Institute of Pedagogical Studies, a number of qualification seminars have been held at the level of zones and districts, which are attended by all national minority teachers of the district groups, according to the national minority affiliation. Such seminars are held in Gjirokastra, Dervişan, Saranda and Delvina for the Greek national minority and in Liqenas and Gorice e Vogel of the area of Prespa in the district of Korça for the Macedonian national minority.

The qualification activity is focused on two main directions:

General, unique qualification on the basis of the programs and text books of our national school;

Specific qualification for the special teaching programs and respective text books for the national minority schools.

The aim of the general unique qualification has been and is to implement the new curricula, the qualitative organization of the class based on contemporary patterns, methods and terminologies, the work in groups of pupils, the study on the basis of

objectives, classes in collective groups, classes organized in the form of games and role-play, promotion of the pupils' independent work, etc.

The objective of the specific qualification through numerous theoretical and practical activities has been:

- assimilation in the practical, skill-forming sense of the mother tongue and the Albanian language;
- assimilation of the contemporary scientific terminology in the special texts books for the national minority schools or those of the subjects of natural sciences;
- the application of new techniques and technologies, contemporary methods in the schools of the minorities for the bilingual formation of the pupils.

A part of the qualification activity is realized in cooperation with the analogous education institutions of the Greek and Macedonian states, both in the districts which have national minority schools and, in the neighboring countries. The teachers of the two national minorities have attended several-day qualification seminars in the universities of Greece and those of the Former Yugoslav Republic of Macedonia.

Furthermore, specialists and teachers from Greek and Macedonian education institutions have come to our country to cooperate with Albanian and national minority teachers and specialists for the organization of qualification seminars. Such seminars are held, for instance, in September 1996, in Dervican of the district of Gjirokastra and in Saranda; in March-April, 1998 in the University of Ioannina, seminars are also held in Liqenas and Gorice e Vogel, in the zone of Prespa of the district of Korça, etc.

Also foundations, associations and institutions inside and outside our country, interested in the promotion and further development of the education of national minorities, have made their contribution to organizing qualification activities and to furnish the schools with material and didactic basis.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The participation of the people belonging to national minorities in the cultural, social and economic life, as well as in the public affairs, is realized through the participation of their representatives in the country's legislative and executive organs, both central and local.

Through the Party of the Human Rights Union, the national minorities, the Greek one in particular, won 4 seats in the parliament in the June 1997 elections. But the national minorities have won 3 more seats in the parliament through their participation in other political parties functioning in Albania, which is an evidence of the growing tendency of

the minority people not to remain a minority in the politics and with only a peripheral role, but to play a greater role in this respect.

The national minority people are also represented in the Government and some of them hold ministerial posts. Many others are appointed to important posts in ministries or have been working for a long time in other important state institutions. Nevertheless, accurate statistical data for their number, their posts, etc., are not available.

The efficient participation of the national minority people in the decision-making process is realized through their participation in the local government organs.

The national minority people took part normally in the October 1, 2000 elections, standing and electing their representatives through their free vote. According to the latest information from the Local Government Ministry, it results that in areas inhabited by Greek, Macedonian and Montenegrin minority people, their elected representatives in the local government organs are as follows:

Communal Chairmen of the Greek National Minority

In Saranda district	3 communal chairmen
Commune of Dhiver	communal chairman
Commune of Livadhja	communal chairman
Commune of Aliko	communal chairman
In Delvina District	1 communal chairman
Commune of Mesopotam	communal chairman

Councilors of Greek National Minority

In Saranda District	32 councilors
Municipality of Saranda	3 councilors
Commune of Xarre	4 councilors
Commune of Dhiver	7 councilors
Commune of Ksamil	12 councilors
Commune of Aliko	7 councilors
Commune of Livadhja	9 councilors
In Delvina District	16 councilors
Municipality of Delvina	2 councilors
Commune of Finiq	6 councilors
Commune of Mesopotam	8 councilors

Greek Minority Regional Councilors

From Saranda District	7 councilors
From Municipality of Saranda	1 councilor
From Commune of Dhiver	2 councilors
From Commune of Livadhja	2 councilors
From Commune of Aliko	2 councilors
From Delvina District	3 councilors
From Municipality of Delvina	1 councilor
From Commune of Mesopotam	2 councilors

Members of the Greek national minority employed in state organs of the Region compared to the total number of administration staff consist:

in Saranda district	32 % of the total number
in Delvina district	20 % of the total number

The elected representatives in the local government in Gjirokastra are as follows:

Communal Chairmen of Greek National Minority

In Gjirokastra District	4 communal chairmen
Commune of Dropulli i Siperm	communal chairman
Commune of Dropulli i Poshtem	communal chairman
Commune of Pogon	communal chairman
Commune of Çarshove	communal chairman

Communal Council Chairmen of Greek National Minority

In Gjirokastra District	5 communal council chairmen
Commune of Dropull i Siperm	communal council chairman
Commune of Dropull i Poshtem	communal council chairman
Commune of Pogon	communal council chairman
Commune of Çarshove	communal council chairman
Commune of Odrie	communal council chairman

Municipal / Communal Councilors of Greek National Minority

In District of Gjirokastra	45 Municipal - Communal councilors
Municipality of Gjirokastra	3 councilors
Commune of Dropulli i Siperem	15 councilors
Commune of Dropulli i Poshtem	15 councilors
Commune of Pogon	8 councilors
Commune of Çarshove	4 councilors

Greek National Minority Regional Councilors of Gjirokastra

In Region of Gjirokastra	6 councilors
From Commune of Dropulli i Siperem	2 councilors
From Commune of Dropulli i Poshtem	2 councilors
From Commune of Pogon	1 councilor
From Commune of Çarshove	1 councilor

Seven members of the Greek national minority hold leading posts in the state administration in the Region of Gjirokastra, namely in:

- Head of the Regional Department of Vehicles' Utilization
- Head of the Water System Department
- Director of the Savings Bank
- Head of the Public Housing Enterprise
- University Rector
- Head of the Hospital Service Department
- Chairman of the Chamber of Commerce and Industry

A considerable number of the Greek national minority is employed in the state administration and in local government organs in Gjirokastra, Saranda and Delvina, as well as in other districts.

In the commune of Liqenas, in the Region of Korça, inhabited by Macedonian national minority, all representatives of the local government are members of this minority. Representatives of this minority are also in the Regional Council of Korça.

In all communes directed by minority people, the state budget for the administration, social insurance and grants, is provided in compliance with the respective legislation.

Investments, which the Local Government Ministry allocates for these regions, are made in conformity with the situation and the plans of their development. Concretely, for 2001, the following funds are foreseen in the investment plans of the Local Government Ministry:

For local government organs in Saranda and Delvina Districts in 000/lek

Commune of Aliko	2000
Commune of Xarre	1500
Commune of Livadhja	2000
Communes of Mesopotam	2000

The financing for investments in the four communes lived by Greek national minority people take 15.9 percent of the funds earmarked at regional level, though these communes represent 15,3 percent of the number of the regional local government organs.

For local government organs in Gjirokastra District in 000/lek

Commune of Dropulli i Poshtem	5000
Commune of Dropulli i Siperm	5000
Commune of Çarshova	1000

According to the above-mentioned communes, the Local Government Ministry is providing investment funds for 2001, which go as high as 23.7 percent of the total planned fund of the region, at a time when the communes represent 18.6 percent of the number of the organs of the local government of the region.

For local government organs in Region of Korça in 000/lek

Commune of Liqenas	6000
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According to sources from the Local Government Ministry, regardless of the funds for the investments planned for 2001, the funds earmarked only for the first quarter of this year for the local government organs of the communes where national minorities live have increased significantly and this is reflected in the following tables:

Investments for 1st quarter of 2001 in 000/lek

GJIROKASTRA DISTRICT	NAME OF OBJECT	VALUE IN 000/LEK	DEADLINE
Commune of Dropull i Poshtem	Rehabilitation of Terihat road	5000	In procurement process
Commune of Dropull i Poshtem	Bridge construction, Derviçan	3000	
Commune of Dropull i Siperem	Rehabilitation of Zerhat road	5000	Procured
Commune of Dropull i Siperem	Rehabilitation of Vrisera-Logo road	20 000	
Total		64 400	As a District

PERMET DISTRICT	NAME OF OBJECT	VALUE IN 000/LEK	DEADLINE
Commune of Çarshova	Office Reconstruction	1000	20.04.2001 Tender
TOTAL		1000	As a District

DELVINA DISTRICT	NAME OF OBJECT	VALUE IN 000/LEK	DEADLINE
Commune of Mesopotam	Reconstruction of Brajlat village road	2 000	17.04.2001 Procurement
Commune of Mesopotam	Office reconstruction	2 500	17.04.2001
Delvina Municipality	Reconstruction of Rusan village road	1 500	
Delvina Municipality	City lighting	2 000	20.04.2001 Tender
Delvina Municipality	Office reconstruction	4 000	Procured
TOTAL		12 000	As a district

SARANDA DISTRICT	NAME OF OBJECT	VALUE IN 000/LEK	DEADLINE
Commune of Aliko	Reconstruction of Halo road	2 000	25.04.2001
Commune of Aliko	Reconstruction of Çuka road	1 500	
Commune of Xare	Reconstruction of Xare village road	1 500	23.04.2001 Tender
Commune of Xare	Office reconstruction	5 000	2 nd quarter
Commune of Livadhja	Reconstruction of Livadhja-Ripa road	2 000	30.04.2001 Tender
TOTAL		12 000	As a district

AS IS PRESENTED IN THE ABOVE TABLE, INVESTMENTS FOR THE FIRST QUARTER OF 2001 IN THE COMMUNES WHERE PEOPLE OF NATIONAL MINORITIES LIVE, IN COMPARISON WITH THE WHOLE DISTRICT OF GJIROKASTRA, REPRESENT 50 PERCENT OF THE INVESTMENTS, WHEREAS AT REGIONAL LEVEL THIS IS NEARLY 25 PERCENT.

In the District of Saranda, investments for the first quarter of 2001 in the communes lived by people belonging to Greek national minority, compared to the investments made for the whole district represent 34 percent, while in the district of Delvina 37 percent. At regional level these investments take 11 percent of the investments.

The investments made in the Commune of Liqenas in which Macedonian minority people live, for the first quarter of 2001 in 000/lek are as follows: Office reconstruction 5000 and office stationery and furniture 1000. Compared to other communes of the district of Korca, the Commune of Liqenas is the commune, which has the bulk of investments.

The local government organs and representatives from the Greek national minority are actually participating in the transfrontier cooperation program INTEREG in the context of which several other projects are foreseen, such as: the expansion of the Saranda-Ksamil road, the road links of the coastal areas with remoter zones, projects for the water supply system, etc.

Furthermore, from the legal point of view, Article 13, point 2 of the Code of Administrative Procedure of the Republic of Albania contemplates the obligation of the public administration structures to ensure the participation of private persons and/or associations in decision-making when the interests of the groups their represent are affected by these decisions.

Representatives of the Greek national minority claim a greater participation from them in police forces. But in addition to this right claim and the fact that a few number of people from this minority is working in the ranks of police, it is also true that not any formal request has been practically made by Greek national minority persons to join police

ranks. Senior officials in the Public Order Ministry stress that they are ready to accept any request from persons of this minority to be employed in public order structures. Unlike Greek minority, persons belonging to Macedonian minority are employed in police forces as well as in the army.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present Framework Convention.

The Albanian state and its government prohibits any policy, which could lead to changing national and ethnic proportions of the population in the areas inhabited by national minorities, aiming at restriction of their rights and freedoms.

Policies intended to change the proportions of the population through premeditated plans with the aim of completely or partially demolishing a national, ethnic, racial, or religious group, targeted against group members, through killing them, inflicting serious physical and psychological harm on them, imposing grave living conditions, measures intended to prevent childbirth, forced transfer of the children of one group to another group, or internment and deportations, according to articles 73 and 74 of the Penal Code of the Republic of Albania, are grave penal acts punished with sentences up to life imprisonment.

The right to choose the place of residence and to move freely to any part of the Albanian territory or to leave the state freely, as contemplated in Article 38 of the Constitution, are rights which, like Albanians, are also exercised by people belonging to national minorities. According to Decision 14 of the Council of Ministers, dated 24.01.1994 “On the Changing of Residence by Albanian Citizens”, they “are free to chose their place of residence within the territory of the Republic of Albania. In order to transfer his registry evidence, a citizen must submit to the respective office in the new place of residence (city hall, commune) a written request, and, according to the case, the ownership document of the house where he is staying, the copy of the house lease and any other document confirming his residing in a certain legally constructed building, proven by the village alderman, administrator of the ward, or the mayor of the municipality or the commune for the towns which have no ward division. The registry office of the new place of residence requires from the previous registry office to remove that entry from the register of vital records and send the respective documents for registration to the new place of residence.”

Hence, the voluntary demographic movements, linked with the transition economic difficulties and with the general present day movements, such as the industrialization, the general tendency of people to migrate towards big cities, etc., which in some way have affected all rural zones in Albania, do not infringe the complete implementation of this article of the Convention.

However, it is a fact that unlike the migration of the Albanian population, which has been one of the most dramatic processes of the transition in Albania, the national minority people have moved towards urban areas in very rare cases. Due to the geographic, linguistic, cultural and spiritual nearness, the facilities for entry and return, the national minority people have emigrated mostly to their motherlands. Such a thing has brought about important demographic changes in those areas. But such a phenomenon seems to be temporary. This can be seen in the fact that almost none of those who have left have sold their houses and properties. On the contrary, most of them return time and again for holidays, have constructed new houses or have established important businesses, etc.

During the war in Kosovo, about 2 700 Kosovars were accommodated in Saranda. They were hospitably welcomed and assisted by the Albanian population, as well as by the national minority people. After the war ended, all the Kosovars left Saranda to return to their places and houses with the best impressions from the welcome they found among all the national minority people of that district. Some foreign media and certain circles of the minority at that time made much fuss over this problem, because an idea was spread that the displaced Kosovars would settle in the properties of the Greek national minority, who have emigrated and are temporarily working in Greece.

Another direction in this aspect is the policy for the division of the electoral zones in Albania. In order that the unity of the zones inhabited both by Albanians and the national minority people be not affected, Article 71 of the Law 8609, dated 08.05.2000, “The Election Code of the Republic of Albania” which determines the criteria for the division of the boundaries of the electoral zones, contemplates the zones to be compact and not divided into parts separated from one another. According to this article, while determining the boundaries of all electoral zones, care is taken that the difference between the number of electors in each zone and the average number be, as far as it is possible, within the margin plus or minus 5 percent of the average number. When the number of the electors in one municipality is within the plus or minus 5 percent margin of the average number, this municipality should consist an electoral zone. As far as it can be possible, the commune must be included completely in one electoral zone, and the municipality with a smaller number of electors than that within a margin of plus or minus 5 percent of the average number, must not be divided into more than two electoral zones. In addition to this, during the process for the division of the electoral zone boundaries, this article requires that due consideration must be given to the traditional ties and the common interests of the local communities, the barriers and natural borders, the lines of communication and transport as well as the boundaries of the regions.

Article 17

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.

The right to establish and maintain free and peaceful contacts across frontiers with people who are lawfully staying in other states or with people with whom they share ethnic, cultural, linguistic or religious identity or a common cultural heritage, is guaranteed. The second paragraph, Article 38, of the Constitution says: “No one may be hindered from leaving the state freely.” In this context, the members of a national minority, like all other citizens, are free not only to maintain contacts with people who are legally staying in other states, but also to go freely and meet them, their relatives, friends or personalities of the political, economic, cultural, educational life and administrative authorities of those countries. Additionally, they maintain free contacts with the media, with various radios and TV stations not only in their motherlands but also in other countries. They have freely aired their problems and any other problem which they deem necessary to inform of in press interviews or in different talks on the radio and television channels in their motherland, or in the international media.

As we have also mentioned above, over the last 10 years, due to the opening of frontiers, backwardness and numerous economic difficulties of the transition period in Albania, a good part of the Albanian population and of the Greek national minority in the southern regions of the country have had chances to work and live temporarily or even for longer periods in Greece. Most privileged in this direction has been the Greek minority. They are favored, among others, in the granting of visas (up to 5 years) or permits to stay, in finding jobs, in the children’s education, medical treatment, etc.

The same may be also said for the persons belonging to the Macedonian minority who, in addition to the favors for the visas, are now benefiting from the possibility created by the bilateral agreement signed between Albania and Former Yugoslav Republic of Macedonia for the free movement of the people living in a zone of up to 20 km from the state border of the two countries.

17.2. The right of the people belonging to national minorities to participate in activities of non-governmental national or international organizations is not contemplated in any legal act. However, the Albanian legislation does not restrain or prohibit persons belonging to national minorities or their associations or organizations from the right to participate in the activities of non-governmental organizations at national or international level. Like for all Albanian citizens, for the national minority people as well, the Albanian legislation contemplates the right to the freedom of movement without any obstacle to other states, the freedom of expression and organization, the freedom and secrecy of the correspondence, etc. All these create the necessary span for the establishment and extension of their contacts and free participation in the activities of non-governmental national or international organizations. The numerous joint activities held in Albania by non-governmental organizations in cooperation with one another, with analogous organizations of different countries, with international organizations, and with

the broad participation of the representatives of these organizations, are a clear testimony to this. On the other hand, the participation of the people belonging to different national minorities in conferences, seminars or various activities in other states, up to conferences and seminars organized by the Council of Europe, or the participation and expression of their opinions on a variety of issues in forums such as the European Parliament, etc., are a clear proof of the fact that the members of the national minority in Albania are enjoying and exercising this right.

Article 18

*The Parties shall endeavor to conclude, where necessary, **bilateral and multilateral agreements with other States**, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.*

*Where relevant, the Parties shall take measures to **encourage transfrontier co-operation.***

18.1. Comments referring to the multilateral agreements on the protection of fundamental rights and freedoms signed and ratified by the Republic of Albania, are made in Article 2 of this Report.

In relation to the bilateral agreements signed by Albania with the neighboring states, we may mention the treaties of friendship, cooperation, good neighborliness and security with Greece, Bulgaria, Romania, Turkey, etc.

Among them, we may mention in particular “The Treaty of Friendship, Cooperation, Good Neighborliness and Security between the Republic of Albania and the Greek Republic,” signed in Tirana on March 21, 1996.

In this treaty, the two Parties:

readmit their devotion to the objectives and principles of the UN Charter, the Helsinki Final Act, the Charter of Paris for a new Europe and other texts of OSCE (Preamble, point 4)

consider the fundamental human and minority rights of a great importance as part of all-European heritage. (Preamble, point 6)

admit that the Greek national minority in Albania has contributed and continues to contribute importantly to the life of the society and is a factor for the development of the friendship between the two countries, (Preamble, point 7)

inspired by the educational cooperation and cultural communication which already exists between the peoples of the two countries, are promoting exchanges between organizations and persons of the two states in the fields of culture and information (Article 11)

will make efforts, in compliance with the conventions and agreements between them, to intensify and expand the cultural exchanges in all the fields and at all levels, including the creation of cultural centers and studying of their languages, so that to contribute to the mutual acquaintance of the national cultures (Article 12)

knowing the importance of the protection and respect for the Human and Minority Rights, agree to implement the provisions of the texts of OSCE, which are mentioned in the Human Dimension, especially the texts of the Meetings of Copenhagen (1990), Geneva (1991) and Moscow (1991.)

The two countries have also signed a number of other accords and protocols, such as those for cooperation in the fields of education, science and culture. Precisely on the basis of these protocols and with the direct commitment of the governments of the two countries, a number of important exchanges have been realized and have contributed to the elevation of the level of teaching of the Greek language in Albania through training of national minority teachers in qualification courses in Greece, to a better supply with didactic instruments of the schools attended by national minority children, exchanges of pupils, more access to contemporary text books for language studying, mutual acquaintance of the cultures of the two countries, and in other aspects, from which the Greek national minority in Albania has benefited a lot. A great assistance is made by these protocols to uplifting the level of the Greek language studying also in the University of Tirana and of the Albanian language in the University of Ioannina.

Efforts are under way also with Former Yugoslav Republic of Macedonia to reach such protocols which will help expand and promote the exchanges between the two countries in the field of education and science, and will, undoubtedly, have a positive impact on the preservation and development of the traditions of the Macedonian national minority living in Albania.

Albania has made and is making every effort to consolidate and expand the transfrontier cooperation. It has signed with Former Yugoslav Republic of Macedonia the Agreement on Small Border Crossing, on the basis of which, the population on both sides of the border, may move freely within a 20-km distance only with the identity cards issued by the local authorities of the two countries.

Despite the efforts by the Albanian Government to sign an agreement on small border crossing also with Greece, this has not been attained due to its obligations flowing from the Schengen agreement. But it should be underlined that in the framework of the programs that EU has for the development of the EU border zones, such as INTEREG and CROSS-BORDER, a very good cooperation is established with Greece.

In the context of the transfrontier cooperation, several joint projects exist, among which the project on the National Park Prespa (whose announcing and protection as such is legalized under the Decision of the Council of Ministers No.80, dated 18.02.1999) which is included in the World Bank programs and those of the German Government, the

projects for social reconstructions in the communes of the border areas, etc., which not only create conditions for a further development of the relations with the neighboring countries, but also contribute directly to the welfare of the population of the national minorities living in those areas. Albania is making all possible efforts to encourage the realization of such projects with Greece, Former Yugoslav Republic of Macedonia and Montenegro.

Article 19

*The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, **only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.***

In relation to this clause, we must again refer to the comments made in article 2, regarding the implementation by the Republic of Albania of the conventions and agreements on human rights, which Albania has signed or ratified. We must mention here that Albania is among the countries, which has ratified the Framework Convention with no reserve, restriction or derogation.

According to Article 17 of the Constitution of Albania “ *limitation of the rights and freedoms provided for in the Constitution may be established only by law, in the public interest or for the protection of the rights of others. A limitation shall be in proportion to the situation that has dictated it. These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights*”.

Limitation of the fundamental rights of the individual from the actions of the public administration is regulated by the second paragraph of Article 11 of the Code of Administrative Procedures, which says that: “*The acts of the public administration, which because of protecting the public interest or the rights of the others, limit the fundamental rights of the individual recognized by the Constitution, international agreement, laws and bylaws, must however, respect the principle of proportionality and not infringe the essence of the freedoms and rights. This means that the actions of the public administration must be such as:*

- *to urge the exercise of legitimate public rights;*
- *to use always appropriate means and in proportion to the objectives intended to be attained.”*

In any case, the organs of the public administration are obligated to judge whether it is possible that the required objective be realized with less possible repressive measures, without compromising their efficacy.”

Section III

Article 20

*In the exercise of the rights and freedoms flowing from the principles enshrined in the present Framework Convention, **any person belonging to a national minority shall respect the national legislation and the rights of others**, in particular those of persons belonging to the majority or to other national minorities.*

Article 21

*Nothing in the present Framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the **fundamental principles of international law** and in particular of **the sovereign equality, territorial integrity and political independence of States**.*

Article 22

*Nothing in the present Framework Convention shall be construed as limiting or derogating from any of **the human rights and fundamental freedoms**, which may be ensured under the laws of any contracting party or under any other agreement to which it is a party.*

Article 23

*The rights and freedoms flowing from the principles enshrined in the present Framework Convention, in so far as they are the subject of a corresponding provision in the **Convention for the Protection of Human Rights and Fundamental Freedoms** or in the protocols thereto, shall be understood so as to conform to the latter provisions.*

Article 30

Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this Framework Convention shall apply.

Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Framework Convention to any other territory specified in the declaration. In respect of such territory, the Framework Convention shall enter into force on the first day of the month following the expiration

of a period of three months after the date of receipt of such declaration by the Secretary General.

Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

For articles **20, 21, 22, 23** and **30** of the Framework Convention, we have not any particular comment to make.

* * *

MOST IMPORTANT PROVISIONS OF ALBANIAN LEGISLATION FOR THE PROTECTION OF THE RIGHTS OF NATIONAL MINORITIES IN ALBANIA

Law No. 8417, dated 21.10.1998

CONSTITUTION OF THE REPUBLIC OF ALBANIA

Article 1

Albania is a parliamentary republic.

The Republic of Albania is a unitary and indivisible state.

Governance is based on a system of elections that are free, equal, general and periodic.

Article 3

The independence of the state and the integrity of its territory, the dignity of the person, his rights and freedoms, social justice, the constitutional order, pluralism, national identity and inheritance, religious coexistence, and coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them.

Article 8

The Republic of Albania protects the national rights of the Albanian people who live outside its borders.

The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders.

The Republic of Albania assures assistance for Albanians who live and work abroad in order to preserve and develop their ties with the national cultural inheritance.

Article 9

Political parties are created freely. Their organization shall conform with democratic principles.

Political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.

The sources financing of parties as well as their expenses are always made public.

Article 10

In the Republic of Albania there is no official religion.

The state is neutral in questions of belief and conscience and guarantees the freedom of their expression in public life.

The state recognizes the equality of religious communities.

The state and the religious communities mutually respect the independence of one another and work together for the good of each and all.

Relations between the state and religious communities are regulated on the basis of agreements entered into between their representatives and the Council of Ministers. These agreements are ratified by the Assembly.

Religious communities are juridical persons. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed.

Article 13

Local government in the Republic of Albania is founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy.

Article 14

The official language in the Republic of Albania is Albanian.

.....

Article 16

The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

The fundamental rights and freedoms and the duties contemplated in this Constitution are valid also for juridical persons so long as they comport with the general purposes of these persons and with the core of these rights, freedoms and duties.

Article 17

Limitations of the rights and freedoms provided for in this Constitution may be established only by law, in the public interest or for the protection of the rights of others. A limitation shall be in proportion to the situation that has dictated it.

These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

Article 18

All are equal before the law.

No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage.

No one may be discriminated against for the reasons mentioned in paragraph 2 without reasonable and objective justification.

Article 19

Everyone born of at least one parent with Albanian citizenship gains Albanian citizenship automatically. Albanian citizenship is gained also for other reasons provided by law.

An Albanian citizen may not lose his citizenship, except when he relinquishes it.

Article 20

Persons who belong to national minorities exercise the human rights and freedoms in full equality before the law.

They have the right freely to express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop them, to study and to be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity.

Article 21

The life of the person is protected by law.

Article 22

Freedom of expression is guaranteed.

The freedom of the press, radio and television is guaranteed.

Prior censorship of means of communication is prohibited.

The law may require authorization to be granted for the operation of radio or television stations.

Article 23

The right to information is guaranteed.

Everyone has the right, in compliance with law, to obtain information about the activity of state organs, and of persons who exercise state functions.

Everyone is given the possibility to attend meetings of elected collective organs.

Article 24

Freedom of conscience and of religion is guaranteed.

Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through cult, education, practices or the performance of rituals.

No one may be compelled or prohibited to take part in a religious community or its practices or to make his beliefs or faith public.

Article 28

1. Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with his lawyer, and he shall also be given the possibility to exercise his rights.

Article 31

In a criminal proceeding, everyone has the right:

- to be notified immediately and in detail of the charges against him, of his rights, and to have the possibility created to notify his family or relatives;
- to have sufficient time and facilities to prepare his defense;
- to have the assistance of a translator without charge, when he does not speak or understand the Albanian language;

ç) to be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be provided free defense when he does not have sufficient means;

d) to question witnesses who are present and to seek the appearance of witnesses, experts and other persons who can clarify the facts.

Article 35

No one may be compelled, except when the law requires it, to make public data related to his person.

The collection, use and making public of data about a person is done with his consent, except for the cases provided by law.

Everyone has the right to become acquainted with data collected about him, except for the cases provided by law.

Everyone has the right to request the correction or deletion of untrue or incomplete data or data collected in violation of law.

Article 36

The freedom and secrecy of correspondence or any other means of communication are guaranteed.

Article 38

Everyone has the right to choose his place of residence and to move freely to any part of the territory of the state.

No one may be hindered from leaving the state freely.

Article 39

No Albanian citizen may be expelled from the territory of the state.

Extradition may be permitted only when it is expressly provided in international agreements, to which the Republic of Albania is a party, and only by judicial decision.

The collective expulsion of foreigners is prohibited. The expulsion of foreign individuals is permitted under the conditions specified by law.

Article 42

The liberty, property, and rights recognized in the Constitution and by law may not be infringed without due process.

Everyone, to protect his constitutional and legal rights, freedoms, and interests, or in the case of charges against him, has the right to a fair and public trial, within a reasonable time, by an independent and impartial court specified by law.

Article 44

Everyone has the right to be rehabilitated and/or indemnified in compliance with law if he is damaged because of an unlawful act, action or failure to act of the state organs.

Article 45

Every citizen who has reached the age of 18, even on the date of the elections, has the right to vote and to be elected.

Citizens who have been declared mentally incompetent by a final court decision do not have the right to vote.

Convicts that are serving a prison sentence have only the right to vote.

The vote is personal, equal, free and secret.

Article 46

Everyone has the right to organize collectively for any lawful purpose.

The registration of organizations or associations in court is done according to the procedure provided by law.

Organizations or associations that pursue unconstitutional purposes are prohibited pursuant to law.

Article 47

Freedom of peaceful meetings, without arms, and to participate in them is guaranteed.

Peaceful meetings in squares and places of public passage are held in accordance with procedures provided by law.

Article 48

Everyone, by himself or together with others, may address requests, complaints or comments to the public organs, which are obliged to answer within the time periods and under the conditions set by law.

Article 52

Everyone has the right to social security in old age or when he is unable to work, according to a system set by law.

Everyone, who is without work involuntarily, and has no other means of support, has the right to assistance under the conditions provided by law.

Article 57

Everyone has the right to education.

Mandatory education is set by law.

General high school public education is open to all.

Professional high school education and higher education can be conditioned only on merit.

Mandatory education and general high school education in public schools are free of charge.

Pupils and students may also be educated in non-public schools at all levels, which are created and operate on the basis of law.

The autonomy of institutions of higher education and academic freedom are guaranteed by law.

Article 60

1. The People's Advocate defends the rights, freedoms and legitimate interests of individuals from unlawful or improper actions or failures to act of the organs of public administration.

The People's Advocate is independent in the exercise of his duties.

The People's Advocate has a separate budget, which he administers himself. He proposes the budget pursuant to law.

Article 63

The People's Advocate presents an annual report before the Assembly.

The People's Advocate reports before the Assembly when so requested, and he may request the Assembly to hear him on matters he considers important.

The People's Advocate has the right to make recommendations and to propose measures when he finds violations of human rights and freedoms by the public administration.

Public organs and officials are obligated to provide the People's Advocate with all the documents and information requested by him.

Article 64

The Assembly consists of 140 deputies. One hundred deputies are elected directly in single member electoral zones with an approximately equal number of voters. Forty deputies are elected from the multi-name lists of parties or party coalitions according to their ranking.

The total number of deputies of a party or a party coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections.

Parties that receive less than 2.5 per cent, and party coalitions that receive less than 4 per cent, of the valid votes on the national scale in the first round of elections do not benefit from their respective multi-name lists.

Article 68

Candidates for deputy may be presented only by political parties, coalitions of parties, and by voters.

The rules for the designation of candidates for deputy, for the organization and conduct of elections, and for the definition of electoral zones and the conditions of validity for elections are regulated by the electoral law.

Article 81

The Council of Ministers, every deputy, and 20,000 electors each have the right to propose laws.

.....

Article 107

Public employees apply the law and are at the service of the people.

Employees in the public administration are selected by competition, except when the law provides otherwise.

Guarantees of tenure and legal treatment of public employees are regulated by law.

Article 108

Communes or municipalities and regions are the units of local government. Other units of local government are regulated by law.

The territorial-administrative division of the units of local government is established by law on the basis of mutual economic needs and interests, and of historical tradition. Their borders may not be changed without first hearing the opinion of their inhabitants.

Communes and municipalities are basic units of local government. They perform all the duties of self-government, with the exception of those that are given by law to other units of local government.

Self-government in the local units is exercised through their representative organs and local referenda. The principles and procedures for the conduct of local referenda are provided by law in accordance with article 151, paragraph 2.

Article 109

The representative organs of the basic units of local government are councils, which are elected every three years by general direct elections and by secret ballot.

The executive organ of a municipality or commune is the mayor, who is elected directly by the people in the manner contemplated in paragraph 1 of this article.

Only citizens with permanent residence in the territory of the respective local unit have the right to be elected to the local councils and as mayors of the municipality or commune.

The organs of local government units have the right to form unions and joint institutions with one another for the representation of their interests, to cooperate with local units of other countries, and also to be represented in international organizations of local governments.

Article 110

A region consists of several basic units of local government with traditional, economic and social ties and common interests.

The region is the unit where regional policies are made and implemented and where they are harmonized with policies of the state.

The representative organ of the region is the regional council. Municipalities and communes delegate members to the regional council in proportion to their population, but in any case at least one member. The mayors of communes and municipalities are always members of the regional council. Other members are elected through proportional lists from among the municipal or communal councilors by the respective councils.

The Regional Council has the right to issue ordinances and decisions with general binding force for the region.

Article 113

- 1.** The communal, municipal and regional councils:
- regulate and administer in an independent manner local issues within their jurisdiction; exercise property rights, administer their income independently, and entitled to exercise economic activity;
 - have the right to collect and spend income necessary for the exercise of their functions;
 - ç)** have the right, in compliance with law, to establish local taxes as well as their level; establish rules for their organization and operation in compliance with law;
 - dh)** create symbols of local government and local titles of honor; undertake initiatives for local issues before the organs set by law.

The organs of units of local government issue ordinances, decisions and orders. The rights of self-government of the units of local government are protected in court.

Article 122

Any ratified international agreement constitutes part of the internal legal system after it is published in the Official Journal of the Republic of Albania. It is directly applicable, except when it is not self-executing and its application requires the adoption of a law. The amendment and repeal of laws approved by a majority of all members of the Assembly is done with the same majority for purposes of the ratification of an international agreement.

An international agreement ratified by law has priority over the laws of the country that are incompatible with it.

The norms issued by an international organization have priority, in case of conflict, over the law of the country when the direct application of the norms issued by the organization is expressly contemplated in the agreement ratified by the Republic of Albania for participation therein.

Article 150

The people, through 50,000 citizens entitled to vote, have the right to a referendum for the abrogation of a law, and to request the President of the Republic to call a referendum on issues of special importance.

The Assembly, on the proposal of not less than one-fifth of the deputies or on the proposal of the Council of Ministers, can decide that an issue or a draft law of special importance be submitted to referendum.

Principles and procedures for conducting a referendum, and its validity, are provided by law.

Article 175

During the state of war or state of emergency the rights and freedoms contemplated by articles: 15; 18; 19; 20; 21; 24; 25; 29; 30; 31; 32; 34; 39, paragraph 1; 41, paragraphs 1, 2, 3, and 5; 42; 43; 48; 54; 55 may not be restricted.

During the state of natural disaster the rights and freedoms contemplated by articles: 37; 38; 41, paragraph 4; 49; 51 may be restricted.

The acts declaring the state of war, emergency or natural disaster must specify the rights and freedoms, that are restricted according to paragraphs 1 and 2 of this article.

LAW No. 8485, dated May 12, 1999

CODE OF ADMINISTRATIVE PROCEDURE OF THE REPUBLIC OF ALBANIA

Article 9

Legality principle

Organs of the Public Administration conduct their activity in conformity with the Constitution of the Republic of Albania, the international agreements the Republic of Albania has entered into, the laws of the Republic of Albania, within the limits of competence given to them and in conformity with the purpose these powers are given to them.

Administrative acts issued in the conditions of the state of emergency contrary to the provisions of this Code are valid provided the result required in the conditions of the state of emergency cannot be attained through other means.

The parties inflicted by the abovementioned acts have the right to be compensated for the eventual losses pursuant to the legal provisions regulating the responsibility of the public administration.

Article 11

Equity and proportionality principle

In relation to private persons, public administration is guided by the equity principle i.e. no one shall be either privileged or discriminated against in view of gender, race, religion, ethnicity, language, political, religious or philosophical views, economic, academic, social situation or parental belonging.

Public administration actions which limit the fundamental human rights recognized by the Constitution, international agreements, laws and by-laws in view of protecting public interest and others' rights, shall, however respect the proportionality principle and never violate the core of freedoms and rights. This means that public administration actions shall be such as to demand:

- the fulfillment of public legal interests;
- the application of appropriate means and in proportion to the scopes to be achieved.

In any case, public administration bodies shall predict whether it is possible that the scope will be fulfilled through least possible repressive measures without compromising their effectiveness.

Article 13

Principle of cooperation between administration and private persons

Organs of public administration conduct their activity in close cooperation with private persons by:

- providing the private persons with the necessary information and explanations,
- supporting and encouraging initiatives by private persons, and welcoming their suggestions and information.

Public administration holds responsibility for the written information it gives to private persons.

The public administration organs ensure the participation of private persons and/or associations in decision-making when the interests of the groups they represent, are affected by these decisions.

On the basis of the provisions of this Code, Public Administration organs shall give these subjects the possibility to express their opinion.

Law No. 8145, dated 11.09.1996
ON THE RIGHT OF GATHERINGS

Article 1

All citizens of the Republic of Albania without distinction as to gender, race, color, language, religion, ethnicity, economic, financial, academic and social situation, political affiliations, ancestry or any other personal circumstances, have the right to public gatherings.

Article 2

In pursuance of this law, gathering means a congregation, demonstration, meeting, procession or parade where participants express freely and peacefully their viewpoints on matters concerning them.

Article 3

According to this law “public places” are considered the squares, boulevards, roads and every other venue that is used freely for the movement of citizens and vehicles.

Article 4

In case of meeting in public places, the organizers are obliged to request a written permission from the chief of police commissariat of the territory where the gathering will take place, no later than three days before.

Article 5

In case gatherings take place in “places open to public”, such as stadiums, cinema, theater halls and other similar venue, there is no need for a written permission from police organs.

Article 6

In case a written permission is needed for the gathering to take place, the written request addressed to the chief of the police commissariat should describe:
the identity and address of the organizers;

the aim of gathering;
the date, place and the opening and closing time of the gathering;
ç) the approximate number of the participants.

Article 7

When the chief of police commissariat finds the request lawful, he approves it and no later than 24 hours from the beginning of the gathering, notifies in writing the organizers.

Article 8

The Chief of Police Commissariat may refuse issuing permission for a gathering, on grounds of public order or for security reasons in cases when:
The gathering can restrict or violate the fundamental rights and freedoms of other citizens;

The transport is blocked and this conflicts with the interests of the citizens;

c) There are reliable data on the commitment of criminal offenses or other violent acts;

ç) Another meeting is planned to take place in the same venue and time, or an activity of national character might be impeded.

In these cases, the chief of police commissariat notifies in written the organizers of the meeting no later than 24 hours before it takes place, presenting the motivation for the refusal.

Article 10

During the gathering, the organizers and participants are obligated to strictly respect the goal primarily defined in the request submitted to the chief of police commissariat.

Article 12

The participants in the gathering are prohibited to carry any kind of weapons even if they have relevant permission by competent organs. They are also prohibited to wear masks.

Article 14

The chief of police commissariat or other persons authorized by him order the termination of the gathering and the dispersion of the participants in cases when the organizers or participants of the gathering use slogans or unconstitutional symbols that urge others to commit violent acts, or when they carry out such acts and other actions that constitute criminal offenses.

Article 15

In case the participants of the gathering do not disperse even after clear calls by police, the chief of the commissariat or the person authorized by him, order their forced dispersion, after prior warning of the use of force.

Article 17

Restriction on the exercise of the right to gathering, the organizing of and participation in unlawful gatherings as well as organization of a gathering with armed participants, constitute criminal offenses and are penalized pursuant to articles 261, 262 and 263 of the Penal Code of the Republic of Albania.

Law No.8580, dated 17.02.2000

ON POLITICAL PARTIES

Article 3

Albanian political parties are part of a free, local and democratic governing system. Their creation and activity is free and guaranteed by Constitution.

Article 5

Activity of political parties may extend throughout the territory of the Republic of Albania or in some of the country's territorial administrative units.

Article 7

The registration of a party is prohibited when:

- its internal organization runs counter to the democratic principles and particularly to the following principles: setting up the party from the bottom up; internal democratic elections for its forums; freedom of expression granted to any member; freedom to join and renounce the party; right of any member to vote and to be elected;
- documents of the party's foundation expressly state or from their content results that they are in conflict with the constitutional provisions which prohibit the creation of parties or party structures in fields and institutions contemplated by these provisions;
- the party is founded outside the territory of the Republic of Albania;

ç) documents of its foundation express the intention for the use of violence to come into power or to influence in the state policy;

d) documents of its foundation express incitement and support of racial, religious, regional or ethnic hatred;

dh) is based on totalitarian methods and has a secret nature;

e) another party has already been registered under the same name.

Article 8

Unconstitutional activity of political parties is prohibited.
Constitutional Court adjudicates cases of unconstitutional activity by a political party, and its prohibition.

Article 9

Registration of political parties is made in the Tirana district court, which keeps the political parties' register. Recorded in the political parties' register are the register's ordinal number, the act's number, the judicial decision number, the date of announcement, the disposition of the decision, the party's full name, the initials of the party, its symbol, prescription of the seal configuration, the name of the chairman, notes on the changing of the name, the configuration of the seal or the party chairman, deletion or termination of the subject's activity, the date when the note is made, the name and signature of the respective clerk.

The political party is recognized as a juridical person from the date the court has approved and registered it.

Until the date of registration, the party founders may carry out acts, which are necessary for its organization, such as, especially, the call and conduct of the founders' meetings and the election of the leading forums, but it shall not carry out activities as a political party.

Article 10

After the meeting of the political party founders approves the documents of the party, its program, statute and leading forums, a request for its registration shall be submitted to the court.

The request for the registration of a political party shall be signed by no less than 500 Albanian citizens, its founding members, with permanent residence in the Republic of Albania.

Article 11

The documents for the registration of the political party state:

- the party's name and headquarters;
- its aims and duties;
- the party leading bodies and structure;

ç) financial sources

Article 13

The registration of the political party is made within 30 days from the day of submission of the request for registration and the documents contemplated in articles 10 and 11 of this law.

In case the documents of the political parties are improper, the court, within 20 days, returns the request for relevant supplementing.

Article 15

Court decision for the registration or failure to register political parties in the register of political parties may be complained in the Tirana Appeals Court within 15 days from the day the court decision is held.

Article 18

The state provides material assistance to political parties in the time of their creation. The assistance is granted right after the registration and is in the amount of 100 000 lek.

Article 21

Financial and material aid from foreign governments, public or private entities, as well as from local public units or with participation of state capital is prohibited.

Presents and assistance coming from international parties or unions of parties, from local and foreign political organizations and foundations, as well as by local individuals, private physical and juridical persons are permissible.

Article 26

A political party dissolves:

- when it merges or unites with other parties;
- when it is divided in two or more other parties under a new name;
- when it is self-dissolved in compliance with the norms of its statute;

ç) when the number of its party members is lower than the minimum level set by statute or pursuant to this law;

when its activity is prohibited by decision of the competent body.

The decision for the dissolution of the political party is deposited in Tirana district Court. This Court decides the deletion of the party registration and the respective procedures for its liquidation.

Law No.8609, dated 08.05.2000

ELECTORAL CODE OF THE REPUBLIC OF ALBANIA

Article 1

Purpose of this Code

The purpose of this Code is to specify the rules on:
voting in the elections of the Assembly, on the organs of local government and on referenda;
the organization and operation of the election commissions;

- c) the drafting and review of voter lists;
- ç) the division of electoral zones;
- d) the registration of electoral subjects and their financing;
- dh) the coverage of electoral campaigns by the media;
- e) the organization and validity of referenda;
- ë) voting procedures and the issuance of the results of elections;
- f) penal and administrative violations of provisions of this Code.

Article 2

Definitions

For purposes of this Code:

The “election date” is the date of voting set by decree of the President of the Republic and does not include the date on which a second round of voting may be held.

“Special institutions” are prisons, places of pre-detention, hospitals or other health institutions that accept patients for more than three days.

A “candidate” is an Albanian citizen registered with the electoral commissions as a candidate for deputy, or for mayor of a municipality or commune, or for a municipal or communal council, in accordance with this Code, who is to be voted on in the elections.

An “independent candidate” is a candidate for deputy, or for mayor of a municipality or commune or a municipal or communal council, who is not supported by any political party.

A “joint candidate” is a candidate of a single-member electoral zone or another electoral unit, who is supported by two or more political parties.

A “coalition” is a grouping of two or more political parties registered with the CEC that submits a joint multi-name list for the elections to the Assembly or the organs of local government.

“VCC” is a Voting Center Commission.

“CEC” is the Central Election Commission, created according to article 154 of the Constitution.

“LGEC” is a Local Government Election Commission.

“ZEC” is a Zone Election Commission.

“Voters’ lists” are the official documents of the registration of voters for each polling unit provided in accordance with this Code.

A “multi-name list” is a list of candidates of a political party or coalition, approved by the CEC, which serves for the election of candidates in the proportional system.

An “electoral unit” is either an electoral zone, or a municipality or commune in the case of local elections.

A “political party” is a party registered in accordance with law no. 8580, dated 17.02.2000, “On Political Parties.”

The “election period” is the period from 30 days before the election date until the final announcement of the results of the voting.

A “representative of an electoral subject” is a person authorized by a candidate or a registered political party to follow their interests in the elections and participate in the meetings of electoral commissions, in the name and for the account of the candidate or the party.

A “voting center” is the premises designated for holding the voting, in accordance with this Code.

The “second round” is the second day of voting in an electoral unit when no candidate has won the required majority of votes on the election date, in accordance with the Code.

A “constitutional referendum” is a referendum held pursuant to point 4 or 5 of Article 177 of the Constitution.

A "general referendum" is a referendum held pursuant to Articles 150, 151 and 152 of the Constitution.

A "local referendum" is a referendum held pursuant to point 4 of Article 108 of the Constitution.

“The National Registry of Voters” is the official document in which all voters of the Republic of Albania are registered.

“Revision of the lists” is the process of taking out or putting in names, or changing the data, in the voters’ lists.

A “student” is every voter registered as a full-time student in an educational or job training program in Albania of at least three months in duration and whose residence for purposes of this education or job training is a place other than his domicile.

“Electoral subjects” are political parties or coalitions registered with the CEC, their candidates or independent candidates registered with a ZEC or LGEC.

“Domicile” is the place where a voter is registered in the civil status register, according to the condition of Article 12 of the Civil Code.

“Residence” is the place within the territory of the Republic of Albania where the voter is temporarily located within the meaning of Article 14 of the Civil Code.

A “voter” is every Albanian citizen qualified to vote.

“Voters in the Armed Forces or Police Forces” are all voters who serve in the armed forces or the police forces and reside in a military or police base.

“Elections” are the voting for the Assembly, the representative organs of local government or for a referendum.

“Partial elections” are the voting to fill the seat of one of the 100 deputies elected in single-member zones or the place of a mayor of a municipality or commune, as well as for the election of a new local council in case of dissolution.

“Polling Unit” is a geographical zone within a municipality, commune, or electoral zone established in accordance with this Code.

“Electoral zone” is one of the 100 geographical divisions of the territory of the Republic of Albania established in accordance with the Constitution and the rules of this Code, in which voting takes place for the election of a deputy.

Article 3

General Principles

Elections are conducted through free, secret and direct voting, according to the rules provided in this Code.

Every Albanian citizen, without distinction of race, ethnicity, gender, language, political conviction, religious belief, or economic condition, has the right to vote and to be elected in conformity with the rules provided in this Code.

Voters freely exercise the right to vote in conformity with the rules provided in this Code.

Voters are equal in the exercise of the right to vote and to be elected.

The division of electoral zones is done including in each one an approximately equal number of voters.

Every voter has the right to only one vote for the election of an electoral subject or referendum alternative, in accordance with the rules set forth in this Code.

Electoral subjects are free to make electoral propaganda in any lawful manner.

Electoral commissions provided in this Code fulfill their responsibilities in an impartial and transparent manner.

Article 6

Conditions for Being a Voter

Every Albanian citizen who has reached the age of 18 on or before the election date, and who fulfills the conditions provided in this Code, has the right to vote for elections to the Assembly, local government organs and in referenda.

Citizens declared by final judicial decision as incapable of acting because of mental inability are excluded from the right to vote.

Article 7

Voting center for voters

Voters vote in the voting center in the zone where they are registered on the voters' list.

Article 8

Voters who Live Outside the State

Voters who live in another state have the right to vote only in the territory of the Republic of Albania at the place where they are registered in the registry of civil status, provided they are registered in the National Registry of Voters, in accordance with the procedures in this Code, and possess a voter card.

Article 10

Conditions for Being a Candidate

In addition to the conditions for being a voter, a candidate also meets the conditions of point 3 of Article 45 and Article 69 of the Constitution.

A candidate for local government organs, in addition to the conditions provided in Article 45 of the Constitution, shall be a citizen domiciled in the respective local government unit. A candidate for the organs of local government may not be a deputy in the Assembly or a candidate for deputy.

The candidates of the party lists deposited with the electoral commissions shall meet the conditions contemplated in points 1 and 2 of this article.

Article 12

Registration of Political Parties

Every political party that nominates candidates for deputy, candidates for mayor of a municipality or commune or for council members of a municipality or commune, in compliance with the procedures contemplated in this Code, is registered with the CEC as an electoral subject no later than 45 days before election day.

To register with the CEC, a political party shall submit:
attestation that the party is registered with the Tirana District Court;
the name, surname and address of the party chairman, who is the person authorized to nominate candidates;
the official name, initials and address of the party;

ç) a copy of the party's seal;

d) the name and address of the financial officer of the party;

dh) the name and address of the person responsible for communication with the CEC.

Article 71

Criteria to establish Electoral Zone Boundaries

In order to establish electoral zone boundaries, the Commission follows the following procedures:

It obtains from the CEC the total number of voters and the number of voters in each existing electoral unit and polling unit. These data are taken from the National Registry of Voters, as they exist on August 1 of the respective year.

It obtains from the CEC and other competent sources maps for the existing electoral zones, municipalities and communes, and polling units as well as other map its deems necessary.

It establishes the average number of voters for each zone, dividing the total number of voters in the National Registry of Voters by the number of single member electoral zones.

It determines the percentage difference between the average number of voters and the voters' number for each zone.

It reviews all electoral zone boundaries so that to ensure as much as possible, that the difference between the number of voters in each zone and the average number, be within the margin plus or minus 5 per cent of the average number.

When the number of voters in a municipality is within plus or minus 5% of the average number of voters, that municipality or commune shall constitute an electoral zone.

As much as possible, a commune shall be wholly included within one electoral zone, and a municipality with a total number of voters smaller than the number contemplated in point 6 of this article, shall not be divided into more than two electoral zones.

In addition to the rule provided in point 5 of this article, the Commission also takes into account the following criteria while establishing zone boundaries:

- traditional ties and common interests of local communities;
- natural barriers and boundaries;
- communication and transportation linkages;

ç) boundaries of regions.

9. The electoral zones shall be compact and cannot be divided into separate parts from one another.

Law No. 8410, dated 30.09.1998

ON PUBLIC AND PRIVATE RADIO-TELEVISION IN THE REPUBLIC OF ALBANIA

Article 4

The Fundamental Principles for the Conduct of Radio-Television Activities

Radio-television activity is free.

Radio-television activity shall impartially observe the right to information, political opinions and religious faith, personality, dignity, privacy of human beings, as well as their fundamental freedoms and rights. This activity especially observes the rights, interests, moral and legal requirements for the protection of minors.

Radio-television activity shall not infringe the public order, national sovereignty and integrity.

Article 5

Editorial independence is guaranteed by law.

Hiring, promotion, as well as the rights and obligations of the employees of public and private radios and televisions shall not be determined by their gender, origin, political beliefs, religious faith, or membership in trade unions.

Article 20

General Licensing Provisions

Licenses are of two types: national and local.

For land television broadcasting two private national licenses are issued.

For radio broadcasting with frequency modulation four national private licenses are issued.

Licenses for radio-television broadcasting at the national level are issued to shareholding companies established in the territory of the Republic of Albania with the exclusive aim

of conducting radio and television activities. The shares that represent the capital in a radio-television license holder company should be nominative.

No physical or juridical person, foreign or native, shall hold more than forty percent of the total capital of the company.

The routine and extraordinary meetings held by the assembly of the shareholding company only on the subject of the radio-television activity of the said company, shall be valid only if no less than two-thirds of the shareholders are present.

A physical or juridical person that holds shares in a national radio-television company is not allowed to hold shares, directly or indirectly, in a second national radio-television company and to be issued a license for local radio television broadcasting.

Licenses for local radio-television broadcasts of frequency modulation are issued to physical and juridical persons and to non-profit organizations registered in the territory of the Republic of Albania. The license is not issued to a subject for more than two local broadcast zones. Licenses for local broadcasts in urban areas of more than 200,000 inhabitants are not issued to physical persons.

The same subject who possesses a license for local television broadcast may be issued only one second license for local radio broadcast.

The same subject who possesses a license for local radio broadcast may be issued only one second license for local television broadcast.

Holders of the license for a national radio-television broadcast shall cover more than 70 percent of the territory of the country. Within six years, this coverage should reach 90 percent of the territory and no less than 90 percent of the population of Albania.

The holder of the license for local radio or television broadcasts shall realize an area coverage as defined in his license according to technical parameters determined by NCRT.

According to this law, the term “local television or radio broadcasting” implies the coverage by television or radio signal by television or radio operators licensed as such, of the territory of communes, municipalities, as far as the administrative extension of the two prefectures, when they form a geographical entity and offer sufficient financial sources for the television or radio production and broadcasting programs.

Any natural or legal subject, either local or foreign, that is a candidate to obtain a license for radio-television activity is, prohibited, in any way, from borrowing another name.

Article 21

Procedure for Issuing a License

The license is issued by the National Council of Radio-Television, which organizes for this purpose a competition of candidates based on the applications submitted. The winning candidates shall be publicly announced.

The Albanian public radio-television does not need a license.

Article 22

License Validity

The broadcast license is inalienable and valid only for the subject to which it has been issued. If the license holder enters into civil juridical relations, the subject of which is also the licensed radio-television activity, then the cessation or delegation of the rights emerging from the license require the approval of the National Council of Radio-Television. The subject that has gained these rights is granted the approval in the form of a new license with the same content. When the Council does not approve the delegation for reasons provided by this law, it offers the frequencies held by this license for a new competition of candidates.

Article 23

Applying for License

The application for receiving a radio-television broadcasting license includes:

- the name, location, legal form of the subject making the application together with the name and signature of the person that has the right to represent it;
- the documents certifying official and bank information on the financial capital of the natural or legal person that files the application;
- the name of the program and the broadcast station;
- the object and the general characteristics of the service, information about the duration of programs and the territory they will cover, as well as the technical blueprints for the installation and use of the equipment;
- the declaration of the applicant guaranteeing that he will implement the Law No. 7564, dated 19.05.1992 “On Copyright”, the supplementary legislation in force and the agreement and contract with the authors’ associations.
- the list of administrators, estimates of expenses and incomes, the origin and amount of expected funding for the license term;
- the nominal list of the members of the Board of Directors and their curriculum vitae. The minimum number of the Board members for each licensed subject is provided in the NCRT regulation;

- the content of the programs to be broadcast and the programming structure proposed for broadcasting, which clearly demonstrate pluralism in their entirety and impartiality of information;
- the ratio between the broadcast time of the company-produced programs and the locally produced programs in proportion to other programs.

Article 24

Decision to Grant License

The decision to grant or refuse a license is announced within ninety days after the deadline for the submission of the applications expires.

For approved applications, the decision contains the contents and quantity of the programs, in compliance with this law, the technical broadcasting conditions, the deadlines and yearly taxes to be paid by the license holder.

The decision to grant the license is published in the forthcoming issue of the Official Gazette of the Republic of Albania.

The license holder shall be registered with the tax authorities.

Article 25

Duration of the License

The national radio-television broadcasting license is granted for a period of up to six years for radio broadcasting and up to eight years for television broadcasting, starting from the day of the publication of the decision in Official Gazette.

The local radio-television broadcasting license is granted for a period of up to three years for radio broadcasting and up to five years for television broadcasting.

The request for renewing the license is made ninety days before it expires. The National Council of Radio-Television decides whether to renew the license or to announce the competition among new candidates, if the license holder has not abided by the law.

Article 26

Refusal to Grant a License

The license is denied to:

- people who have been deprived of their ability to act by a final court ruling;
- parties, political organizations, religious communities and associations, local government authorities and any other state authorities;

- public entities of economic character, banks and other credit institutions.

Article 27

Radio-Television Licenses

The same subject may be granted both local radio and television broadcasting licenses in the same territory.

Article 28

Financial Conditions for Granting the License

The NCRT shall verify whether the declared and signed financial capital is able to meet the needs of the technical and programming project presented in the license application.

Article 29

The Program Content Condition

In order to be granted a local (zonal) license, at least fifteen percent of the weekly programs must be intended for information and programs related to local conditions, but which must not be commercial in character.

Article 34

Revoking a License

The National Council of Radio-Television has the right to revoke the broadcasting license when:

it has been granted on grounds of false data presented to obtain the license;
the conditions under which the license has been granted are not met;
there is a serious violation of the obligations provided for in this law or other legal obligations related to program broadcasting pursuant to article 137 of this law;
broadcasting has not started after the decision to grant the license is effective for a time period of:
one hundred eighty days for local radio broadcasting;
two hundred seventy days for local television broadcasting;
b) one year for national radio broadcasting;
one and a half year for national television broadcasting;
after broadcasting has begun, the broadcaster does not broadcast for 30 days, not including interruptions for technical reasons that do not depend on the license holder;
changes have occurred with the license holder making it impossible to meet the conditions defined in the contract;
the property of the license holder is available for auction.

When the broadcast license is revoked, the license holder is obligated to return it, without asking compensation from the National Council of Radio-Television.

Article 35

The Radio-Television Program

A radio-television program is called the entirety of programs broadcast by a given station. Public radio-television broadcasts programs of informative, educational, cultural, artistic and entertaining character.

Censorship of radio-television programs is prohibited.

Radio-television programs observe the restrictions provided in the law and in Article 10 of the European Convention for Protection of Fundamental Human Rights and Freedoms and the Chapter “On Fundamental Human Rights and Freedoms” of the Constitution of the Republic of Albania.

Article 36

Public and private radio and television programs respect the personal dignity and fundamental human rights, the impartiality, entirety, and pluralism of information, rights of children and teenagers, public order and national security, the Albanian language and culture, constitutional and human rights of citizens, of national minorities flowing from international conventions signed by Albania, and the religious diversity in Albania.

Article 37

The use of the Albanian language is mandatory for all programs, except for musical works with lyrics in a foreign language, foreign language teaching programs, the programs intended specifically for national minorities, and programs of local radio-television subjects licensed to broadcast in the language of minorities.

Films in the original version broadcast on national channels must be accompanied by translation or dubbing in the Albanian language. For local radio-television stations this obligation comes into effect one year after the license is obtained.

Public and private radio-television reflect in their activity a language culture that conforms to the accepted national literary language norm.

Exempted from this obligation are radio-television subjects otherwise licensed.

Article 38

Programs Prohibited by Law

Broadcasting of radio-television programs that incite violence, national, religious, or racial hatred, unconstitutional activity, territorial division, political or religious discrimination are prohibited.

Also prohibited are:

- broadcasting information that is considered a state secret pursuant to the law, and which harms national security;
- broadcasting information affecting the private life of citizens;
- broadcasting coded information against the fundamental interests of the state;
- producing and broadcasting pornographic programs.

Article 68

The ART program on broadcasts by the central and regional studios ensures:

- a diversity of political, social, cultural and entertainment information from the country and the world,
- providing information from the whole territory of the Republic of Albania,
- providing information for national minorities,
- providing information for audiences outside the country.

Article 88

The ART Leading Council consists of 15 members who are nominated by the People's Assembly.

The candidates are proposed by the Permanent Parliamentary Commission of the Public Information Media.

The Council submits to the People's Assembly the name-list with twice as many candidates, according to the following representation of parties, institutions and non-governmental organizations:

Six members are elected among twelve candidates proposed by political forces, according to their representation in the Assembly.

One member among two candidates for each of the following categories proposed directly by:

- the universities of Tirana;
- the Academy of Sciences;

- writers and artists' associations;
- leading forum of NGOs;
- journalists' associations;
- representatives of trade unions;
- representatives of youth NGOs;
- representatives of women's NGOs;
- representatives of national minorities.

LAW No. 7952, dated 21.06. 1995

“ON PREUNIVERSITY EDUCATION SYSTEM”

Article 3

Citizens in the Republic of Albania enjoy equal rights to attend all education levels pursuant to this law, regardless of their social status, nationality, language, gender, religion, race, political belonging, health state and economic level.

Article 4

Education in the Republic of Albania is realized in public and private education institutions, in pursuance to the provisions of this law.

Article 6

Teaching in public education institutions of the Republic of Albania is made in the Albanian language, except for cases otherwise provided by this law.

Article 7

Public pre-university education has a laic character.
Ideological and religious indoctrination in public education institutions is prohibited.

Article 10

People belonging to national minorities shall be created possibilities to study and be taught in their native language and to learn their history and culture within the framework of the teaching plans and curricula.

In order to enable an active and equal participation in the economic, social, political and cultural life in the Republic of Albania, the government creates conditions for school-age people of the national minorities to learn the Albanian language, history and culture.

Teaching plans and curricula as well as the ratios on the use of the native language and the official one during the teaching process are determined by special acts of the Ministry of Education and Science.

Education of people of national minorities is performed in school units and specific education institutions which are established and operate in pursuance with procedures determined by the Council of Ministers.

Article 44

1 Private laic education institutions, where teaching is made in Albanian, are established only with the permission of the Ministry of Education and Science. In cases of private education institutions, where classes are also held in the foreign language or when religious subjects are taught, this permission is issued by the Council of Ministers, on the proposal of the Ministry of Education and Science.

The Ministry of Education and Science proposes the public vocational education institution which will be privatized. The approval is made by the Council of Ministers through a special decision. The ways and phases of the privatization process are determined by the Ministry of Public Economy and Privatization and the Ministry of Education and Science.

Permission is granted when programs, curricula and conditions for their realization do not conflict with national interests, Albanian legislation, public order, moral norms and sanitation, and when the indispensable material conditions as well as the necessary teaching staff are ensured.

The Albanian language and literature, the history of the Albanian nation and the geography of Albania are compulsorily taught in Albanian.

Criteria and procedures to grant permission to private laic schools, where classes are held in the Albanian language, are regulated through bylaws issued by the Ministry of Education and Science. For other private schools, in which religious subjects are also taught or where classes are also conducted in foreign language, these criteria or procedures are set by bylaws issued by the Council of Ministers, on the proposal of the Ministry of Education and Science. The permission for the establishment of private education institutions cannot be issued earlier than three months and later than 1 year from the date the request is submitted.

When violations of the provisions of this law are proven, the permission for the private laic education institutions where teaching is made in the Albanian language, is taken away by the Ministry of Education and Science. For other private education institutions, this permission is taken away by the Council of Ministers.

Private schools, which are stripped of their permission, may submit a request to regain it for the next academic year.

44/a.1. Along with the private preuniversity education institutions, supplementary, private education institutions are also allowed to be established and to operate. This category consists of those education institutions and units which function outside the units of public and private education institutions, and are directed to and teach subjects of special qualifications, within or outside the teaching plans, adopted by the Ministry of Education and Science.

44/a.2. The permission for the establishment of supplementary, private education institutions is issued by the Ministry of Education and Science no earlier than 2 months from the date the request is submitted.

44/a.3. The criteria for their establishment and functioning are set by subordinate legal acts issued by the Ministry of Education and Science.

D E C I S I O N

No. 396, dated 22.08.1994

ON ELEMENTARY EDUCATION IN THE NATIVE LANGUAGE OF NATIONAL MINORITY PEOPLE

Based on the key political orientation of the Republic of Albania to protect and respect the fundamental human rights and freedoms of the individual, including those of the people belonging to national minorities,

Aiming to pursue in the educational domain the state policy to create the proper conditions for the expression, preservation and development of the cultural and language identity of the persons that belong to national minorities as well as the need of their integration in the Albanian society,

Based on the Law “On Fundamental Human Rights and Freedoms”, approved by the Parliament on March 31, 1993, Article 26 which says: “Persons belonging to national minorities...have the right to study and to be taught in their native language....”

In view of the principles and standards contemplated in the European Charter on Regional Languages or those of Minorities, approved by the Council of Europe in Strasbourg on November 5,1992, as well as the other international documents in this field,

On the proposal of the Ministry of Education, the Council of Ministers

D E C I D E D:

Persons belonging to national minorities have the right to study and/or to be taught in their native language in set state school units and education institutions.

Education in the native language of the minorities develops in a multi-form manner in accordance with the main principles of general education in the Republic of Albania and on the basis of teaching plans and programs of the state schools of the country as defined by the Ministry of Education.

In order to make possible an equal and active participation in all the economic, social, political and cultural life of the Republic of Albania, young people that belong to national minorities must know the Albanian language and for this purpose the state creates the necessary conditions.

Education units in the languages of the national minorities, as well as all other state schools operate under the supervision and control of the Ministry of Education.

In the present education units where the native language of the minorities is taught, students of these minorities have the right to study and to be taught in their native language.

The plan and the teaching programs, as well as the ratios of the use of the native language and the official language in the educational process of these units are defined by specific acts of the Ministry of Education. Native language and literature for the national minority students, as well as Albanian language and literature are developed as separate subjects. In the framework of the teaching program, possibilities are created for pupils of national minorities in the education units to study their history, traditions and culture.

6. In the dwelling centers (cities and villages), in which people from the national minorities also live, in the cases when there is a sufficient number of students from the minorities that fulfill the general criteria for the operation of educational units, they have the right, in the context of the mandatory education state system, to study their own native language as an optional subject. The concrete way to organize the teaching in these units is regulated by special acts of the Ministry of Education.

The opening or termination of classes of optional teaching in schools where the native language is taught as an optional subject by national minority students is determined by a decision from the Prefect, after prior approval from the Ministry of Education.

To open such classes, a request signed by the parents or caretakers of the children who want to enroll in these classes in compliance with their rights as individuals and citizens, shall be presented to the head of the education department of the respective district. The request, which must contain the name list of the children according to the registry office register, is submitted to the head of the district education department by a representative of the parents, at least 6 months before the expected academic year starts. After making the verifications and valuations concerning the meeting of the general criteria for the functioning of the educational units, the head of the education department submits the request to the Prefect, as well as his opinion therewith. After taking the decision, the Prefect has to observe the criteria defined in legal acts, taking into account the composition and the concrete conditions of the population in the respective dwelling center (city or village), especially the need to secure continuous contingents of students. The decision of the Prefect is made known to the representative of the parents or caretakers concerned at least a month before the beginning of the new academic year. When this decision is positive, the Minister of Education must approve it in writing beforehand.

The same criteria are also valid when the above-mentioned authorities examine and decide on the closing of an educational unit.

In specific circumstances, when the number of children or students of national minorities is smaller than that set by the general criteria, the operation of the educational units where the native language of national minorities is also taught, is made by a special decision from the Ministry of Education.

Over the academic year 1994-1995, the optional teaching of the native language shall start through an expedited procedure.

This decision enters into force immediately.

**CHAIRMAN OF THE COUNCIL OF MINISTERS
ALEKSANDER MEKSI**

DECISION

No. 502, dated 05.08. 1996

**ON A SUPPLEMENT TO THE DECISION OF THE COUNCIL OF MINISTERS
NO. 396, DATED 22.08. 1994 “ON ELEMENTARY EDUCATION OF
NATIONAL MINORITIES IN THEIR NATIVE LANGUAGE”**

In conformity with Article 10.4 of the Law No. 7952, dated 21.06.1995 “On Preuniversity Education”, on proposal of the Ministry of Education and Sports, the Council of Ministers

D E C I D E D:

In the decision of the Council of Ministers No. 396, 22.08. 1994 “On elementary education of national minorities in their native language”, paragraph 5 is added with point 5/1 with the following content:

“Upon requests by parents or caretakers of the children of the Greek minority in Saranda, Delvina and Gjirokastra, school units in which the pupils will also study their native language, shall operate. The first classes will start in the academic year 1996-1997 at the high schools where teaching is performed in the Albanian language, respecting the criterion that the number of pupils per class shall not be under 20.

Requests by parents or caretakers of the children of the Greek minority dwelling in the respective town, who want to get education in their native language, shall be handed over

to the education department of the district by their representative no later than September 5.

The request shall include the name list of Greek minority children according to the civil status register, their age as well as the parent's or caretaker's signature.

After making the necessary verifications, the head of the education department of the district shall submit to the Ministry of Education and Sports the request-list as well as his/her own opinion therewith."

The Ministry of Education and Sports is charged with the implementation of this decision.

This decision enters into force immediately.

**CHAIRMAN OF THE COUNCIL OF MINISTERS
ALEKSANDER MEKSI**

DECISION

No. 548, dated 26.08. 1996

ON CONTINUATION OF GREEK LANGUAGE TEACHING IN SOME HIGH SCHOOLS

In compliance with the Law No. 7952, dated July 21, 1995, " On Preuniversity Education System", on the proposal of the Ministry of Education and Sports, the Council of Ministers

D E C I D E D:

In regard to the teaching of the Greek language to minority pupils in the high schools of Dervican and Bularat, in the district of Gjirokaster, Livadhja, in the district of Saranda and of Aliko, in the district of Delvina, the Greek language teaching shall be extended with 2 (two) more classes per week for the first and second grades.

The Ministry of Education and Sports is charged with the implementation of this decision.

This decision enters into force immediately.

**CHAIRMAN OF COUNCIL OF MINISTERS
ALEKSANDER MEKSI**

LAW No. 7895, dated 21.01. 1995
PENAL CODE OF THE REPUBLIC OF ALBANIA

SPECIAL PART

Article 73

Genocide

The application of a premeditated plan aiming the complete or partial demolition of a national, ethnic, racial, or religious group, targeted against group members and associated with the following acts, namely:

deliberate murdering of group members, inflicting serious physical and psychological harm on them, imposing grave living conditions causing physical ruin, imposing measures intended to prevent childbirth, or forced transfer of the children of one group to another group, is subjected to imprisonment sentences of no less than ten years, or life imprisonment, or capital punishment.

Article 74

Crimes against humanity

Murders, exterminations, enslaving, instances of internment and banishment, as well as any kind of inhuman torture or violence committed on political, ideological, racial, ethnic and religious grounds are subjected to imprisonment terms of no less than fifteen years, or life imprisonment, or capital punishment.

(We note that with the signing of the Protocol 6, death penalty is abolished in Albania)

Article 131

Obstructing Activities of Religious Organizations

Obstructing the activities of religious organizations and effecting obstacles with respect to their free functioning and exercising, is punished by fines or up to three year imprisonment terms.

Article 132

Demolishing or Damaging Religious Objects

Deliberate demolishing or damaging of religious objects, causing complete or partial loss of their values, is punished by fines or up to three year imprisonment terms.

Article 133

Obstructing Religious Ceremonies

Obstructing or effecting obstacles to persons with respect to their participation in religious ceremonies and free expression of religious convictions, constitutes a penal act punished by fines or up to one year imprisonment term.

Article 253

Violation of Citizens' Equality

Inflicting on account of position and duties and while exercising them on the part of the state administration or public service employee, discrimination on grounds of origin, gender, health situation, religious or political convictions, involvement in trade union activity, or on account of relevance to a certain ethnic group, nation, race or religion, contributing to providing with unlawful privileges or refusal to provide with any right or benefit ensuing from the application of the law, are punished by fines or sentences of up to five year imprisonment term.

Article 265

Instigating National, Racial, Religious Hatred or Disputes

Inciting racial, national or religious hatred and disputes, as well as disseminating or keeping, with the intention to distribute, writings relevant to them, are punished by fines or sentences of up to ten year imprisonment terms.

Article 266

Call for National Hatred

Endangering the public peace, through calling for hatred affecting parts of the population, through insulting or slandering against them, demanding the use of violence or arbitrary actions against them, are punished by fines or sentences of up to five year imprisonment terms.

LAW No. 8116, dated 29.03. 1996

CODE OF CIVIL PROCEDURE OF THE REPUBLIC OF ALBANIA

Article 27

Use of Albanian language in trial

The Albanian language is used in all trial stages.

Persons who do not know the Albanian language use their own language. They are informed of the evidence and of all juridical procedure through the interpreter.

FORMS OF THE ACT

Article 115

Form and language of act's drafting

Procedural acts, for which the law does not require specific forms, may be made in the best beneficial form to achieve their aim.

Article 116

Procedural acts are drafted in the Albanian language.

The court calls a translator when persons giving their testimony do not know the Albanian language or for the translation of documents written in a foreign language.

The translator who does not appear without legitimate grounds is enforced to come. He has civil and criminal responsibility like the expert.

Article 137

The act is notified in the language of the country from which it is sent, but the receiver, who does not know the language in which the act is made, has the right to refuse the notification and to request that it be translated into the Albanian language or into any other language known by the receiver on the account and at the expense of the requesting party.

**LAW NO. 8239, dated 03.09.1997
ON AMENDMENTS TO LAW NO. 7756, DATED 11.10.1993
“ON PRESS”**

In pursuance of articles 16 and 23 of the law No.7491, dated 29.04.1991 “On Important Constitutional Provisions” on the proposal of a group of deputies, the People’s Assembly of the Republic of Albania

D E C I D E D:

The following amendments be made to the law no.7756, dated 11.10.1993 “On Press”:

Article 1

Article 1 consists only of the first paragraph which says:

- “The press is free. The freedom of press is protected by law.”
- The other three paragraphs of article 1, as well as all the articles, beginning from article 2 up to the last article (24) become invalid.

Article 2

This law enters into force immediately.

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