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**THIRD REPORT SUBMITTED BY ALBANIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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**THE THIRD REPORT**

**Presented by**

**THE REPUBLIC OF ALBANIA**

**Pursuant to Article 25, paragraph 1, of**

**THE FRAME CONVENTION OF THE COUNCIL OF EUROPE**

**FOR PROTECTION OF NATIONAL MINORITIES**

**Tirana, January 2011**

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**ABBREVIATIONS**

OM	Ombudsman
EU	European Union
GDP	General Directorate of Prisons
GDSP	General Directorate of State Police
RED	Regional Education Directorate
RDPVF	Regional Directorate of Public Vocational Formation
IPDE	Institutions of Penal Decision Execution
PC	Penal Code
CPP	Code of Penal Procedure
MFA	Ministry of Foreign Affairs
MJ	Ministry of Justice
MI	Ministry of Interior
MHS	Ministry of Health Service
MES	Ministry of Education and Science
MLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
MTCYS	Ministry of Tourism, Culture, Youth and Sports
SAA	Stabilization-Association Agreement
NPO	Non-Profitable Organizations
NPISAA	National Plan for Implementation of Stabilization-Association Agreement
ICS	Internal Control Service
UNDP	United Nation Development Program
DPEO	Directorate of Policies and Equal Opportunities
IOM	International Organization for Migration
ILO	International Labour Organization
ISI	Institute of Social Insurance
INSTAT	Institute of Statistics
CE	Council of Europe
NRCTV	National Reception Centers for Trafficking Victims
AG	Albanian Government
RoA	Republic of Albania

DCM	Decision of the Council of Ministers
NCRT	National Council of Radio and Television
SCART	Steering Committee of Albanian Radio and Television
KQZ	Central Election Commission
RATC	Regional Anti-Trafficking Committee
NRI	National Reference Instrument
EA	Economic Aid
CVCT	Center of Voluntary Consulting and Testing
ONATC	Office of National Anti-Trafficking Coordinator
AO	Education Office

## **I. Introduction**

Pursuant to Law no. 8496, dated 03.06.1999, the Parliament of the Republic of Albania ratified the Frame Convention of the Council of Europe on Protection of National Minorities. The First National Report related to the fulfillment of obligations derived from the Frame Convention for the Republic of Albania was submitted on 26.07.2001.

On 11.05.2005, the Committee of Ministers of the Council of Europe approved the Resolution no. ResCMN (2005) 2, for the implementation level of the Frame Convention by the Republic of Albania.

On 18.05.2007, the Republic of Albania presented the Second National Report related to obligations derived from ratification of the Frame Convention. The Ministers' Committee of the Council of Europe approved on 08.07.2009 the Resolution CM/ResCMN(2009)5, dated 08.07.2009, with regard to the implementation level of obligations performed by the Republic of Albania within the Frame Convention.

Pursuant to Article 25, paragraph 2 of the Frame Convention on Protection of National Minorities (hereinafter referred to as the "Frame Convention"), the Republic of Albania presents its Third National Report related to the implementation level of obligations stemmed from the above-mentioned Convention.

This Report contains information concerning actions and measures undertaken by the Republic of Albania related to the fulfillment of obligations derived from the ratification of the Frame Convention.

Based on the Order of the Prime Minister No. 201, dated 05.12.2007, "On establishment of the working-team for drafting National Reports within the framework of International Conventions in which the Republic of Albania is a party", the Ministry of Foreign Affairs is commissioned to work out periodical national reports, in cooperation with other state agencies, in order to introduce the achieved progress and also the problems faced with during the reporting period.

The Third National Report was prepared in cooperation with the following ministries, institutions and organizations:

- The Ministry of Foreign Affairs,
- The Ministry of Interior,
- The Ministry of Justice,
- The Ministry of Labour, Social Affairs and Equal Opportunities,
- The Ministry of Tourism, Culture, Youth and Sports,
- The Ministry of Education
- INSTAT,
- The State Committee for Minorities,
- Ombudsman,
- The Central Election Commission,

The preparation of this Report is also assisted by the civil society, primarily by associations representing minorities in the Republic of Albania.

The Report is divided into two parts. The first part deals with legal and organizational steps undertaken by the Republic of Albania for fulfilling recommendations proposed by the Ministers' Committee for the Second Cycle. In its second part the Report provides information about the actions made for improving further the enforcement of the Convention, article by article.

## **II. Legal and organizational actions undertaken by the Republic of Albania for the purpose of enforcing the results of the Second Cycle of Monitoring.**

Based on Article 122 of the Constitution of the Republic of Albania, every international convention ratified by the Parliament of Albania becomes part of internal legislation and even prevails over domestic laws, which do not comply with it (Article 122, paragraph 2, of the Constitution of the Republic of Albania). Taking into account the foregoing information and also the acts adopted by international organizations within the framework of monitoring the enforcement of international conventions, they also have prevalent legal position in the Republic of Albania.

Referring to the concerns set forth in the Resolution of the Ministers' Committee CM/ResCMN(2009)5 related to the enforcement of the Frame Convention by the Republic of Albania, we would like to inform as follows:

Considering the transparency related to approaches of the Albanian state towards its commitments to international conventions as an indispensability, the Ministry of Foreign Affairs of the Republic of Albania has displayed in its web site pages all international conventions which Albania adheres to (within the framework of the UNO and the Council of Europe), associated also with relevant reports. Especially, publication of national reports allows all actors and factors operating in the field of human rights to know the approaches of Albanian state towards certain issues related to such rights, and also provide individually or collectively their evaluations or comments on these reports.

In March 2010, within the framework of the Universal Process Review (UPR), Albania was reviewed by the Council of Human Rights in Geneva, through discussions of 48 delegations that argued there and also in evaluations of the troika (USA, Russia and Mauritius Islands), where it was appraised for its achievements and transparency in respect of human rights, in general, and the rights of minorities in particular.

The acknowledgement of "Opinions" by the Advisory Committee in May 2008 could not stop itself from being subjected to public transparency and especially to associations representing minorities in the Republic of Albania. For this purpose, the Ministry of Foreign Affairs translated into the languages of all minorities the complete text of "Opinions" ("Opinions" was not rendered into Rom language because of limited knowledge that members of this community have in writing it). At the beginning of January 2009, the Ministry of Foreign Affairs organized a ceremony, where the deputy Minister of Foreign Affairs handed over to the leaders of associations of minorities the complete translated text of "Opinions". This meeting, as a dialogue between the Government and representatives of minorities, helped a lot with the presentation of Opinions of the Advisory Committee and discussions about the steps that are to be undertaken in respect of accomplishing required obligations.

In April 2009, the Albanian Group of Human Rights held a round table where they discussed in respect of the rights of minorities, within the framework of Opinions adopted by the Advisory Committee.

A part of this process is also the seminar held in cooperation with the Council of Europe in July 1, 2010. The First Vice-Secretary of the Advisory Committee, Mrs. Izle Brands Kehris and other participants in this seminar (there were mainly leaders of associations representing minorities in Albania) had the chance to discuss to which extent the rights of minorities are being respected in our country.

The lack of new information related to ethnic belonging has been one of repeated remarks made by the Advisory Committee for both, the first and second Opinions. Evaluating the special role of statistical data related to minorities, especially their importance with regard to monitoring and designing of policies which will be of service for minorities, the Albanian government has declared already that the coming registration of population will also include questions related to respective ethnicities.

The Central Commission for the Registration of Population has been established already and it is chaired by the Minister of Technologies and Innovation. The Commission has approved (not yet

finally) the form for registration of population, where queries for ethnic belonging and respective religion have been included in questions to be answered voluntarily. It's worth mentioning the fact that concerning the declaration of ethnic belonging in the coming registration of population the requirements of Article 3 of the Frame Convention are to be applied, that is, self-declaration of ethnicity.

The issue for determining the ethnic belonging has been very largely argued at different meetings and seminars. In respect of international commitments related to such issue, the Albanian government has determined self-declaration as a basic criterion on which the identification of ethnic belonging is to be determined.

In order to verify the accuracy of the form for population registration and also identification of problems that have to do with the methodology, the organization structure, logistical programming etc., in 28 April 2010, a pilot project was launched for the registration of population and properties. The project included a sample of 3000 dwelling houses dispersed in four different prefectures all over the country and also in 5 villages. It should be pointed out that, although the issue of ethnic and religion belonging were included as optional questions, 98,4% of interviewees have answered the question regarding ethnicity and 96,3% of interviewees have responded to the question of religious belief.

The questionnaire for the registration of population has been an issue of continuous review. Occasional contacts with the interest groups and also the share of assessments with the experts of EUROSTAT has brought forth the final version of the form, which, on one side, it goes to maximum advantages of various interest groups, and it fully complies with the European standards for registration of population, on the other side.

Referring to the issue of specifying the ethnicity in the actual version of the registration form, two blank spaces are designed there to write down "Albanian" in one box and "other" in the next box. In the second box, anyone that is not of Albanian nationality will write down its respective nationality. The first version of the form included a list of minorities, which have been recognized residing in the territory of the Republic of Albania. The actual version of registration form is altered because the interested groups claimed the arrangement order of the list. Also, Eurostat believes that the listing of nationalities would limit the opportunity of recognizing new nationalities that might live within the country.

Equal rights of ethno-lingual minorities with national ones has always been an issue which needs to be clarified. In Albanian context, both, national minorities and also ethnolinguual ones are considered minorities. The sole individual element which stands between them lays on the fact that national minorities have a mother country (Greeks have Greece their mother country, Macedonians have Macedonia, etc.), while ethnolinguual minorities have not such a country (mother country). This objective distinction between these two categories of minorities does not limit in no way the scope of their rights. The Frame Convention and also the whole legal and constitutional framework that assure the rights of minorities have equal affect on all minorities, either national or ethnolinguual minorities. The truth of such confirmation can be proved also by

the fact that the ethnolinguistic minority of Roms (for which we'll speak thoroughly below because it is one of two ethnolinguistic minorities recognized so far) have been in the focus of the state policy even more actively than national minorities. We can say this because it is the sole minority for which the Albanian government has approved a national strategy. Representatives of Rom minority are subject to positive discrimination regarding their registration in civil registry offices and school enrollments. The Albanian state has got specific programs for their education, dwelling and their health care.

The Frame Convention, as an important section of Albanian law for protection of the rights of minorities, is applied with no limitation for all Albanian nationals, which have different nationalities from the majority of Albanians. Therefore, we like to point out that the Frame Convention, like the European Convention on Human Rights or any other international act provides individual effects on Albanian nationals, regardless of the territory they live in. On the other side, there is no law or by-law that can limit the rights of minorities living in certain regions.

The concept of "minority zones" is a practice which is abandoned by more than 20 years. In addition, it should be remembered that several rights are applied much more easily in the territory where the most of population is a minority than in cities or villages of heterogeneous population. Thus, by-law act, which rules the establishment in public schools of classes, where lessons are taught in one of the languages of minorities, requires the application of 35 parents, who, on their side, must have the nationality of the country in which language the conduct of school classes is required. It is obvious that such right can be easily applied in the territory where most of population speaks the language of the minority, or at least has such population, which, even if it is a minority in number, it is sufficient to meet the quantitative criterion in proportion with a city of diverse population.

There is actually a far better positive situation regarding the publishing of textbooks in the languages of minorities for all class subjects. As we have reported before, the cost for publishing and printing textbooks for pupils of minorities is up to 18 times higher than the cost of a textbooks used by Albanian pupils. A case worth mentioning is the publishing in Greece of all textbooks for primary education for subjects taught in Greek language. Also, based on the Decision of the Council of Ministers, No. 107, dated 10.02.2010, "For publication, printing, distribution and the sale of school textbooks for the preuniversity educational system", textbooks for the children of national minorities are supplied free of charge. So, education in the national language doesn't pose any problem anymore regarding the publication, the printing and provision of pupils of minorities with textbooks in their mother tongues.

As we have had the opportunity to mention it previously, there is no legal or constitutional vacuum in Albania related to protection of the rights of minorities. However, knowing the dynamic character of human rights development, in general, and those for minorities, in particular, we assume that the improvement of the legal framework for protection of minorities still remains a permanent obligation. Enactment of a specific law for protection of the rights of minorities is a segment of the projects for development of legal acts which are to be approved



during 2012. The State Committee for Minorities is authorized for designing such law. The approval of this law is a component of Albanian obligations within the framework of cooperation with the European Union, an obligation which is also specified in the document of “The National Plan for Implementation of Association-Stabilization Agreement”.

A very positive development, in activities for the improvement of the legal framework, is the enactment of law no. 10221, dated 04.02.2010, *‘For protection against discrimination’*. It must be pointed out that the legislative activity for the development of such law is an innovation for Albania. Its preparation is the input of a NPO (non-profitable organization), which worked for three years for drafting it, assisted also by the best international expertise in such area. The final version has been consulted nearly with all interested groups and it is passed to the Albanian Parliament for approval. Since the NPO has no right, according to the Constitution of the Republic of Albania, to undertake legislative initiatives, a group of deputies from the majority, evaluating the significance and necessity of such law, supported this initiative and, following the consultation of the draft law with different Parliamentarian commissions, it was unanimously approved on February 4, 2010.

The law for protection against discrimination governs and rules the enforcement and respecting for the principle of equality regardless of ethnicity, gender, race, genetic identity, sexual orientation, etc. This law aims at securing in Albania equality before law and equal protection under law, equal opportunities and possibilities to exercise their rights, to enjoy freedom and to participate actively in public life, and also protection against discrimination or against any manner of behaviour that stir up discrimination.

Law 10221/2010 specifies that its objectives include all persons that live and stay in the territory of the Republic of Albania, and also Albanian nationals residing temporarily or permanently outside the state borders of Albania.

Also, the law allows the establishment of new structures like Commissioner for protection against discrimination, who assure effective protection against discrimination and from any other approach that can induce discrimination.

Based on law no. 10221/2010, the Commissioner has these responsibilities:

- i. reviewing the complaints made by individuals or groups of persons who claim that have been discriminated;
- ii. reviewing the complaints made by organizations that have legal interest to act on behalf and to the written consent of individuals or groups of individuals claiming discrimination;
- iii. carrying out administrative investigations following the receipt of reliable information about law violation;
- iv. imposition of administrative penalties in accordance with provisions of this law;
- v. encouraging the principles of equality and non-discrimination, especially by increasing the awareness and informing about these issues, including the provision of written information, among other related to this law, in Albanian language, in the languages of minorities and

- also in such format that can be easily used by disabled people;
- vi. monitoring the enforcement of this law;
  - vii. checking on the cases related to discrimination;
  - viii. making recommendations to competent authorities, especially proposals for enactment of new laws or for amendments and modification of the existing legislation;
  - ix. delivering reports and making recommendations for any kind of issue related to discrimination;
  - x. being available for such protection;
  - xi. establishing regular dialogue, concerning discrimination issues, with relevant social groups including NGOs;
  - xii. carrying out activities for increasing awareness and education helping thus with enforcement of law;
  - xiii. addressing directly to the public opinion any type of issue related to discrimination;
  - xiv. on the request on a lawcourt that is trying a case, he has to submit his opinions in writing for any kind of issue related to discrimination;
  - xv. contributing to reporting and accordingly present his reports.

By the Decree no. 33/2010, the Parliament of Albania elected the Commissioner for protection against discrimination and by Decree no. 34/2010 it approved the structure, the staff and classification of working posts for the office of the Commissioner for protection against discrimination.

Law no. 10221/2010 has been fully approximated to:

- a) The Directive of the Council 2004/43/KE on 29 June 2000 for "Implementation of the principle of equal treatment of persons regardless of their race or ethnic origin".
- b) The Directive of the Council 2000/78/KE on 27 November 2000 for "Determining of a general framework for equal treatment in employment and relations during work".
- c) The Directive of the Council 2004/113/KE on 13 December 2004 for "Application of the principle of equal treatment between men and women in their opportunities for getting and being provided with goods and services".
- ç) The Directive of the European Parliament and of the Council 2006/54/KE on 5 July 2006 for "Application of the principle of equal opportunities and equal treatment of men and women related to employment issues and relations during work".

Special attention is paid by the Albanian government to the accomplishment of "The strategy for improving the living conditions of rom minority". A detailed report is following dealing with the main areas that such strategy is concentrated on during the reporting period.

- **Education**

In pursuance to the National Strategy "For improvement of living conditions of the Rom minority", the Ministry of Education and Science, and its subordinate organizations as well, have undertaken several actions for fulfilling the needs of Rom community in the field of education.

The Ministry of Education and Science (MES) has forwarded to Regional Education Directorates (RED) and to the Educational Office (EO) the Strategy "For improvement of living conditions of the Rom minority" and the Guidance no.32, dated 28.08.2008, of the Minister of Education and Science where he asks for the decrease of the number of pupils tending to abandon school since Rom children comprise the greatest number of school abandonments. Considering it from this point of view, subordinate organizations are required to take actions and submit periodical information to the MES and to the Directorates of Curricula and Monitoring-Evaluation, twice a year (by the end of each semestre), about the accomplishment of this strategy.

Concerning the activities undertaken by the MES pursuant to the National Strategy "For improvement of living conditions of Rom minority", in collaboration with UNICEF and "Save the Children", a survey has been carried out for identifying the actual situation of education of Rom children in our country, statistical datas have been collected, for the purpose of making them decisions, identifying positive experinces related to education of Rom children and taking required actions for further improvement of education quality at schools.

The quality of education that Rom children can acquire is obviously lower than the education received by the children of majority.

In the Guidance of the MES for the beginning of the school-year 2009-2010 is written: Special programs in class and school level should be developed for increasing the awareness of parents for the significance of the schooling of their children. The RED/EO, kindergartens and schools have been instructed to enhance susceptibility of Rom families for the significance of their schooling in every level. Job descriptions of tutor-teachers, educators at nursery-schools and social employees or psychologists at educational institutions include also their continuous care and susceptibility towards children and parents.

In 2008, it was managed the establishment, all over the country, of preparatory classes for pupils between the age of five and six years. Only in the school-year 2008-2009, these classes enrolled about 450 children from the Rom cummunity in our country. Being one of the main objectives of Pre-university Education Strategy, acurately 100 preparatory classes were opened this year, a process which is going on. The establishment of these classes not far from Rom communities has been considered a priority of this process. Based on the Guidance of the Minister of Education for the beginning of the new school-year 2009-2010, registration of Rom children has been absolutely a priority also.

In the Guidance of the Minister for the beginning of the school-year 2009-2010, Regional Educational Directorates (RED) are instructed to give priority to projects supporting education of children of marginalized stratas. Therefore, the RED/EO and also school directorates should endeavor and include in them Rom children (especially within the framework of Rom Decade), disabled children, the children of immobilized families, etc. through achievement of educational supporting policies and the training of teachers who are working with the children of these stratas, of course, based on the guidelines of the MES.

Nursery-schools, which operate under several projects, have primarily gathered there Rom children and also others. There are in total about 28 nursery-schools all over the country mainly in the cities of Lezha, Fier, Durrës Tirana, Elbasan, Berat etc.

Under the Decision of the Council of Ministers no. 997, dated 13.05.2009, for children of 9-year schools coming from families or from social starts in need and which benefit economic aids, the purchase prices of textbooks for 9-year school are compensated as "transfer to individuals" to the amount of 100%. Free classes at schools aim exactly at provision of additional teaching courses for children in need, including also the teaching of Albanian language to Rom children lacking knowledge.

The MES has instructed the RED/EO and also schools, which actually consider the continuous identification of talents as a part of their daily activities, to enable and enhance thus competition at artistical and vocational schools. In the Guidance no. 34, dated 02.11.2009, "For organizing activities in the service of pupils in pre-university education", it has been underlined that the efficiency of activities with pupils will be a component of annual evaluations of the performance of teachers and school directors.

The project of the Second Opportunity, which is under implementation for education of children that have abandoned schools, includes mostly members of Rom communities.

The MES is continuing with priority the rehabilitation of schools and kindergartens all over the country, seeking also the establishment of new nursery-schools.

Based on the Decision of the Council of Ministers no. 998, dated 30.09.2009, on the proposal of the MES, pupils and students from urban areas are awarded scholarships based on the criteria of per capita incomes, while pupils and students from rural areas are awarded scholarships when their families are provided with economic assistance.

Within the framework of the Action Plan for Rom Decade, the award of some quota for university enrollements of students from rom community is expected

- **Employment**

The Ministry of Labour, Social Affairs and Equal Opportunities, within the framework of the Sectorial Strategy on Employment and Vocational Formation for the period 2007-2013, and also in support of some other strategies, such as the National Strategy of Social Inclusion, is implementing programs for the integration of unemployed work-seekers in the labour market. Through employment offices, the Ministry is carrying out some active programs in labour market, where we can mention: mediating employment, advising jobs and occupations, vocational formation and programs for encouraging employment. These programs are mainly focused on separate groups from Rom minority who have difficulties to be involved in such markets. The encouragement of employment and professional formation for the Rom young people is handled with priority by employment offices because unemployment rate of young people is higher (27,17% for ages from 15 to 24 years, as compared with 10,9% of unemployment rate of people from 25 to 64 years old).

In addition, law no. 7995, dated 20.09.21995, "For encouragement of employment", specifies the separate groups of unemployed job-seekers, who have difficulties to be involved in the labour market. By the term "separate groups", according to this law, it means the following work-

seekers: mothers with many children; people above the age of 50 years; young people under the age of 18, long terms unemployed people; families in poverty level; victims of trafficking; beneficiaries under financial supporting programs; unemployed people coming out of reformation, restructuring and privatization processes of enterprises and organizations; divorced young women with social problems; people coming back from immigration with economic difficulties; newly graduated students who are not aware of the labour market; people who have been sentenced to imprisonment; disabled people; Rom people; orphans who have got such status and are unemployed.

Pursuant to this law, for provision of equal opportunities to these groups, certain policies are elaborated and applied and positive measures are undertaken which, in most cases, are necessary for critical moments where such groups are situated in. Programs for encouraging employment, which are under implementation in support of these groups, include:

- The Decision of the Council of Ministers(DCM) no. 632, dated 18.09.2003, “For programming the encouraging employment of unemployed female job-seekers”, (revised under the DCM no. 508, dated 8.08.2007), where separate groups comprising females of the age above 35 years, trafficked girls, women from Rom community and disabled females, are compensated to the amount of a minimum salary. This program is funded by the state budget and its implementation started in 2004.

- The Decision of the Council of Ministers no. 48, dated 16.01.2008, “For the amount and criteria of benefiting under the program for encouraging employment of unemployed job-seekers in difficulties”, revised by the DCM no. 991, dated 2.07.2008, where unemployed job-seekers in difficulties, according to this program, are considered the following:

- a) long term unemployment;
- b) persons benefiting economic aid;
- c) persons benefiting unemployment assistance;
- ç) persons who enter labour market for the first time of the age from 18 to 25 years;
- d) persons over the age of 45, who have no higher education than secondary school education or equivalent to it;
- dh) disabled people;
- e) people from Rom community.

- Another act adopted by the Ministry is application of free charges for separate groups, which are unemployed job-seekers registered at employment offices and wish to attend training courses for vocational formation provided by the Regional Directorate of Public Vocational Formation (RDPVF). This target group includes Rom community, trafficked women and girls, persons that have suffered imprisonment, orphans and disabled people.

The aim of vocational formation is to deal with unemployed job-seekers registered at employment offices in order to integrate and reintegrate them in the labour market. A favourable policy is pursued for special groups and categories, that is, for unemployed job-seekers registered at employment offices who want to attend training courses of vocational formation. In public centers, registration fee is reduced to 50%, while for unemployed job-seekers registered at

employment offices, who wants to attend vocational training courses, and belong to the following groups in need (Rom community, orphans, disabled people, trafficked women and girls, people that have suffered imprisonment) this service is provided free of charge.

In addition, the Albanian Parliament has approved recently the law no. 10221, dated 04.02.2010, "For protection against discrimination", where the groups being threatened by discrimination are more largely particularized than those specified in the existing legislation.

In the framework of the program "One UNO" funded by the Spanish government and carried out by the ILO under the project of "Employment and Migration of Youth", the Ministry of Labour, Social Affairs and Equal Opportunities is drafting the National Action Plan in cooperation with the Ministry of Tourism, Culture, Youth and Sports; the Ministry of Foreign Affairs; INSTAT; the Ministry of Agriculture; the Ministry of Economy, Trade and Energy; and also with social partners. This action plan aims at:

- Evaluating the situation of labour market, in general, and for young people, in particular, by revising relevant policy and existing programs dealing with employment of young people, institutional framework and coordination of young people employment and cooperation for development of youth employment;
- Defining prioritized policy including identification and evaluation of the problems and also generation of policy options;
- Programming including the objectives and targets for young people employment, the impacts and the main operational indicators, resources, application of coordinating devices and also monitoring and evaluation.

Also, pursuant to the Government Program in 2009-2013, the Ministry of Labour, Social Affairs and Equal Opportunities will draw up a new program for assisting young people who enter labour market for the first time supporting financially their employers by compensation of compulsory insurance for a certain time period. This program will be launched in 2011.

In 2008, there were registered at Employment Offices as unemployed job-seekers 3223 Rom people.

Following the program for encouraging employment, 14 Rom people were employed in 2008 in the cities of Lezha and Vlora in such activities like fishing and construction. Also, intercession of employees of employment service at Employment Offices resulted in employment of 292 unemployed job-seekers from different groups including also Rom community.

In 2008, vocational formation free of charge was provided for 20 unemployed job-seekers from Rom communities in the cities of Durres, Elbasan, Vlora and Fier.

In 2009, the number of unemployed job-seekers from Rom community registered at their relevant employment offices who have benefited various services provided by employment service workers in the country level, over the period January-September 2009, is 2629 people, most of them are from Tirana(1155 persons) and the others from Elbasan, Berat, Durrës, Korçë, and Lezhë.

Unemployed job-seekers from Rom community who are employed by the intercession of employment service workers from relevant employment offices in different districts of the country number 30 people, of which 11 are females.

In the field of vocational formation, pursuant to relevant legislation, special attention is paid to people from vulnerable groups. Thus, 121 people benefited vocation formation free of charge and got their certificates in 2009, while 29 other people are attending vocational courses organized by Regional Directorates of Public Vocational Formation (RDPVF). In the field of social security the MLSAEO focuses its attention on the implementation of social security schemes and standards by combating social exclusivism and discrimination.

Thus, *in the field of social security:*

- The approval of the Decision of the Council of Ministers no. 80, dated 28.1.2008 and the Sectorial Strategy on Social Protection and its Action Plan are under implementation. The Strategy specifies the ambitious objectives for assuring the involvement of individuals and families in need and the coverage of the costs in compliance with the line of poverty 2 USD a day per capita. Among other components of Social Protection Strategy, Rom community and other minorities occupy the central place. This Strategy specifies also the priorities in major areas until 2013, reflecting also the principles and directives of the European Union.

For better administration of Economic Aid scheme, they have improved and simplified the documentation which is employed for the identification of poor families that will be involved into the Economic Aid schemes, covering thus better the needs of poor families under social assistance.

- Reduction of the number of families and the increase of budget funds (in contrast to previous practices) has affected the increase of average amount of economic aid per family.
- Average amount of economic aid per family in 2008 increased to 3 thousands ALL, from 1800 ALL that was in 2007, i.e. it was increased 50%.
- For assuring social inclusion, some improvements are prepared to law no. 9355 “For Social Assistance and Services”, which are related to the extension of benefiting groups, assuring social inclusion and non-discrimination of persons and groups in need.

Based on Law no. 9355, dated 10.03.2005, “*For Social Assistance and Services*”, social employees in municipalities and communes have started reporting about Rom community. They also have the responsibility to provide information and assistance for completing documentations for benefiting economic aid and identify required services of the people in need, etc. Increasing the ceiling amount of the economic assistance to 7000 ALL, it constitutes an advantage for Rom families with several members.

- Concerning the integration of Rom children on the streets into the normal life, we can mention the policy and programs initiated for elimination of the work of children. The Ministry of Labour, Social Affairs and Equal Opportunities has demonstrated its direct commitment in the endeavor against the work of children while its main target is the group of children on the streets.

The National Steering Committee “For elimination of child work” (established on November 2001) as the highest structure in the policy-making level for integrating the issue of child work into national policy, which is under design, has approved the implementation of the project for “The Monitoring System of Child Work in Albania”, which second phase has commenced since November 2008 and it is extended to 5 principle regions. The second phase has consolidated the model created in the first phase focusing mainly on children on the streets, which are the most exposed category affected by such phenomenon and has expanded the project to Tirana, Korçë, Berat, Elbasan and Shkodër, where the problem of child work is more worrying.

This project, as a cooperation of all actors in local level, aims at:

- Institutionalization of the monitoring of child work through establishment and operation of the Local Action Committees with representatives of higher levels from all local institutions, groups of interest, NPO-es related to child work, and also Multidisciplinary Monitoring Groups which work directly in the field for identification and the monitoring of children who work and those at risks.
- Integration of children at work and those at risks by referring them to services in compliance with the decisions of Local Action Committees and long term monitoring of Multidisciplinary Groups.
- Increasing general awareness of child work and of the policy and programs that should be implemented for minimizing and eradicating such phenomenon.

The Memorandum of Understanding between the Ministry of Labour, Social Affairs and Equal Opportunities and the International Labour Organization (ILO), which was renewed for another five year period, will strengthen even more the cooperation in the future for the continuous support provided by the IPEC Program in achieving good results under the National Program for Elimination of Child Work in Albania.

- **Health Service**

Actually, all structures of health service in the country level have registered Rom population identifying not only adult age-groups but especially infant age-groups, which must be included into the compulsory vaccination scheme. They also follow up with health situation of pregnant women.

The Public Health Institute, in the framework of the National Program of HIV/AIDS/IST for preventing infection from HIV/AIDS in the Republic of Albania, has carried out a number of specific activities for the Rom minority.

-The Centers of Voluntary Consulting and Testing (CVCT) are established in 10 prefectures at Public Health Directorates (Tirana, Durrës, Lezhë, Shkodër, Fier, Vlora, Gjirokastër, Korçë, Berat, Elbasan). These CVCT-s provide services for population in general and for vulnerable groups in particular such as drug users, sex-workers and trafficked women, rom people, teenagers, emigrants, homosexuals, etc. Each center is staffed with a team of specialists comprising a laboratory physician, a psychologist, an epidemiologist, a laboratory worker. These centers provide free services.



The Global Fund has supported financially the most part of activities of this community in the combat against HIV/AIDS, where participants from Rom community have been involved directly in the performance of such activities.

Law no. 9952, dated 14.07.2008, "For prevention and control of HIV/AIDS" specifies the rules for preventing and controlling the actions taken against HIV/AIDS-in, the care, treatment and the support for the people suffering from HIV/AIDS, without any kind of discrimination. Discrimination and stigmatization of people suffering from HIV/AIDS is considered a prohibited act by this law.

Public Health Directorates in districts are instructed to be familiar with the problems of Rom community and to discuss them with all the staff of health service. Vaccination is considered a basic service of public health directorates. It must be pointed out that all children, regardless of their residence or their economic status, are subject to vaccination. In those areas, where rom population is identified, compulsory vaccination scheme is strictly applied. However, even for migratory groups of Rom communities and in areas where members of this community have not been registered, the Public Health Institute has intervened with vaccination campaigns. It should be underlined that the health service staff continues to meet with difficulties in application of this compulsory scheme because many rom mothers do not accept to vaccinate their children due to their mentality for this vaccination.

Woman consulting centers and other health centers in villages follow up regularly the condition of rom pregnant women, even though there are sometimes great difficulties. Rom women receive information and modern contraceptive devices which are supplied free of charge at the centers of family planning. Pregnancy of young girls continues to be a problem, which is specifically treated by the staff and woman consulting specialist.

The Ministry of Health Service and the Public Health Institute, under the support of USAID, UNFPA, UNICEF and Albanian Red Cross, have carried out activities related to promotion and health education for the problems of healthy reproduction and especially for making the people aware of the modern contraceptive methods.

Several training courses have been conducted on community level, including also members of Rom minority, regarding the issues and problems of child and mother health and also on family planning.

It has been noticed an increase in the number of rom women receiving contraceptive devices, however their continuous receipt remains still a problem. The most preferable contraceptives are depo-provera and dispositive intra-uterine (IUD) merely for the reason that they are used relatively for longer terms.

- **Housing**

Pursuant to the National Strategy "For improvement of life conditions of Rom minority", the Ministry of Public Works, Transport and Telecommunication (MPWTT), in the budget of 2008,

has allocated the amount of 30 milion ALL for financing the projects included in the implementation of the strategy.

Following the approval of these funds for the year 2008, the Policy Housing Directorate prepared the Terms of Reference for the proposed projects, where it was specified:

- Construction of new buildings, minimum number not less than 15.
- Improvement of physical conditions of the buildings or houses where Rom community lives.
- Improvement of basic services (drinking water, canalization).
- Documentations that the Municipality/Commune has to submit.

Project-proposals submitted by municipalities were reviewed and evaluated by a Commission established for this purpose. Subsequently, the beneficiaries that were funded from the budget of the Ministry of Public Works, Transport and Telecommunications (MPWTT) in 2008 were the municipalities of Tirana, Kuçova, Korça, Bilishti and Pojan Commune.

The financing is completed 100% in the municipality of Kuçova, Bilisht and Pojan Commune. The municipalities of Tirana and Korça have not completed the construction of new investments because they failed to organize the bidding process due to the short time.

In 2009, there was no fund from the state budget for investments to improve the life conditions of Rom community, however, the medium term draft budget, 2010-2012, will include a program for this purpose.

The hygiene-epidemiological services in the districts have coordinated their activities for monitoring drinking water in locations of Rom community also. Drinking water is monitored by taking samples from the bottom points twice a day. There has been no problem with drinking water in these areas during this year.

Hygien-sanitary conditions of dwelling places and their surroundings continue to be a great problem because of the lack of cannels for waste waters, the existence of domestic animals and of urban wastes. Inspectors of hygiene and epidemiology cooperate with the specialists of local authorities for coordinating their work and taking adequate actions in accordance with their existing common programs.

The Public Health Institute, in cooperation with different organizations, has conducted training courses with the members of communities for making them become more aware of the importance for improving the hygien-sanitary conditions of their dwelling places and their surroundings.

- **Culture**

In the field of culture, the Ministry of Tourism, Culture, Youth and Sports (MTCYS) has supported financially the following activities, where their main objective is the promotion and integration of Rom minority in Albanian society.

Considering the integration of Rom youth into the Albanian one as one of the most important steps for alteration of discriminating mentality and creation of a society without any prejudice, the MTCYS has reserved considerable room for this issue in the National Youth Strategy, 2007-2013.

In the framework of the Week of Europe, the MTCYS, the Directorate of Youth Policy, in cooperation with the Information Office of Council of Europe, conducted a training course during 12-15 May, 2008, under the theme: "Human rights through coeval education", dedicated to 50 students from different faculties of universities in Tirana, within the framework of youth initiative "Do become a part of European youth". One of the topics which was widely discussed in that training was related to human rights in the framework of the rights of minorities.

This ministry supports the activities organized by NPO of Rom community for promoting Rom culture and traditions and for their participation in international activities/games. In 2009, the MTCYS supported two major activities:

- a). The Concert, "The Day of Rom Traditional Music", organized on June 5 by the Center for a contemporary rom vision with a total cost of 300.000 ALL.
- b). The Concert, "Albania in symbiosis with minorities", organized by the Center "Art & Color" with a cost of 400.000 ALL.
- c). At the National Folkloric Festival in Gjirokatra, Rom communities were not represented as a separate group, they were involved in relevant groups of each region.

The new structure of the Ministry of Tourism, Culture, Youth and Sports (MTCYS), the Directorate of Books, includes also the Sector of Diaspora and Minorities, which is established to show the care of the Albanian government towards that considerable portion of Albanian population living actually outside the borders of their mother-country and also for foreign minorities living within the territory of the Republic of Albania.

- **Trafficking**

The Office of the National Coordinator for the combat against Trafficking of Human Beings, which includes also an Anti-trafficking Unit, has continuously organized consciousness-raising activities against the trafficking of human beings, concentrated primarily on prevention of persons trafficking. Several informative activities have been planned and organized within such framework for making people aware of the risks and dangerous consequences resulted from trafficking and other specific aspects related to incorporation of children into schools, their registration at registry offices and sending them sensitive messages.

On the approval of the Decision of the Council of Ministers no. 1083, dated 23.07.2008, for "The National Strategy of the Combat against the Trafficking of Human Beings, 2008-2010", and also the complementary document on "The National Strategy of the Combat against the Trafficking of Children and Protection of Children, Victims of Trafficking", their action plans includes specific issues for improving the life conditions of Rom community.

*Among activities scheduled in the Action Plans of both Strategies mentioned above we can single out the following:*

- Making the children and their parents aware of the important issues related to anti-trafficking in their communities;
- Conducting continuously consciousness-raising campaigns, including information about economic alternatives and the useful assistance, addressed to stratas and communities in danger;
- Encouraging the establishment of community based organizations and of Community Advisory Groups in order to be involved in planning and performing activities on community base, for education, and to serve as contact points within their internal local mechanism of reference (along with the guardian protecting the children and school psychologist).

Albania has actually a complete legal framework, which is in conformity with all Conventions and other international instruments. In our penal law, the trafficking of human beings is specified as a separate offence in three separate articles of the Penal Code, respectively: Article 110/a "The Trafficking of persons"; Article 114/b "The trafficking of females"; Article 128/b "The trafficking of infants", which fully comply with the Convention of the United Nations against Organized Crime and with its two additional Protocols. The classification as a separate penal offence and severity of the punishment has affected directly the phenomenon and its prevention.

According to above mentioned articles, the punishment varies from 5 to 15 years imprisonment or a fine amounting from 2 to 6 millions ALL, and, dependant on aggravating circumstances, the punishment is increased from 15-25 years imprisonment up to life imprisonment or with a fine of 10 millions ALL.

Apart from this article, in order to assure and guarantee more effective protection of children, new articles have been added, among which, we can mention the amendments made by the Parliament to the Penal Code by Law no. 9859, dated 21.01.2008. Actually, these amendments include the following: Article 124/b "Maltreatment of infants", which, among other things, condemns the phenomenon of exploiting the children by forced labour, begging or other forced services; a paragraph added to Article 117 "Pornography", related to pornography with infants; amendment to Article 128/b, "Trafficking of infants", under which it is penalized not only recruitment, concealment, reception of children, etc. but also the sale of infants.

In addition to completion of the legal framework for protection of Rom community, especially the children, great efforts have been made recently for the consolidation of existing instruments (The National Instrument of Referring Trafficking Victims, Anti-trafficking Regional Committee and Responsible Authority, which administers also the data base of trafficking victims.). A series of agencies have been established and are operating in the country, which are dealing with identification, reference and protection of potential trafficking victims.

The restructuring of the State Police, separation of Police Directorates for Borders and Migration from Regional Police Directorates, the strengthening and integrated management of borders and also improvement of procedures for identifying the nationals, have impacted directly prevention of trafficking, where certain groups, like Rom community are mostly threatened.

Among the most important agencies that are working and contributing to the prevention and the combat against trafficking are:

1. The State Committee of the Combat against the Trafficking of Human Beings ;
2. The National Coordinator of the Combat against the Trafficking of Human Beings;
3. The Anti-trafficking Unit at the Ministry of Interior;
4. The National Task Force for the Combat against the Trafficking of Human Beings ;
5. The Responsible Authority for identification, referring and protection of trafficking victims;
6. The Structures of Anti-trafficking Unit in all regions of the country;
7. The Sections for Protection of Infants and Violence in the Family, which have been established already and are under operation in all regions;
8. Policing in community, a new model within the framework of preventive efforts, especially for protection of children and other vulnerable groups, including rom community also.
9. The Anti-trafficking Regional Committees, which comprise all state structures, including NPO-s, which contribute in local level for preventing and fighting against the trafficking of human beings and especially the children;
10. All community services and residential centers and also other agencies under the authority of the MLSAEO, including the Reception Center for Trafficking victims;
11. Other Centers established by the NPO-s, among which, we might single out 4 Reception and Residential Centers dealing with the treatment of potential trafficking victims.

Over the period 2008-2009, the National Anti-trafficking Coordinator Office (NACO) supported several projects proposed by local and foreign actors, projects which promoted consciousness-raising campaigns for the public. These campaigns have been concentrated on groups in risk (including also Rom community) involving also actors working with such groups. We may refer here to informative sessions held with pupils from 9-year schools and from secondary schools in the region of Tirana discussing about the regular migration and prevention of the trafficking of human beings. These training sessions have managed to involve about 50.000 pupils. These informative sessions have been organized under the support of the International Organization for Migration (IOM) in cooperation with the NACO.

In order to prevent and monitor better the phenomenon of trafficking, a very good job has been done for promotion of employment opportunities, for increasing the number of children who receive qualitative education, etc. Programs which encourage children to attend schools have been expanded and the registration system of children at registry office has been improved.

It is also managed the completion of legal framework and by-laws dealing with the registration and deregister process of nationals. For such purpose, Law no. 10129, dated 11.05.2008, "For Civil Status" has been enacted. This law improves largely the procedures for registration of births enabling the movemen of legal barriers such as the registration deadline of 45 days following the date of birth and the need of issuing the birth certificate under a law court decision after the expiry of the foregoing deadline. Also, a bonus amounting to 5 thousands ALL is awarded to all families that register their newly born children within 60 days. Registration of Rom community is also considered an important section of the population registration process. Presently,

registration of a birth is not left only on the will of the interested national, because Albanian law charges with responsibility all public and non-public organizations that are aware of the birth must inform relevant registration offices of civil status. Such a measure has help a lot with the people from Rom community, who, for several reasons, do not register their children within the time limit stipulated by law and it was even worse when they had to certify their births under a law court decision. In addition, the Ministry of Interior has developed a project “For identification and registration of unregistered rom people”. This project has basically a kind of “*census*” in areas where Rom people live and it will be carried out in full cooperation with Rom associations.

During 2008 and onwards, the National Coordinator’s Office for the Combat against Trafficking of Human Beings, in cooperation with NPO-s and International Organizations, has held several seminars with the structures responsible for law enforcement and other actors involved in prevention and combat against the trafficking of human beings.

Initially, training sessions were organized with police officers and social services providers. About 150 anti-trafficking police officers have been trained, police for borders and migration, specialists from Infant Protection Sections and Violence in the Family, and also policing in community, dealing with the National Reference Instrument(NRI) and directives of NRI for identification of trafficking victims and techniques of holding interviews.

During the period from June to December 2008, under the support of the OECD and the ICITAP, 12 training sessions were held in 12 regions all over the country with participation of anti-trafficking police officers, police of borders, policing in community, dealing with the National Reference Instrument.

For more efficient functioning of Anti-trafficking Regional Committees(ARC), the National Anti-trafficking Coordinator Office (NACO), in cooperation with OECD and the Center “Genetive Alliance for Development”, have organized several training sessions with the participation of members from Anti-trafficking Regional Committees (ARC) and other local actors, who play an active role in prevention and combat against trafficking of persons.

During the period from December 2008 to April 2009, 12 training sessions were held in total with Ati-trafficking Regional Committees in different districts, respectively Elbasan, Lezha, Shkodra, Tirana, Durrës, Fier, Berat, Korça, Kukës, Gjirokastër, Dibër and Vlora. These sessions involved and trained 300 people (members of technical tables from ARC and other local actors including civil society and also representatives of NPO-s, which protect the interests of rom community).

In the recommandations of the Second Cycle, the Committee of the Council of Europe has pointed out the need of preparing, training and participating in the steering boards of written and electronic media of journalists from minorities or journalists that are dealing with minority issues.

As we have discussed it in the previous reports, Albanian media are free, and, with the exception of the Public Radio-Television, all radio-television stations, newspapers or magazines are private. In this situation, it is obvious that the state has not the required structures for the training of journalists or it has not the means to influence on involvement of journalists from minorities in the steering boards of media.

An important role has played the Albanian Institute of Media for the professional training of journalists from minorities, and during the reporting period, has organized 24 seminars or round-table discussions with journalists or employees from media of minorities. Activities carried out by this Institute with journalists from minorities, only in 2005, are shown briefly and chronologically below, taking into account that similar activities have been carried out in the following years also.

For the year 2005

- On 22-25 June, the Institute organized an elementary course with 13 young journalists from Rom community, who received basic knowledge related to the job of a journalist and some issues of practical character for such profession. Basic information was presented by the journalists of Albanian language section in Deutsche Welle Radio, and by experts of IT who work in the Institute.

- On 11-15 July, 8 young journalists, who represented different minorities in the country, worked together with the specialists of the Institute and developed a supplement about the problems of the Greek minority, which was published in the daily newspaper "Panorama".

- On 18-22 July, the Institute organized training sessions for the young journalists from vllah community. The participants received basic information about the profession of the journalist, differences between the journalists of written media and electronic one, and also useful information was provided related about the use of modern technology by journalists. This activity was organized in cooperation with Swidish Committee of Helsinki.

- On 5-9 September, the experts of the Institute, along with some young journalists from the Montenegron minority, worked together and produced reportage about the life of this minority and the problems that it's facing with. The report was published in the daily newspaper "Gazeta Shqiptare". This collaboration aimed at making the new journalists familiar with the basic principles of the journalist profession and the way how to cope with team-work.

- On 26 September, the Institute organized round-table discussions with participation of the representatives of journalists from all minorities in our country. The activity aimed at identifying the problems, which the journalists of minorities are facing with in Albania. This activity was also supported by Swidish Committee of Helsinki.

- On 19-23 September, at the premises of "Radio Prespa", the Institute organized the training of journalists from above mentioned radio with theoretical and practical information related to the development of more interesting programs for certain groups, the way how a program is

prepared, how to seek the source of news, etc. An important component in this training occupied the way how to report by a radio that belongs to a minority intending to avoid hateful language.

- On 10-14 October, the Institute conducted a training session with 8 journalists from minorities. Apart from professional information received by the young journalists during the days of the seminar, the new journalists worked together and finally published a supplement in "Korrieri" newspaper related to the problems of Macedonian minority.

- On 24 October, the Institute held round-table discussions with participation of 30 journalists from minorities and managers of major media in the country, where they discussed about the problems that journalists from minorities are concerned and the need of reflecting more widely the problems of minorities in written and electronic media.

- Over the period from October to November, the Institute, in cooperation with journalists from minorities, developed five radio programs (of 20 minutes each) in the languages of rom, vllah, Greek and Montenegro which were broadcasted in the programs of Radio Tirana and Top Albania Radio.

- On December, the Institute publicised the Annual Report, which discussed the problems of media of minorities and the trend of their development.

Even in the following year, the Albanian Institute of Media is going on with similar activities for promoting and improving the quality of journalism of minorities.

Recommendations provided by the Council of Ministers related to "adoption of a policy, which is of service for the development of the culture of minorities" has been to the attention of the Albanian government, and in addition, this aim has also served on the creation, at the Ministry of Tourism, Culture, Youth and Sports, by the end of 2009, the Sector for the Culture of Diaspora and Minorities. This sector was established to express the care of the state towards that considerable portion of people culture, which has been created and is being created outside the state borders or that part of culture which is created by national minorities within the Albanian territory.

Fundamental responsibilities of this sector include:

- Continuous development and improvement of legal framework related to the cultural area of diaspora and minorities and their approximation in accordance with EU standards;
- Designing development policies in the cultural field of diaspora and minorities for maintaining and promoting further the national identity of Albanians who live and work in foreign countries, and also in protection of substantial characteristics which comprise the languages and culture of minorities living in Albania;
- The Sector for the Culture of Diaspora and Minorities along with the Sector of Written Culture will coordinate their work and common programs with both, responsible structures of the Ministry of Foreign Affairs, those of Kosova, Macedonia, and Montenegro, and also with counterpart structures of countries in the region, in EU and



Euroatlantic countries for paying more special attention and organizing common cultural events and activities with those countries where concentration of Albanians is greater, and also it will support specific projects for promotion of cultural identity of minorities living within the territory of the Republic of Albania;

- Creation of an appropriate climate for the flowering of individual initiatives and initiatives of different cultural groups of diaspora and minorities for perpetuity of ideas and cultural projects which affect the identification of cultural and national properties of Albanians who live in foreign countries and minorities of foreign nations living in our country.

With regard to the Rom minority in Albania, this sector was also supported by the Decision of the Council of Ministers no. 633, dated 18.03.2003, "Improvement of Strategy for Rom Minority in our country", by launching initiatives and different artistic and cultural projects for promotion of the most representative properties of this community.

*Activities carried out by the Cultural Sector of Diaspora and Minorities in 2010.*

- 1) The Day of Minority Culture, (Minority State Committee & MTCYS & MES in Saranda) five minorities participated in this activity: Greek, Rom, Wallachian, Macedonian, Serbo-Montenegrin;
- 2) The Day of Rom Minority, 8 April 2010 (MTCYS + MLSAEO), identifying cultural values of Rom Minority in our country;
- 3) The Day of Tolerance of Rom Minority, HERD ELEZI, 6 May 2010. This activity was financed by the MTCYS and aimed at giving positive signs of tolerance within the ranks of Rom Minority in our country;
- 4) On 23 May 2010, at the Ministry of Tourism, Culture, Youth and Sports (MTCYS), the Day of Arumanian Minority Culture was celebrated, an activity carried out under the funding of both, the MTCYS and Arumanian minority living in Albania.

The State Committee for Minorities has played an important role for the improvement of the dialogue between the government and minorities. With its experience over the six years period, the Committee has managed to transmit and seek solution by executive organs for all the problems that minorities have been faced with today. Based on a structure where each minority has its own representatives, and, on the other hand, being an operating structure of Albanian executive, the Committee has managed not only to put forth institutionally the concerns of minorities, but also present recommendations for their solutions. Thanks to a staff comprised of specialists, in the framework of the Euroatlantic integration of the country, the Committee assumed also the drafting of legal acts of special significance. In the framework of the National Plan for the Implementation of Stabilization-Association Agreement, by the year 2012, the Committee is commintioned to work out the law "On Minorities" (a responsibility specified also in the Recommendations of the First and Second Cycle). In addition, the Committee will do the preparatory work for the signature and ratification of the "Convention on Regional Languages".

A package of laws and by-laws is planned to be prepared by this Committee intending to give a series of executive competences to the latter in the field of minorities.

### **III. Actions taken by the Albanian government related to fulfillment of obligations derived from each article of the Convention**

#### **Article 1**

The Frame Convention is a portion of an entire corpus of international acts which deals with protection of human rights. Over the reporting period, the Republic of Albania has ratified or adhered to a number of international conventions, which, along with regulations bringing about in certain areas, deal also with issues related to the rights of minorities. Actually, these conventions include the following:

- *Convention no. 168 of International Labour Organization “For encouraging employment and protection against unemployment, 1988”, ratified by law no. 9547/2006.* The Republic of Albania, as a member state in this Convention, will take the required steps for coordination of protection systems against unemployment and employment policy by assuring equal treatment for all protected persons without discrimination on the ground of sex, religion, language, political or other opinion, national origin, citizenship, ethnic or social origin, disability or age.
- *Convention no.143 “For emigrant workers (additional provision), International Labour Organization, 197”, ratified by law no. 9564/2006.* The Albanian state, as a member state with full rights and obligations to this Convention, in the framework of respecting human rights and fundamental freedoms for all emigrant workers, should adopt all necessary and appropriate actions, not only within its jurisdiction, but also when cooperation with other members is required, for identifying whether there are emigrant workers employed illegally within its territory or whether there are migratory movements out or into these territories and whether these emigrants, during their travel, stay or employment in these territories, have been subjected to treatments that are against the international instruments or bilateral or multilateral agreements and against national law and by-laws.
- *Convention of UNESCO “For protection and development of cultural diversity manifestation”, adhered to by the Republic of Albania under law no. 9613/2006.* Under this international act, the Republic of Albania assumes, in cooperation with other international organization in such field, to protect and develop cultural diversity, in the framework of complete enforcement of human rights and fundamental freedoms proclaimed under the Universal Declaration on Human Rights and other instruments recognized all over the world.
- *Convention of the Council of Europe “For actions against the trafficking of human beings” ratified under law no. 9642/2006.* The Republic of Albania, in respect to enforcement of the provisions of this Convention, should assure all actions for protecting and encouraging the rights of victims, without any kind of discrimination regardless of race, gender, colour, belief, political opinion, national origin, citizenship, ethnic or social origin, property, birth or other status.

- Also, in the framework of protection of human rights and freedoms with no form of discrimination, the Albanian state has adhered to International Convention “*For protection of the rights of all emigrant labourers and their family members*”, under law no. 9703/2007. The Republic of Albania assumes the responsibility to enforce this Convention, all over the migration process, for all emigrant labourers and their family members, without any form of discrimination regardless of race, gender, colour, belief, political opinion, national origine, citizenship, ethnic or social origin, property, birth or other status.
- *Convention of International Labour Organization (ILO) “For workers with family responsibilities”, C 156, 1981*”, ratified by law no.9773/2007. The introductory provisions to this Convention lay down the obligations of state parties for creation of effective equality of opportunities and treatment of workers, men and women, in order to allow persons with family responsibilities, who are employed or wish to be employed, the exercise of their right for realizing such a thing without discrimination and probably without any conflict between profession and family responsibilities. Also, this provision specifies the term “*discrimination*”, which means discrimination at work and profession, as it has been stipulated in Article 1 and 5 to the Convention on Discrimination (Employment and Profession) of the year 1958.
- *Convention no. 147 of International Labour Organization (ILO) “For minimum standards of commercial vessels, 1976”, and also the Protocol of 1996 to the Convention “For commercial transport*, ratified under law no. 9809/2007. The Republic of Albania, as a member state, will undertake all measure for drawing up laws and rules for vessels registered in its territory in order to assure social security standards, including the competence standards, working hours and stay, to make sure the life security in vessels by avoiding any discrimination, exclusion or preferences on the ground of race, colour, sex, religion, political belief, national or social origin, which affects the annulment or omission of opportunities or equal treatment in employment or profession.
- Under the Council of Ministers Decision (CMD) no. 437/2008, the Albanian government has become a member of the *Initiative “Rom Inclusion Decade”* and also has approved, by the CMD no.1087/2009, the National Action Plan for implementation of Rom Inclusion Decade 2010-2015, being involved in accomplishment of objectives in education area, cultural inheritance, integration into labour market, improvement of access to health services, improvement of housing conditions and infrastructure and also encourage and support participation and involvement of rom minority in this process.
- *Convention of the Council of Europe “For protection of children against exploitation and sexual abuses”*, ratified by law no. 10071/2009, (initiative of the Ministry of Justice), which complement the legal framework for protection of the right of children, by assuring legal protective means and also concrete rehabilitating actions and services for children, victims of sexual abuse and exploitation, by encouraging and developing standards specified by legislation generally and specifically practical achievements in this field. Based on this Convention, state parties undertake legislative and administrative actions for securing victim

children effective protection without discrimination on the ground of race, sex, colour, language, national or social origin, physical or psychological status.

## **Article 2**

Having respect for the rights of separate minorities is a continuous subject of the meeting agendas of all levels with neighbouring countries. There is a fact, which has always served as a substantial element of the dialogue with these countries; along with our common state borders, we also share populations, which have been historically recognized as minorities of these states in the territory of the Republic of Albania, or Albanian minorities in the territories of neighbouring countries. The common euro-atlantic orientation of all regional countries, the climate and mutual interests, have given new contents to this cooperation, making minorities connecting bridges between regional countries. Facilitation or elimination of visa regime for the nationals of the regional countries, contacts between educational and cultural organizations of respective countries are some of the components which make us believe that, although for minorities issues, during the reporting period, there has been no specific agreement with neighbouring countries related to the respecting of minority rights, the positive feeling of mutual confidence has been a factor, which among others, has influenced the new reality existing between the countries of the Western Balkan.

## **Article 3**

As we have mentioned previously, the Albanian government has decided to carry out registration of population on April 2011 based on the stipulation provided for in Article 3 of the Frame Convention that is, based on self-declaration of nationality. Arrangements made by the government related to the organizational work with regard to the registration of population, the monitoring of this process by international organization will allow registration get real results and comply fully with Article 3, paragraph 1 of the Frame Convention.

In addition, application of such standard during the registration of population will allow those individuals or groups, who have pretended that have the nationality of certain states (as it has been in the past the debate for the nationality of the so-called Egyptians), express with their own free will their respective nationality, and further the state will assure them all the rights specified in the Frame Convention.

## **Article 4**

With regard to of the protection human rights and freedoms, in order to avoid any kind of ethnic or racial discrimination and also the demonstration of intolerance, the Albanian government has undertaken several legal initiatives for improvement of internal legal framework in this field. Also, over the reporting period, it has adhered to or ratified a series of international acts in such area.

Specifically:

- With law no. 9686/2007 “*For some amendments and modifications to law no. 7895/1995 “The penal Code of the Republic of Albania”* (initiative of the Ministry of Justice), in Article 50, letter ‘j’ is added to the Penal Code), which specifies that penal offences driven by motives related to sex, race, religion, nationality, language, political and religious or social beliefs, are considered aggravating circumstances for assigning the punishment.

Also, modification made to law no. 9686/2007, Article 86, “*Torture*”, letter ‘ç’, specifies that intentional commitment of any offences, which has caused a person severe physical or mental sufferings, committed by a person who exercise public functions, or performed under his/her stirring or approval, openly or quietly for any kind of purpose based on any form of discrimination constitutes a penal offence and is punished with imprisonment from four to ten years.

- Complying with obligations derived from adherence to the Convention “*For crimes in the field of cybernetics*”, ratified by law no. 8888/2002 and the Protocol added to it (which entered into force on 01.03.2006), the Ministry of Justice has completed two important legal initiatives for fighting racism and intolerance:

a) Law no. 10023/2008, “*For some amendments and modifications to law no. 7895/1995 “The Penal Code of the Republic of Albania”, revised*, stipulates some other penal offences with regard to racism and discrimination through computer systems: In Articles 11, 12, and 13 of the above-mentioned law, penal offences or behaviour are considered (specified as such by the Protocol) *distribution of racist or xenophobic materials through computer systems* [Article 4 to the Protocol] and *insult for racist or xenophobic motives* [Article 5 to the Protocol] referring to distribution through computers of materials related to genocide, crimes against humanity, racism and xenophobia.

Article 11 of the law requires adding a new penal provision to Article 74 of the Penal Code, which specifies:

*Article 74/a “Computer distribution of materials pro genocide or crimes against humanity”* states that: Public provision or intentional distribution to the public, through computer systems, of materials which highly deny or minimize, approve or justify acts which constitute genocide or crimes against humanity are punished with imprisonment up to six years.

This deed intends to punish the apologies of persons and historical events related to crimes against humanity and the sacrifices, sufferings and memories of people who have been subject to international crimes. Taking into account its higher dangerous level, such act is specified as a crime and is sentenced from three to six years imprisonment.

Article 12 of the law requires adding a new penal provision to Article 84 of the Penal Code, which specifies:

*Article 84/a “Threat with motives of racism and xenophobia through computer systems”* stipulates that: Serious threat inflicting death or severe injury on another person through

computer system because of respective ethnicity, nationality, race or religion, is sentenced with fine or imprisonment up to three years.

This provision intends to protect the life and health of people belonging to a certain ethnicity, nationality, race or certain religion, complying with constitutional provisions and also with international instruments on human rights and fundamental freedoms. Taking into account its dangerousness, such an act is specified as a crime and is sentenced with fine or up to three years imprisonment.

Article 13 of the law requires adding two new penal provisions to Article 19 of the Penal Code , which lay down:

*Article 119/a “Distribution of racist or xenophobic materials through computer systems”* specifies that: Public provision or intentional distribution to the public, through computer systems, of materials of racist or xenophobic content constitute a penal offence and is punished with fine or imprisonment up to two years.

Also, Article 119/b *“Insult of racist or xenophobic motives through computer systems”* specifies that: Intentional public insult, through computer systems, caused to persons because of ethnic belonging, nationality, race or religion constitutes a penal offence and is punished with fine or imprisonment up to two years.

These provisions aims at protecting the dignity and personality of people which belong to a certain ethnicity, antionality, race or certain religion. Taking into account the low dangerousness of both offences, they are specified penal misdemeanors and are sanctioned with fine or imprisonment up to two years.

b) Along with the package of amendments to the Penal Code, law no. 10054/2008 is enacted also, ““For some amendmenents to Law no. 7905/1995 “The Code of Penal Procedures of the Republic of Albania””, revised, (initiative of the Ministry of Justice), which lays down development of necessary procedures for enforcement of new amendements and modifications made to the Penal Code related to the crime of cybernetics.

Other legal acts, which have been drawn up and approved over this period (2005-2010) with regard to protection of human rights, especially protection against racism and intolerance, include the following:

- Based on Law no. 9357/2005 *“For the status of employees of the State Informative Service”*, recruitments in the State Informative Services are performed openly and on competitive base. In Chapter II, Article 5 specifies general requirements of recruitment and one of these requirements is also Albanian citizenship without limitation to nationality;
- Law no. 9376/2005, *“On sports”*, stipulates that participation in sports is a right of all nationals in the Republic of Albania, prohibiting any kind of discrimination in sportive activities on the ground of political or religious belief, race, ethnicity, language, sex, economic or social status.

Also, among other things, this law specifies that during sportive activities of all levels, or during their transmission to the public or in premises they are performed, provocations or attempt for provocations of political, social, racial, religious and genitive character that intends to induce hatred and violence against the participants in sportive activities or/and against spectators, is prohibited.

- Law no. 9397/2005, “*For Internal Inspection Service in the system of prisons*” specifies the responsibilities of this service, which has the task to investigate and bring to lawcourt for penal offence any employee, who committs a penal offece during the execution of his official duties, even those employees of prison administration that commit the criminal offence of „*Torture*“, specified under Article 86 of the Penal Code. This service enjoys the attributes of Judicial Police.
- Law no. 9695/2007 “*On adoption procedures and Albanian Adoption Committee*”, (initiative of the Ministry of Justice), which intends to protect children by brining them up in a permanent family making sure that such protection will be for the highest interest of the child, among other things, paragraph 2) in Article 33, specifies that intermediary agencies for adoption issues should not prejudice and discriminate applicants for adoption regardless of race, origin or their religious belief.
- Law no. 9749, dated 04.06.2007, “*For State Police*”, lays down the tasks and responsibilities of Police officers. According to this law, Police officers should treat people equally and should perform their duties without any kind of discrimination, including respective ethnicity.
- Law no. 9831/2007 “*For indemnity of political convicts in the communist regime*”, (initiative of the Ministry of Justice”, intends financial compensation by Albanian government of former political convicts of the communist regime, who are alive, for the families of the victims executed and persons interned or deported in camps, as an obligation of the democratic state for denouncement of the crimes of totalitarian communist regime and assuring them a better life. In the list of political penal offences is also included Article 74 “*Incitement of hatred and conflicts between nationalities, races or religions*”.
- In Law no. 9874/2008 “*On public auction*”, there is a special provision stipulating that contracting authorities should avoid any criteria, request or procedure which constitutes discrimination against or between candidate purchasers or against their categories in order to protect the rights and interests of participants at auction procedures.
- Law no. 9877/2008 “*For organizing judicial authorities in the Republic of Albania*”, (an initiative of the Ministry of Justice), assures the right of each Albanian national to become a judge, without discrimination on the ground of race, enthicity, or other reasons of similar nature. The selection process of judges is made in accordance wirth requirements specified in this act, such as a) full ability to act; b) high judicial education; c) graduation from Magistrate school; and d) not to have been punished under a final law court decision for commitment of penal offences.
- Law no. 9887/2008 “*For protection of personal data*”, (an initiative of the Ministry of Justice), lays down the rules for protecting and processing legally personal data. It also specifies specific rules for the individual data of a physical person (or as it is otherwise termed in this law

“sensitive data”, which are related to its racial or ethnical origin, political opinion, membership in associations, religious or philosophical belief, penal conviction, and also data about health or sexual life.

- Law no. 9888/2008 “*For some amendments and modifications to law no. 8328/1998 “For the rights and treatment of persons sentenced to imprisonment”*”, revised, (an initiative of the Ministry of Justice), brought about modifications improving the security of basic rights of persons sentenced to imprisonment for their human and dignified treatment in compliance with European standards. For assuring enforcement and the monitoring of such rights, this law determines also the rules for organizing and operation of the General Directorate of Prisons. An innovation of this law is the establishment of the National Device for Prevention of Torture, Severe, Inhuman or Humiliating Treatment and Punishment and its competences as a special structure of Ombudsman. This structure intends to assure and protect the rights of prisoners regardless of race, ethnicity or other discriminating reasons.
- Law no. 9918/2008 “*For electronic communication in the Republic of Albania*”, prescribes promotion of competition and efficient infrastructure in electronic communication and also assures the provision of required and appropriate services in the territory of the Republic of Albania intending the security of transparency, integrity and non-discrimination of its users.
- Law no. 9946, dated 30.6.2008, “*For the sector of natural gas*”, lays down the rules for allowing competitive market and integrated into regional and European markets for providing high quality services and of reasonable costs with the purpose to protect the rights of judicial and physical persons regarding these activities without any form of discrimination.
- Law no. 9952/2008 “*For prevention and inspection of HIV/AIDS*”, stipulates the rules for preventing and controlling measures taken against HIV/AIDS; it defines the care, treatment and support for the persons suffering from HIV/AIDS, without any kind of discrimination on the ground of ethnicity, sex, race, etc.
- Law no. 9959/2008 “*On foreigners*”, prescribes the regime of entrance in, stay, employment, treatment and the exit of foreigners out of the Republic of Albania. Article 2 in this law specifies that foreigners, who are subject to this law, are treated in compliance with human rights and fundamental freedoms and international agreements ratified by the Republic of Albania respecting the principles of reciprocity, non-discrimination and not less favourable treatment than Albanian nationals.  
This law also stipulates that in all performed activities, public organizations and NPO provide foreigners with protection against any form of discrimination. Direct and indirect discriminations by judicial, public and private persons over the processes of migration for employment purposes are both prohibited.
- Law no. 9970/2008 “*For gender equality in society*”, governs fundamental issues of gender equality in public life, equal protection and treatment of women and men, equal possibilities and opportunities for exercising their rights and also their participation and assistance in developing all areas of social life. In Chapters IV and V, the law prescribes equal treatment and protection



against discrimination in education, qualification and media because of gender and defines the standards for preventing discrimination.

- Law no. 10002/2008 *‘For internal control service in the Ministry of Interior’*, Article 43, specifies explicitly that “Employees of Internal Control Service have the responsibility to treat people equally and perform their duties without discrimination complying with law and required standards, and also respecting dignity and physical integrity of any other service officers” and preventing thus any action of officers in this area that might cause violation of integrity and dignity of individuals.

- Law no. 10019/2008, *‘The Election Code of the Republic of Albania’*, assures participation in the election process of all nationals including also people that belong to minorities;

*Law no. 10024/2008, ‘For some amendments to law no. 8331/1998, ‘For execution of penal decisions’*, (an initiative of the Ministry of Justice), intends to define concrete device for enforcement of alternative sentences “Service of Proof” and the proportions created with public organizations and law court. It constitutes detailed modifications made to the Penal Code, which, in this way, resolve practically the legal problem for execution of alternative convictions in the system of alternative sentence executions, intending to make these sentences become impetus for improvement of general standards and humanitarian regimes of persons that commit penal offences of lower social dangerousness. Alternative sentences are enforced for all convicted persons under final law court decisions regardless of race, ethnicity or other reasons complying with requirements determined by law.

- Law no. 10032/2008 *‘For police of prisons’*, (an initiative of the Ministry of Justice) lays down that officers of prison police execute orders served by their commanders which should be served in accordance with law and human dignity.

- Law no. 10039/2008, *‘For judicial assistance’*, (an initiative of the Ministry of Justice), stipulates that judicial assistance is provided to persons with insufficient economic resources for the purpose of protecting their legal rights and interests in lawcourts or at other state organs. This law, among other things, specifies that provision of judicial assistance by the state to individuals is based on the principles of equal rights to all individuals.

- Law no. 10051/2008 *‘For some amendements and modifications to law for organization and operation of Prosecution Office in the Republic of Albania’*, (an initiative of the Ministry of Justice), lays down the conditions which Albanian nationals should fulfill in order to be appointed prosecutors, and practically one of the general conditions is that a prosecutor should be an Albanian national.

- Law no. 10129/2009 *‘For population registry office’*, specifies that “nationality” is one of the component for a registry office (Article 6), which determines the identity of Albanian nationals, and which is recorded also in the National Register of Civil Status Office (Article 42). Article 58/1 of this law defines that a child bears the nationality of parents of the same nationality, evidenced in the National Register of Civil Status Office. Based on Article 8 of this law, nationality is recognized and it can be abolished, deleted, or removed to others, only as the

case may be, and in the way determined by this law and every case is resolved only under a law court decision (Article 58/7).

- *Law no. 10221/2010 “For protection against discrimination”* intends to assure the right of each person, regardless of ethnicity, to equality before law and equal protection by law, for equal possibilities and opportunities to exercise their rights, to enjoy their freedoms and participate in public life, and also effective protection against discrimination and any form of behavior that stir up discrimination;
- *The Decision of the Council of Ministers (DCM) no. 368/2005 “For approvement of national strategy for children”*, determines strategic objectives in the area of protection of the rights of children against any kind of violence, abuse and discrimination by encouraging and strengthening cooperation and coordination of efforts with all responsible actors, starting from central level to local ones, actors of civil society and with active participation of communities and individuals in this process;
- *In the DCM no. 463/2006 “For approvement of the national plan for implementation of Stabilization-Association Ageeement”*, revised, an important place occupies the undertaking of legal and institutional reforms for assuring and realization, in the highest scale, of the rights and fundamental freedoms of individuals and especially the rights of minorities. This document defines also short-term and medium-term priorities of the policy of the Albanian government related to respecting minority rights. For achievement of these objectives, this document specifies the arrangements, activities and responsible organizations for accomplishing such priorities in the area of respecting the rights of minorities;
- *The DCM no. 822/2006 “For approving service standards of social care for disabled persons at residential and daily centers”*, specifies that all service beneficiaries, (disabled people and their family members), are equally treated, without discrimination and undeserved advantages by both, service providers and units of local government. This by-law act intends to work out Service Standards of Social Care in order to make local government organizations work together for preventing and avoiding discrimination and social exclusion.
- By the DCM no. 804/2007, *Rules and Regulations of State Police Personnel is approved*, which, among other things, intends to establish the rules and procedures for accession to Police on the base of the law “On State Police”, where it is specified that selection of persons who apply for accession to the State Police is performed properly, impartially and transparently. All Albanian nationals, regardless of ethnicity, enjoy equal rights for accession to the State Police. Also, progress in career of Police officers, despite ethnic belonging, is equal and there is no limitations.
- *The DCM no. 913/2007 “For approvement of the national strategy on gender equality and violence in the family, 2007-2010, and the action plan to its implementation”*, determines the objectives and practical actions of governmental structures responsible for execution of the law on gender equality and family violence, which are performed without any form of discrimination.

- The DCM no. 786/2008 “For improvement of the Rules and Regulations on State Police Discipline”, Article 6, point 6, on responsibilities and codes of conduct during the duty/service, specifies: “They treat the people equally and carry out their duties without discrimination on the ground of gender, race, colour, language, belief, ethnicity, political, religious or philosophic opinions, sexual orientation, economical, educational and social status, and parental belonging.
- The DCM no. 80/2008 “*For improvement of sectorial strategy on social protection and the action plan to its implementation*”, prescribes the undertaking of practical actions for protection of rights, equality and nondiscrimination. Also, this strategy specifies that social protection is provided for each individual in need, regardless of gender, origin, religion, age, limited abilities or other peculiarities. Every individual in need has the right to benefit the same social assistance or services. Discrimination in benefiting services should be prevented and opposed.
- *The DCM no. 1104/2008 ““For some amendments to the DCM no. 80/2008 “For improvement of sectorial strategy on social protection and the action plan to its implementation””*, stipulates the way how to avoid discrimination by determining the criteria of family protectorship. Practically, this strategy defines that in order to be a parent protector no discrimination should be demonstrated towards disable people or to ethnic minorities and they should respect the exercise of religious belief by child/children.
- *The DCM no. 302/2009 “For improvement of the Rules and Regulations “On organization and operation of the Service of Proofs and on determining of standards and procedures for supervising execution of alternative convictions””*, (an initiative of the Ministry of Justice), specifies the rules of organizing, the rights and responsibilities, and also the standards for supervising convicted people with alternative sentences. These Rules and Regulations are applied for convicted people without discrimination on the base of race, ethnicity or other reasons of such nature;
- *The DCM no. 303/2009 “For improvement of the General Rules and Regulations of Prisons”*, (an initiative of the Ministry of Justice), specifies the way of executing the rights and responsibilities of prisoners, of people sentenced to imprisonment or of pre-trial detainees; it also specifies the organization of their lives, the way and conditions for execution of penal convictions to imprisonment, organization of their work and remuneration for the work done, and also the way how the General Directorate of Prisons is operating along with other institutions for execution of penal decisions, complying with legislation in force and without any discrimination on the ground of race, ethnicity, or any other reason of such nature.

On sectorial base, important work is carried out by the Ministry of Interior. Actually, the State Police, for achieving the objectives laid down in Article 4 of the Frame Convention, has adopted the Action Plan no. 1072, dated 1703.2009, “For prevention and the fight against racism and racial discrimination”.

This Action Plan lays down measures and tasks, which are to be carried out by central and local authorities of the State Police as follows:

- Making all personnel of the State Police familiar with legal acts and by-laws, which deal with human and minority rights;

- Establishing contacts with representatives of minorities for identifying cases of disrespect for their legal and constitutional rights, preventing and opposing discriminatory cases, the trafficking of their children and also violence in the family;
- Planing and policing in areas where the majority of population belongs to minority and with policemen/policewomen from these communities;
- Evidencing and condemning legally all those police officers, who with their actions or inactions have violated the rights of minority representatives;
- Carring out promotive activities by police local structures in order to receive applications from minority representatives to be employed in these structures.

Also, the State Police has special tasks in respect of the rights of Rom minorities in the framework of the National Action Plan for the Rom Decade.

Concerning the activity of the Ombudsman during the reporting period we would like to inform that, according to Albanian law, this institution is not allowed to establish decentralized offices because the management of the institution of the Ombudsman is monocratic.

The concept of decentralized offices is based on the context of law no. 8454, dated 04.02.1999, "On Ombudsman", complemented by law no. 8600, dated 10.04.2000, revised under law no. 9398, dated 12.05.2005, by appointing a local representative for certain issues and certain periods of time.

Actually, Article 32 in law no. 8454, dated 04.02.1999, "On Ombudsman", specifies that:

*"In cases when the Ombudsman consideres it necessary, he can appoint a local representative for certain issues and certain periods of time. Local government organs have the responsibility to provide this representative with an office and create necessary facilities for his activity and complete all requirements of this law. This representative is paid by the budget of the Ombudsman.*

Within his limited financial capacities, the Ombudsman has organized, at least twice a year, his activity much closer to citizens, which is socalled "Open Days".

In these "Open Days", groups of specialists from the institution of the Ombudsman and also the Ombudsman himself, visit communes or municipalities in the country, for one or more days, in order to be near complainers and get their complaints directly in the field and concurrently control the activities of public administrative organs with an objective predetermined explicitly.

## **Articles 5 and 6**

Maintenance and protection of cultural, educational and religious identity of minoroities has always been in the focus of governmental policy. As we have mentioned above, a separate sector is established within the Ministry of Tourism, Culture, Youth and Sports, whose activity goal is exactly preservation and protection of culture and other values of minority population. On the other side, it's important to point out that for maintenance of ethnic, cultural and religious

identity there is a complete legal framework for its protection and penalties are imposed for any indication that attacks such identity.

The Labour Code of the Republic of Albania, in its Special Section, Chapter I, titled '*Crimes against Humanity*', specifies several penal offences committed for racism motives.

Article 73 of the Penal Code, sanctions the punishment of the crime of genocide not less than ten years imprisonment or to life imprisonment. In addition, based on Article 74, crimes against humanity are punished not less than fifteen years imprisonment or to life imprisonment.

Article 23 of the Penal Code protects the nationals from violation of equality in cases when the public function employees, for their position causes, create unjust privileges or refuse the rights or benefits derived by law because of discrimination on the basis of origin, ethnicity, race or religion. This penal offence is punished with fine or imprisonment up to five years.

Inducement of hatred and racial, national or religious disputes, and also preparation, distribution or preservation for the purpose of distributing written materials of such content, based on Article 256 of the Penal Code, is punished with fine or imprisonment up to ten years.

Breaching public peace by 'fighting words', calling for the people to hate another portion of the population, by insulting or slandering them, asking for the use of violence or arbitrary actions against them, based on Article 266 of the Penal Code, such offences are punished with fines or imprisonment up to five years.

Based on Article 84/a of the Penal Code, serious threats made towards the life of another person through computer systems because of ethnic belonging, nationality, race or religion, is sentenced with fines or imprisonment up to three years.

Referring to the foregoing facts, the table below shows official statistical data for the period 2005-2009 about the number of people punished for penal offences mentioned above:

Articles	2005	2006	2007	2008	2009
<b>73</b>	0	0	0	0	0
<b>74</b>	0	0	0	0	0
<b>84/a</b>	0	0	0	0	0
<b>253</b>	0	0	0	0	0
<b>265</b>	0	0	0	0	0
<b>266</b>	0	4	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>

In addition, it should be pointed out that Albanian law was revised in December 2008 (law no. 10023/2008) introducing some other new penal offences on racism and xenophobia, specifically as follows: “*distribution of computer materials pro genocide or crimes against mankind*” (Article 74/a); *threats of racist and xenophobic motives through computer systems* (Article 84/a); *distribution of racist or xenophobic materials through computer systems* (Article 119/a) and “*insult for racist or xenophobic motives through computer systems*” (Article 119/bv).

Apart from the foregoing information, important actions in sectorial level have been undertaken by the Ministry of Interior. These actions have aimed firstly at establishing a morder Police in accordance with the highest standards with regard to respecting human rights, in general, and those of minorities, in particular.

In this derrection, several arrangements have been made for improving the level of professional and judicial knowledge of police staff. For this purpose, all police staff of executive level, from 2008 onwards, is envolved in Basic Police Training during a period of time of 22 weeks. This training process will end by 2011. Training topics and curricular comprise mainly human rights and freedoms in democracy, and also the rights and freedoms of people deprived of liberty, etc Also, Departments structured according to police services, and also the Professional Standard Directorate in the General Directorate of State Police, have the legal responsibility to carry out continuously inspections and controls on local police structures to see the real scale of respecting and assuring human rights and freedoms during escorting, detention or arrest, custody and treatment at police premises. For the cases of breaching human rights, especially of those people deprived of liberty, of the whole community and of the members of Rom community, the Internal Control Service and Prosecution Office have carried out proceedings and have commenced prosecution process against the persons breaking the law.

Simultaneously, several posters and many other written formats advertising the rights that enjoy the persons accompanied, detained/arrested or kept in these premises have been sticked up all over the walls of directorates, commissariats and police stations. Referring to respecting and assuring human rights and freedoms, and especially for those deprived of liberty, the Ministry of Interior and the General Directorate of State Police have issued these administrative acts:

- Order of the Minister of Interior no. 2191, dated 25.09.2006, "For assuring and respecting human rights and fundamental freedoms while accompanying people to police premises and pre-trial detention”;
- Generality of the General Director of State Police no. 698, dated 01.08.2008, “For respecting and assuring the rights of the nationals accompanied, detained or arrested in police premises, by the Police Commisariat in Tropoja city”;
- Instruction letter of the General Director of Sate Police no.703, dated 07.08.2008. "Familiarization with preliminary evaluation report of the delegation of CPT and taking actions for completing its recommendations”;
- Description of the General Director of State Police no. 5491, dated 03.10.2008, "For the event occurred at the premises of Police Commisiariat in Lezha city on 27.08.2008”;

- Order of the General Director of State Police no. 945, dated 27.10.2008, "The standards and specifications required for rehabilitation or construction of security rooms for arrested and detained people in the Police Commisariat";
- Order of the Geeneral Director of State Police no. 139, dated 25.02.2009, "For securing and assuring the rights of arrested and accompanied people in the police premises";
- Instruction letter of the General Director of State Police no. 1328, dated 23.11.2009, "For respecting and assuring fully legal and constitutional rights and fundamental freedoms of persons during the activity of State Police";
- Discription of the General Director of State Police, dated 12.11.2009, "On the event occurred in detention room of Police Commisiariat in Durres city related to self-hanging of the national Klodian Bushi";
- Order of the General Director of State Police no. 64, dated 25.01.2010, "Approval of the Manual on rules for treatment and security of detained and arrested people in security rooms of police units".

Also, telephone numbers of police commanding and controlling rooms and contact numbers of other local operating police structures are inserted on visible places at the entrance of directorates, commissariats and police stations and on other public premises in urban centers in order to enable people inform any act of breaching human rights or violation and maltreatment of community members by police officers.

In Opinions of the Advisory Committee for the Second Cycle, it is required the improvement of the function of complaining process at police offices by establishing independent control for this process.

Any Albanian national, any foreigner or elien has the right to submit written or verbal complaints to agencies of public administration against illegal actions or inactions, physical and psychological maltreatment or other unjust and illegal behaviours performed by employees of public administration or other persons. Also, for any abuse and illegal act carried out by police officers, each national has the right to complain in writing or verbally to police directing structures in commissariats, police derectorates, in the General Directorate of State Police and also in the Ministry of Interior.

Initially, these complaints are filed and recorded in secretary offices and then commanders of respective structures authorize police officers to go on with procedures for clarifying and legal treatment of these complaints. The above mentioned structures take actions to verify and handle the complaint within a month from the time the complaint was submitted and an answer is forwarded to the complainer. Complaints against police officers may be submitted directly to Prosecution Offices, to the Internal Control Service, to the Ombudsman or to other local or foreign organizations dealing with protection of human rights and freedom.

In addition, at the General Directorate of State Police a separate sector is operating called "The Sector of Complaints and Discipline", which is under the authority of the Directorate of Professional Standards, and operates based on the Discipline Rules and Regulations of the State Police approved under the Decision of the Council of Ministers no. 786, dated 04.06.2008. These Rules and Regulations specify the responsibilities and codes of behavior of police officers

during their duties/services. If these rules and codes are not applied by police officers, then, based on Article 9 of these Rules, they identify the breach made by any Albanian nationals, by any foreigner or even, any member of police staff, representatives of non-public judicial persons and agencies of public administration. Also, based on procedures specified in such Rules and Regulations, discipline proceedings are initiated against the police officer that has breached the rules.

Another concern brought forth by the Advisory Committee is that which deals with the need of undertaking effective actions against the trafficking of children, in general, and of girls from the Rom community, in particular.

Sources for recruitment of infants for trafficking from Rom families and also from other common families of Albanian society include:

1. Divorced families and those lacking family care,
2. Families with many children and in difficult economic status,
3. Rural families expecting support from their children,
4. Orphans with no care,
5. Families whose parents have migrated abroad for employment purposes,
6. Children that have abandoned schools and are actually begging or doing illegal activities.

The following table shows the treatment and investigation by the State Police of cases of infant trafficking over years:

Years	Trafficking of infants
2004	10
2005	10
2006	4
2007	7
2008	5
2009	4
2010	1

- In 2004, 10 cases of infant trafficking were evidenced of 10 perpetrators, of which 4 arrested, 2 detained and 4 are wanted.
- In 2005, 10 cases of infant trafficking were identified of 11 perpetrators, of which 2 arrested/detained, 8 free and 1 is wanted.
- In 2006, 4 cases of infant trafficking were evidenced of 7 perpetrators, of which 2 arrested and 5 free.
- In 2007, 7 cases of infant trafficking were evidenced of 7 perpetrators, of which 6 arrested/detained flagrantly and 1 prosecuted in free status.
- In 2008, 5 cases of infant trafficking were evidenced of 7 perpetrators, of which 2 arrested, 3 prosecuted in free status and 3 are wanted.
- In 2009, 4 cases of infant trafficking were evidenced of 4 perpetrators who are prosecuted in



free status.

- In 2010, 1 case of infant trafficking was evidenced.

Article 128/b of the Penal Code, "*Trafficking of children*", stipulates that "Recruitment, transportation, concealment or reception of infants for prostitution purposes or other forms of sexual abuse, of forced work and services, enslavement or similar enslavement forms, utilization or transplantation of organs, and also other types of exploitation, are condemned to imprisonment from seven to 15 years and with fines from four to six million ALL".

Legislation and other measures for prevention of infant trafficking and rehabilitation of infant trafficking victims are complemented even with other actions, which are prescribed in the National Strategy of the Fight against the Trafficking of Human Beings, 2008-2010, which comprises also as its integral part the Supplementary Document against the Trafficking of Children and Protection of Children, Victims of Trafficking. The Action Plan of the foregoing Strategy is established on four major pillars which are: prevention, protection of victims, investigation and punishment of traffickers, voluntary assisted repatriation, coordination with partners involved in the fight against illegal trafficking. The Strategy intends to adapt the objectives within the format of the needs and characteristics of children. It also aims at intensification of efforts of public agencies and non-government organizations in this direction.

In the framework of the implementation of this Strategy, and also taking into account the fact that most of cases of infant trafficking are related to our neighbouring country, Greece, an Agreement was initiated and concluded on 27.02.2006 "For Protection and Assistance of Trafficking Victims". The Agreement was ratified by the Parliament of Albania in May 2006 under law no. 9544, dated 29.05.2006. Also, this Agreement was ratified by the Greek Parliament. The Agreement is a complete and practical document which specifies obligations of both countries for establishing the structures which will assure protection and assistance of children, victims of trafficking. This Agreement assures that all processes of protection, assistance, repatriation and reintegration of children, victims of trafficking, operate in compliance with the highest interests of children.

Children of Rom Community comprise the greatest number of unaccompanied children in Greece, who are the most vulnerable to trafficking and need special protection and care. The infants from Rom Community are trafficked to Greece for doing forced labour and begging. The Agreement establishes the all required legal framework for implementation of common and specific actions for protection and assistance of children, victims of trafficking. One of the most important clauses of this Agreement is the adoption by both countries of more effective procedures for immediate identification and assistance of children, victims of trafficking, in their territories.

In backing the control of trafficking and exploitation of infants within the country, a positive and important step has been the signature of "The Memorandum of Understanding" between the Ministry of Interior, the Ministry of Tourism, Culture Youth and Sports and in the presence of the OSCE in Albania, "For promotion and implementation of the Code of Conduct for Protection of Children from Sexual Exploitation in Tourism".

The Albanian Government and the State Police continue to strengthen relations of cooperation

with neighbours with regard to creation of functional instruments for protection, repatriation and reintegration of trafficking victims. Intensification of cross-border collaboration is of special significance. Several cross-border meetings have been organized with Macedonian and Kosova authorities. In this context, a Supplementary Protocol is signed with the Ministry of Interior of Macedonia “For intensifying cooperation in the combat against the trafficking of human beings across state borders and for intensifying the identification, information, reference and repatriation of victims and also of persons suspected victims of human being trafficking.

Also, a Supplementary Protocol is signed with Kosova “For intensifying cooperation in the combat against the trafficking of human beings across state borders and for intensifying the identification, information, reference and repatriation of victims and also of persons, suspected victims of human being trafficking. During 2008, the State Police increased cooperation with counterpart Greek police structures, based on a request of the Albanian State Police, for transmitting, within a very short time, detailed information about persons that are to be deported by authorities of Greek police at state border crossing points. Such information provides in details the time, the exact point for crossing the border where potential victims, infants or females, are to be deported and also other information.

Maintenance and protection of cultural heritage of minorities has been an important working object of the Ministry of Tourism, Culture, Youth and Sports. This Ministry has special funds for financing different cultural and artistic projects. Over the period from 2004 to 2008, allocated funds for cultural-artistic projects include the following:

#### **In thousands ALL**

Year	2004	2005	2006	2007	2008
Budget	1,733,280	1,756,000	2,059,595	1,785,743	2,509,350
Difference in %	5%	1%	17%	-13%	41%
Projects (number)	130	130	135	154	160
Projects (to budget)	23%	25%	27%	21%	40%

Over the period 2004-2008, The Ministry of Tourism, Culture, Youth and Sports has worked for integration of cultural values of communities of national and linguistic minorities residing in our country into all cultural and artistic activities carried out by this ministry. Activities funded during 2004-2008 include the following:

- 2004-2008 – *The Multicultural Përmet* – a cultural and artistic activity which includes the folklore of minorities and linguistic minorities coexisting in our country;
- 2004-2008 – *The Financing of two editions of the magazine “The Equal”*, a social-cultural-multiethnic magazine published by the Cultural-Multiethnic Association “The Equal”;
- *“Festival of Minorities – Promotion and Integration*, aims at presentation, promotion, identification of cultural and artisanal values of minorities, including Rom Minority, and

also integration, coexistence in harmony with the culture and the art in Albania and also mutual linkage with the culture and the art of neighbouring countries. The activity will comprise a photographic exhibition, an artisanal fair and a television debate during the period from May to September 2008;

- “*The First Mimoza*” - intends to take into consideration the difficult situation which most mothers and children of Rom community are living in, because it is this group which endures severely the heavy weight of economic situation and can not earn sufficient means to cope with its livelihood;
- “*The Days of Rom Traditional Music*” – An activity for encouraging and enhancing the rom traditional values and transmitting these values to other portions of population;
- “*The Art against Prejudices –A Rom Festival*”. This Festival was organized under the support of MTCYS within the framework of the initiative of the Council of Europe/European Commission: “Dosta! Prevail over prejudices, recognize the Roms!” This activity organized on 5-7 April 2007 brought together representatives of NPO-s, government and of Rom Community, where, during artistic exhibitions and round table talks, was pointed out the significance of raising the awareness of Albanian society over prejudices against the Rom Community;
- *Human Rights through age group education* – In the framework of the Week of Europe, the Ministry of Tourism, Culture, Youth and Sports, the Youth Policy Directorate, in cooperation with the Information Office of Council of Europe, completed the training from 12 to 15 of May under the theme: “Human Rights through age group education” dedicated to 50 students from different Faculties of Tirana Universities in the framework of Youth initiative: “Let you become part of European Youth”. One of the topics discussed widely in this training was that on Human Rights in the framework of the rights of minorities.

Parallely, the MTCYS has dedicated special space for inclusion of cultural values of national and linguistic minorities residing within the territory of the Republic of Albania, in all Statutes of institutions dealing with organization of national activities of spiritual inheritance.

- *The statute of the National Center for Folkloric Activities (NCFA) – Article 6 specifies:* The NCFA considers as national properties, part of spiritual immaterial cultural heritage, all those values created by national and linguistic minorities in Albania and propagate them in activities organized by it and those in cooperation with third parties.

- *Scientific criteria for participating in National Folkloric Festivals states:*

It should be presented as part of spiritual cultural national heritage all those values created by national and linguistic minorities in Albania by reflecting and including them into the programs of the regions where these minorities are living in.

In October 2009, in the National Folkloric Festival in Gjirokatra city, folkloric groups of national minorities residing in Albania were widely represented and introduced there for domestic and foreign public the most representative values of their spiritual culture.

In addition, considering integration of *Rom Youth into Albanian Youth* as one of the most important steps for alteration of discriminating mentalities and for creating a society without

prejudices, the MTCYS has devoted to this issue considerable space in the National Strategy of Youth 2007-2013.

Under this Strategy, the MTCYS presents national integrating policies of youth, which will review and evaluate the situation of Albanian young people, including young people from all minorities existing in Albania. The main policies laid down in this Strategy forecast the creation of certain conditions for promotion of activities of Rom youth organizations, finding employment alternatives for Rom Youth and also their participation in debates and discussions in leading and decision-making organs of youth organizations.

The Albanian section of CIOFF is a branch of the biggest international organization of CIOFF (International Committee of Organizing Folkloric Festivals). Its members comprise many local cultural associations and separate individuals. Being a member of Albanian section of CIOFF it provides an association with financial resources for participating mainly in international folkloric activities. Therefore, the MTCYS has recommended the cooperation of traditional associations of national and linguistic minorities with Albanian section of CIOFF, which is functioning as a NPO in Albania since 1994, and has its seat in the city of Permet. It also has encouraged the participation of their cultural-artistic associations not only in annual international activities organized by the Albanian CIOFF in Permet city, but also in various international activities organized in other countries.

The official web pages of the Ministry of Tourism, Culture, Youth and Sports, [www.mtkrs.gov.al](http://www.mtkrs.gov.al), are updated periodically reflecting main events of respective areas which this ministry is dealing with. The page devoted to Cultural Heritage has detailed information about legislative and administrative measures undertaken by the Albanian state towards protection and promotion of cultural heritage and different cultural customs in Albania. Also, this page contains detailed information on actual projects and the way of application for participating in them.

The MTCYS has no available information in the format of comparative statistics, annual based data, grouped on the base of sex, age, rural and urban areas or disadvantaged and marginalized groups.

Associations themselves, which represent various minorities, have carried out numerous activities related to maintenance of cultural heritage. We are putting forth summarized information sent by associations that represent Wallachian minority, taking into account that in the Opinions of the Second Cycle, the Advisory Committee has expressed its concerns that this minority might be completely assimilated. Activities carried out by associations themselves, which represent this minority has proved that the Wallachian/Arumanian minority not only is not going towards assimilation, but on the contrary, during reporting period, it has made very important steps towards its organization and identification. Actually, with regard to maintenance of values and cultural heritage, artistic assemblies are established in Fier, Lushnje, Korçë, Pogradec, Elbasan, Gjirokastër Librazhd etc. Publication in Wallachian language of the newspaper and magazine "Fërshërotu" and "Frateria" is continuing. They have published five books with Arumenian poems and also three volumes with materials about the history of

Arumenians. Meanwhile, the Primer in Wallachian and Albanian languages is published and several CD with Wallachian music are promoted.

### **Articles 7 and 8**

As we have had the opportunity to discuss it in details in the two previous reports, there exists a modern and complete legal framework in the Republic of Albania, which assures representatives of minorities exercising their rights to organization, expressing freely their opinions, etc. and practise freely their religious believes.

A fact is widely known today that all minorities have their own associations. The object of the activities of these associations is the maintenance of historical, cultural and linguistic traditions. The state, on its part, not only has allowed and recognized the activities of these associations, but also considers them as representatives of permanent dialogue minority-government.

The Albanian law doesn't forbid the establishment of political parties on ethnic basis. The activity of the party, Union of Human Rights, testifies that the right of minority to organize political parties is guaranteed not only legally, but is also a reality. Being a participant in the Parliament of Albania since the beginning of political pluralism and in the government cabinet for more than ten consecutive years (1998-2009), it's a proof of the above-mentioned evidence. In addition, after the year 2005, the Macedonian minority also created a political party in Albania named Union of Macedonians for Integration, which competed with dignity in local elections in 2007. It's worth mentioning that the presence of minority representatives in all the major political parties in the country has served for the increase of the role of minorities in the Albanian political scene.

In the expected registration of population and dwelling houses, which will begin in April 2011, a question is put related to religious belief. The separate queries for religious and ethnic belonging are included in the so-called "Optional questions". It means that interviewees are not obliged to answer these questions. However, in the pilot project conducted by INSTAT during this year, it resulted that, although it was an optional question, more than 90% of interviewees responded to the query on religious belonging.

It should be pointed out that religious harmony between Albanian nationals is a fact widely known. However, referring to the fact that the last registration of population, where the question on religious belief is included belongs to the year 1930. It's quite normal that aiming to preserve and protect religious identity of Albanian nationals, regardless of their nationality, the Albanian government should know statistically the changes occurred in this field over the period of 80 years. On the other side, while religious belief is one of the fundamental elements of ethnic identity, registration of religious belief in 2011 will help the Albanian government, among others, undertake that policy which will serve better for maintenance of ethnic identity of minorities.

### **Article 9**

The assurance of the right to freedom of expression cannot be understood separated from the

guarantee of several other rights and freedoms prescribe by the Constitution, such as: free press, free radio and television (Article 22, point 2). Freedom of expression by audiovisual means includes the freedom of audiovisual establishment, freedom of selection of programs based on the principle of editorial independence and also freedom of selection by individuals of desired programs. Article 1 in Law no. 8410, dated 30.09.1998, "For Public and Private Radio and Television in the Republic of Albania", revised, and assures mediatic pluralism by allowing the accomplishment of public and private activities in the areas of radio and television within the territory of the Republic of Albania.

Practical application of pluralism related to freedom of expression and information in audiovisual sector has an external aspect, which consists in the considerable number of licensed audiovisual subjects and an internal aspect related to diversity of programs and information transmitted to the public.

Regarding external aspect, it is assumed that audiovisual environment is very rich in Albania (it numbers about 56 radios, 90 analog televisions, and 4 satellite networks). This is made possible thanks to legal procedures and requirements for licensing them, which are relatively not limited, and also to liberalistic policy followed by the National Council of Radio and Television (NCRT) adhering, for each case, to a strict conduct for assuring equal treatment of requests and applications.

In this diverse licensing process, subjects that belong to national minorities are not and cannot be excluded; on the contrary, applications submitted by these subjects are always treated with priority, taking into consideration the importance of transmissions in minority languages. The National Council of Radio and Television (NCRT), at all meetings and activities carried out with representatives of minorities, have encouraged the submission of applications and have been committed to review them with priority.

It's true that during the period of the existence of this institution, demands for licensing in the field of radio -television transmissions by subjects belonging to minorities has been limited. As it has been previously reported, based on the requests of subjects themselves, there have been licensed radiophonic operators "Armonia" and "Prespa", and also television "Armonia", respectively for Greek and Macedonian minorities, and also formalization of repeaters is under process, which will allow them rebroadcast television programs in Greek language in the city of Gjirokatra.

Basic legislation in the field of electronic media is law no. 8410, dated 30.09.1998, "For the Public and Private Radio and Television in the Republic of Albania". This law, since its enactment in 1998, has been subject to several amendments which have improved it in different aspects. During the last five years, the law has incurred several changes, which have to do primarily with specification of accurate professional and legal requirements for selection of the members of the National Council of Radio and Television (NCRT and the Steering Committee of Albanian Radio and Television (SCART), for determining required quorum and the way of making decisions, etc.

With reference to the actual law, Article 36 specifies that "Programs of public and private

televisions have respect for individual dignity and fundamental human rights, impartiality, pluralism of information, the rights of children and teenagers, public order and national security, Albanian language and culture, constitutional and human rights of nationals, respect for national minorities in compliance with international Conventions signed by the Republic of Albania, religious diversity”.

Article 38 of the law lays down that “In radio and television it is not allowed to broadcast programs that stir up violence, national, religious and racial hatred, anti-constitution actions, territorial separation, and discrimination on the ground of political and religious belief”

During this period, an innovation is the enactment of law no. 9742, dated 28.05.2007, “On Numerical Transmissions in the Republic of Albania”, which determines the regulatory framework for introducing numerical transmissions in the Republic of Albania. These laws brings forth required improvements and complement some omissions of the existing law in the area of media, as compared with recognized international standards and practices, and also with technical developments in this field.

Generally, in regions where the majority of population belong to minorities, information through media is made in minority native languages. For instance, the Public Radio-Television, through its studio in Gjirokatra city, broadcasts programs in Greek language, radio “Sot 7” in Tirana transmits programs in Rom language; Radio-Television ALPO in Gjirokastra broadcasts programs in Greek language twice a week; radio Saranda transmits daily programs (1/2 hours) in Greek language.

### **Article 10**

As we have had the chance to discuss in previous reports, “.....Albanian is the official language in the Republic of Albania”, (Article 14 of the Constitution). It means that all official correspondence and documentation is made only in Albanian language. This provision of the Constitution does not limit at all the right of minority population to use privately or publicly its native language. Also, verbal communications in areas where minority population comprise the majority (in areas where minorities live traditionally) are made in minority languages.

Referring to the definition of the third paragraph in Article 10, we would like to inform that Albanian law assures the required legal means for representatives of minorities to achieve their rights.

Articles 28 and 31, letter ‘c’ of the Constitution assure specifically that everyone charged with a criminal offence has the right to be informed promptly in a language which he understands for the cause of deprivation of his liberty and the nature of accusation, the right to have free assistance of an interpreter if he does not speak or understand Albanian language.

The Code of Penal Procedure confirms the constitutional guarantees by putting just at the beginning the fundamental principle of penal proceedings: *‘People who do not know Albanian can use their language and, by the assistance of an interpreter, have the right to speak and to be informed about proofs and acts and further proceedings’* (Article 8). Article 98 of the Code stipulates the obligation of proceeding organ (prosecution or lawcourt) to ask in his native

language the person that cannot speak Albanian, to keep the minutes of questions also in his native language and to translate procedural acts required by the charged person. Article 196 of the Code of Penal Procedure defines that the proceeding organ authorizes the translation of documents received in foreign languages.

Rules for asking questions to a person, who cannot speak Albanian, are applied for any case regardless of the capacity of the person under prosecution: person under investigation, defendant, denouncer, witness, accomplice or convicted person. A legal assurance for accomplishment of the foregoing right is the invalidity of acts which are not kept according to above rules. There is a separate section in the Code dealing with the rules for translating penal proceedings (Articles 123-127), which specify the right of the defendant to have free assistance of an interpreter, the nature of assistance provided for by the interpreter (in order to make the defendant understand his accusation, to follow up with procedures, to assist the defendant make his pleadings, to translate procedural acts even though the proceeding organ might know foreign languages); the terms for being an interpreter; the right of the parties to ask for the expulsion of the interpreter and the event of interpreter withdrawal; procedures for selecting an interpreter; time schedules for completing the translation of written documentations and also replacement of the interpreter when he fails to meet the deadlines.

The rights to translation are also protected by internal penal law. The Penal Code, in its Articles 308, 310, 312, 312/a, specifies as penal offences *'false translation'*, *'interpreter's absence or interpreter refusal of the task without reasonable causes'*, *'active corruption of the interpreter'*, and *'threat for false translation'*.

The Code of Penal Procedure devotes a separate chapter to jurisdictional relations with foreign authorities (extradition, familiarization with foreign penal decisions and letters of recommendations). The rules of the Code are complemented by law no. 10193/2009, "For jurisdictional relations with foreign authorities related to penal cases". This legal framework determines the rules for translation of acts during jurisdictional relations with foreign authorities (stating accurately which domestic organ deals with translation: the Ministry of Justice, Prosecution Office or Lawcourt).

Article 514 of the Code of Penal Procedure determines as preclusive condition for acknowledgment in Albania of a foreign penal decision if it has been ascertained that the defendant is not recognized the right to be questioned in the language which he understands.

The quality of translation is assured and monitored by the Ministry of Justice, which, according to Article 6, point 18, of the law no. 8678/2001, "For Arrangement and Operation of the Ministry of Justice", revised, has the responsibility to attend to and assist the exercise, arrangement and operation of free professions related to the Ministry of Justice. The Common Guidance no. 3165/2004 of the Minister of Justice and the Minister of Finance, "For criteria and procedures of selecting external translators, fees for remuneration of external translators and the fee for official translations that third parties have to pay", revised, determines the criteria and procedures for selecting external translators and fees charged for rendered services.



Persuant to point 1 of the Guidance, the Minister of Justice approves the annual list of external translators of the Ministry of Justice for each communication language specified in international conventions and agreements, where the Republic of Albania is a party and forwards the reference list of translators authorized for official translation to lawcourts and prosecution offices of all levels and to all constitutional organizations.

Even the Code of Civil Procedure, in its Article 27, determines as a fundamental principle of civil proceedings that *“People, who do not know Albanian, can use their own language. They are informed about proofs and of all trial proceedings carried out with the assistance of an interpreter”*. Also, Article 116 of the Code prescribes the responsibility of the lawcourt to call for an interpreter who will also assure the translation of documents written in foreign language. For a party in a civil proceeding, which is not able to understand the contents of informative act, because it is written in a language he can not understand, Article 137 of the Code gives him the right to submit the request for translating the act into the language he understands.

### **Article 11**

Albanian legislation assures members of minorities the right to bear traditional names. This right is guaranteed by two basic laws, the Civil Code and law no. 10129, dated 11.09.2009, "For the Civil Status".

Article 5, Chapter B in the Civil Code, determines the right and obligation of each national to be given a name, and also the way how to protect the use of the names of nationals.

Law no. 10129, dated 11.09.2009, "For the Civil Status", in Article 56 "Name and Surname", point 1, specifies clearly that the registrar of the Civil Status Office records in the birth act the name which the parents of the child wish, besides inappropriate names. Referring to law no. 9229, dated 29.04.2004, "For the Civil Status", it specifies the procedures for changing the name and surname on the request of the interested person. Article 67 of this law sanctions that the name and surname can be changed for the cases specified by this law. The name and surname of an adult person might be changed only on his own request. Point 6 of the same article states that alternation of the name and surname is recorded in the National Register of the Civil Status following the approval of the request of the citizen by the registrar of the civil status office. In the Minutes kept for such a case, the registrar records the particularities of the civil status of the citizen, the reasons of alternation and also the changed name and surname. The Minutes is signed by the requester, by all adult members of the family, whose peculiarities comprise only the name and surname, and when the change is accepted the registrar and the manager of the civil status office put their signatures. The changed name and surname and also the number and the date of the Minutes are recorded in the National Register of Civil Status.

Pursuant to the requirement of the third paragraph of Article 11 in the Frame Convention, a Memorandum was signed between the central and local government organs on 27.07.2006, where a separate paragraph defines the obligation for giving traditional local names, topographic features, in the languages of minorities. For giving legal power to this commitment, in Annex 1

of the Council of Ministers Decision no. 446, dated 05.03.2008, “For defining technical specifications of signboards for naming parks, playgrounds, bulvarids, streets, and the numbering of buildings”, Chapter II, “Forms and Dimensions”, point ‘c’, reads as follows: “In the unit of local government where national minorities live and in case of their requests, signboards will be written in two languages complying with technical specifications of such boards and maintaining the same dimensions of letters in both languages”.

### **Articles 12, 13 and 14**

Education in native language is one of the basic rights which are assured to minorities by the Constitution of the Republic of Albania. The Government has tried to materialize this constitutional obligation, firstly, by establishing a complete network of public schools in those regions meeting the criteria for establishing schools in the languages of minority; secondly, by preparing the curricula and textbooks in languages of minorities and introducing contemporary information; thirdly, by liberalization of opening private schools in minority languages whether they meet requirements determined by law for such purpose.

Complying with the guidelines of the Ministry of Education no. 14, dated 03.09.1994, “For 9-years education in native languages of people of minorities”, for pupils of Macedonian and Greek minorities in I-IV classes 90% of school-subject are taught in their native languages and 10% in Albanian languages, while in V-IX classes 60% of subjects are taught in Albanian language and 40% in native languages. As in all other schools of basic education, in schools of national minorities also, since the school-year 2008-2009, compulsory education takes nine years. In the first two years of secondary schools, native language and literature are taught as compulsory subjects. Teaching staff and managers from nursery schools to secondary schools are domestic and have required education graduated in the Republic of Albania and in Macedonia and Greece. In the schools of Greek and Macedonian minorities there are 190 teachers (128 from minorities) of which 132 are females. From these teachers, 158 teachers have university education and 32 have secondary school education. Some of the teachers that teach at schools of Macedonian minority have partial education for the teaching in native language.

Based on the Decision of the Council of Ministers (DCM) no. 107, dated 10.02.2010, “For publishing, printing, distribution and the sale of textbooks of pre-university education system”, all children of national minorities are supplied with textbooks free of charge.

The new 9-years education program is worked out in cooperation with representatives from minorities, with teachers, school directors, local specialists from minorities, and also with the consultancy of Minority State Committee. In the education programs of minority schools, the subjects of “Native Geography” and “Native History” are added, respectively in VIII and IX classes of basic education. Authors of these textbooks are from minorities.

The Ministry of Education and Science (MES) has approved the Decision no. 5615/5, dated 27.09.2010, for the program of Albanian language and literature in the 2<sup>nd</sup> class of 9-years schools of national minorities.

For satisfying the wish of the pupils of minorities to go on with the study of their native languages, as a second language in secondary schools (gymnasium), pursuant to the Order of the

MES no. 382, dated 17.11.2009, they have developed and approved the programs of the subjects “Greek Language and Literature” and “Macedonian Language” (compulsory selection) with 2 hours per week in classes 10, 11, and 12. These programs have been conceived as continuance of education programs of Greek and Macedonian languages in class IX of compulsory education.

In addition, teachers may give lessons in the native languages of minorities in compliance with the interests of the community, making use of **10% of free weekly hours**. This opportunity is also employed by other minorities such as Montenegrin, Wallachian, etc. for learning the language and culture of their origin. Regarding the education of Rom minority, detailed information is given in the first part of this report.

For qualification of teachers at national minority schools, the Regional Educational Directorate (RED) in Korca and the RED in Gjirokastra, in cooperation with the Institute for Curricula Development (today is called Education Development Institute), has organized annual training courses, where several materials related to teaching and learning processes have been introduced.

For scientific qualification, different topics have been taught from Morphosyntax, Phonetics, Lexicology of Macedonian and Greek languages, related to those problems that teachers have faced more difficulties.

Complying with Albanian legislation, three Albanian-Greek non-public schools (bilingual) are operating, concretely: Under the Decision of the Council of Ministers (DCM) no. 404, dated 01.07.1998, a private school “Arsakeio”, was approved in Tirana, from the Foundation “Filekpedheftiqi”, that is, 9-years school and secondary school; under the DCM no. 868, dated 30.09.2004, a 9-years school, “Omios”, of compulsory education is operating in Greek language in Korca; under the DCM no. 266, dated 05.05.2006, a private pre-university educational institution is opened in Himara, that is a 9-years school, “Omios”, where pupils are taught in Greek language.

A bilingual, Albanian-Greek, school is operating close to the church in Gjirokastra. This school has applied for license but it is not licensed yet.

Legal acts and by-laws impede no physical or judicial person or association, etc. to apply, based on legal criteria made public, for establishing and operating private schools for minorities.

Presently, 9 schools of pre-university education, not dependent on minorities, are operating all over the country and 12 other schools (dependent) of pre-university education with separate classes for minorities. In total, 21 schools (dependent and non-dependent) are operating entirely for minorities, with 547 minority pupils, in 56 classes, of 10 pupils per class, while the ratio pupil/class for pre-university education is 22.7 in national scale.

In the Regional Education Directorate in Gjirokastra, and also in the Education Directorates in Saranda and Delvina, there are specialists who are dealing directly with the education problems of minority. The new educational plan, which is a legal obligation to be applied by all public schools of pre-university education, apart from 10-15% of free classes for each school subject, has optional subjects in its structure, where the community itself, through parents’ boards of

schools decide what subjects are to be taught at schools. This allows different minorities to introduce as optional subject the study of their native language.

Under the Order of the MES no. 137, dated 10.05.2004, a Private Complimentary Educational Institution, "Aristotelis", has been licensed. It is operating in the city of Korca and Greek and English languages and computer lessons are taught there.

The MES has considered with priority the funding of minority schools by carrying out their rehabilitation, furnishing them with laboratories and supplying other didactic materials.

Currently, 21 schools for minorities are operating totally, with 547 minority pupils, in 56 classes, of 10 pupils per class, while the ratio pupil/class for pre-university education is 22.7 in national scale. Actually in Gjirokatra, 10 schools for minorities are operating, with 252 pupils, in 27 classes; in Korca, there are 6 schools with 221 pupils, in 19 classes; and in Vlora, there are 5 schools, with 74 pupils, in 10 classes.

### **Articles 15, 16 and 17**

Detailed information is given above related to participation of representatives of minorities in cultural, social and economic life. With reference to commitment of minorities in the political life of the country, we would like to let you know that the Constitution of the Republic of Albania, Article 20, assures the rights of minorities, specifying that persons related to national minorities are completely equal before law for exercising their rights and freedoms. In this context, they are free to adhere to political parties and to create political parties themselves according to the rights and freedoms recognized by the Constitution. Based on this provision, minorities have the right to elect and to be elected, being thus an active part of the political life in the country.

Evaluating constitutional stipulations, one can reach the conclusion that each person is free to found a political party and also to join a certain political party if he has the same ideas, beliefs or legal interests. This fact is also proved by the definition provided for political parties in law no. 8580/2000, "For Political parties", revised. According to this law, political parties are voluntary unions of nationals based on ideas, convictions and notions or common political interests, which intend to impact on the life of the country through participation in election and representation of the people in selected organs of the state.

Referring to Article 45 of the Constitution of the Republic of Albania, the right to be elected is assured equally to all Albanian nationals including Albanian nationals belonging to minorities. Every national has the right to elect and to be elected.

The Election Code of the Republic of Albania, approved under law no. 10019/2008, in Article 63, specifies that all nationals, who have reached the age of 18 years, even on the day of election, have the right to candidate. Nationals who are declared mentally disabled under a final lawcourt decision, and also the convicts that are serving the punishment of deprivation of liberty can not be candidates. Also, no Albanian national can candidate or can be elected deputy, regardless of ethnic belonging, if he has not retired from such posts like a judge, prosecutor, soldier in active military service, police and national security officers, diplomatic representatives, mayors of

municipalities and communes and also prefects in regions, chairmen and members of election commissions, the President of the Republic, and other high officials in public administration as determined by law.

Albanian nationals who fulfill the conditions above must be registered at the Central Election Commission. Thus, every Albanian national that meets the requirements mentioned above, despite of ethnic belonging, has the right to elect and to be elected.

According to provisions of Election Code, candidates do not declare their ethnic belonging in the candidacy documentations, therefore there is no statistical data how many candidates belong to minorities and how many have been elected.

In parliamentary elections in Albania in 2005, the Central Election Commission (CEC) worked out and applied a strategy for relations with the public, approved by the Decision of CEC no. 6, dated 07.02.2005, where a section of it dealt with information of minorities about election campaign in their native languages, something which was further developed into a project, "My vote 2005- Educational campaign of electors for parliamentary elections in 2005", approved by the Decision of CEC no. 39, dated 07.04.2005.

The principle aim of the strategy of public relations is information of electors belonging to minorities through informative radiophonic spots in Greek, Macedonian and Montenegrin languages by local radios and televisions, and in those areas where there are minority settlements, employing also leaflets, explaining the way of voting, various posters for written media, etc.

This project was implemented also in the following elections in 2007 according to the Decision no. 28, dated 18.01.2007, "For approval of some amendments and modifications to Decision no. 92, dated 21.11.2006, and to Decision no. 102, dated 05.12.2006, "For approval of the project – Your vote, Your will- a campaign for education of electors in the elections for local government organs".

Similarly, in the Parliamentary elections in 2009, by Decision no. 43, dated 14.04.2009, "The Project – educational campaign of electors for Albanian Parliament through written audiovisual media". This project, included in the strategy of public relations, had the major aim at achieving election education of nationals coming from national minorities and ethno-linguistic communities by using their native languages in the educational campaign and creating the possibilities for transmitting all election information to these minorities by employment of television spots, radiophony and materials written in their respective languages.

More concretely, pursuant to above-mentioned project, among other actions for consciousness-raising of votes coming from national minorities, we can refer to the following:

- Posters showing the accurate way of voting and steps to be followed:

In Greek – 6 000

In Macedonian – 4 500

- Leaflets with two different themes :

In Greek – 12 000

In Macedonian - 7 000

Local TV-s displayed on screens captions in Greek and Macedonian languages, 10-15 times daily, (dependant on the contract), of promotional messages about elections. In addition, radiophonic promotional spots were broadcast in Greek and Macedonian languages by local radios 5-8 times daily, (according to contracts), in areas where respective minorities are living.

Referring to provisions in Article 16 of the Frame Convention, we would like to inform that Albanian governments, historically and in no case have undertaken any legal or organizative actions which would have changed national and ethnic composition of population in areas where minorities live.

The new positive spirit prevailing between the countries of the Western Balkan, and also their euro-atlantic orientation, have affected and facilitated a lot humanrelations and contacts between minorities and their mother states. In addition, the Albanian government has initiated the establishment of ‘Shengen of Balkan’, which would allow people and countries in the region be better acquainted with each other. Certainly, the removal of visa regime for all nationals of the Western Balkan countries is a significant contribution of the Albanian government in this direction.

Even though no bilateral agreement is signed between the countries of the region with regard to mutual respect for minorities, issues related to respecting their rights have been a part of the permanent agenda of bilateral negotiations.