



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Albania

1. The Committee considered the fifth to eighth periodic reports of Albania (CERD/C/ALB/5-8), submitted in one document, at its 2110th and 2111th meetings (CERD/C/SR.2110 and CERD/C/SR.2111), held on 22 and 23 August 2010. At its 2125th meeting (CERD/C/SR.2125), held on 1 September 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party report, although overdue since 2007. However, it regrets that the latter does not entirely conform to the Committee's guidelines on the form and content of reports (CERD/C/2007/1). The Committee encourages the State party to follow these guidelines in the preparation of the next periodic report.

3. The Committee welcomes the resumption of dialogue held with a high-level delegation of the State party and the oral responses provided to the questions posed by Committee members.

B. Positive aspects

4. The Committee notes with interest the following legislative and other measures taken by the State party:

(a) The preparations undertaken for the Census of Population and Housing, which is expected to be carried out later in 2011;

(b) Law 10221 on the protection against discrimination, of 4 February 2010, under which the Office of the Commissioner for Protection from Discrimination was established;

(c) The Action Plan of the Decade of Roma Inclusion, adopted in 2009;

(d) Law 10023 on amendments to the Criminal Code and Law 10054 on amendments to the Criminal Code, which provide for material and procedural provisions concerning the prosecution and punishment of criminal offences related to racism and discrimination in computer system, adopted, respectively, in November 2008 and December 2008;

(e) The Code of Ethics of Albanian Media, adopted in 2006;

(f) The establishment of the State Committee for Minorities, in 2004;

(g) The programmes, plans, policies, initiatives and measures taken since 2003 within the framework of the National Strategy on the improvement of Living Conditions of Roma Community in order to promote the rights of individuals belonging to the Roma minority.

5. The Committee welcomes the ratification by the State party of the Convention on Cybercrime, which entered into force in July 2004, and the ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which entered into force in March 2006.

C. Concerns and recommendations

6. The Committee reiterates its concerns about the lack of disaggregated data on the composition of populations relevant to the collection of information on racial discrimination in the State party's report. It notes the assurances of the State party that, in the Census of Population and Housing, which should be carried out later in 2011, minority groups will be designated on the basis of self-identification (arts. 1 and 2).

The Committee recommends that the census accurately reflect the situation of all vulnerable groups. The Committee encourages the State party to use the census as a departure point in collecting disaggregated data on the composition of its population and requests the State party to include the relevant updated information in its next periodic report. In this regard, the Committee wishes to draw the attention of the State party to paragraphs 10–12 of the guidelines on the form and content of reports (CERD/C/2007/1).

7. The Committee reiterates its concern about the distinction in domestic law between national minorities (Greek, Macedonian and Serbian-Montenegrin minorities) and linguistic minorities (Roma and Aromanians). While noting the statement by the State party that this distinction does not have any effect on the rights enjoyed by persons belonging to such minorities, the Committee is nevertheless concerned that the justification of the distinction may be incompatible with principle of non-discrimination (art. 2).

The Committee reiterates its recommendation that the State party reconsider the criteria on the basis of which the distinction between national minorities and linguistic minorities is based, in consultation with the groups concerned, and ensure that there is no discrimination in terms of protection or enjoyment of rights or benefits, either across groups or across territory.

8. While acknowledging the use by the State party of special measures to advance the enjoyment of rights by persons belonging to minority groups in specific areas, especially

with regard to the promotion of access to education by Roma children, the Committee is concerned about the absence of a clear position by the State party on the application of special measures for the advancement of the rights of minorities and other disadvantaged groups (arts. 1 and 2).

The Committee, recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, recommends that the State party adopt clear principles regarding the use of special measures to advance the enjoyment without discrimination of the rights of individuals belonging to minorities and that, when adopting and implementing such measures, the targeted groups are appropriately consulted.

9. While welcoming the information provided by the State party on the measures taken to strengthen the institutional framework against racism and racial discrimination, the Committee is concerned about the adequacy of resources allocated to their functioning, the lack of sufficient information provided regarding the coordination among these institutions and the apparent overlapping nature of some of their competencies. It is also concerned about allegations of inadequate or insufficient representations of certain minority groups in the State Committee on Minorities (art. 2).

The Committee recommends that the State party continue its efforts to strengthen the national institutional framework against racism and racial discrimination by, inter alia, allocating sufficient budgetary and human resources to ensure their proper functioning. The Committee also recommends that the State party ensure appropriate representation of self-identified minorities in the State Committee on Minorities. It also requests that the State party include information in its next report on measures taken to ensure sufficient coordination and to prevent overlapping of functions and activities among different institutions related to the implementation of the Convention, as well as on measures to evaluate their work and impact.

10. The Committee acknowledges the measures taken by the State party to harmonize its domestic legislation with the Convention. The Committee welcomes in this regard the legislation passed to prohibit the dissemination of racist ideas and hatred and incitement to racial discrimination. It also takes note of the draft law on minorities. It is, nevertheless, concerned by the absence of comprehensive legislation for combating racial discrimination and the absence of legislation criminalizing racist organizations and participation in such organizations (art. 4).

The Committee recommends that the State party adopt a comprehensive body of legislation effectively addressing all issues related to racial discrimination and, in line with the provisions of article 4 of the Convention, adopt specific legislation criminalizing racist organizations and the participation in such organizations, carry out consultations with minority groups regarding the draft law on minorities and include self-identification as one of the underpinning principles of such legislation.

11. The Committee, while welcoming the adoption of a wide range of strategies and policies to improve the situation of the Roma minority, notes that the effectiveness and impact of these measures have not been sufficiently assessed. The Committee notes with interest the statement of the State party that both the National Strategy for Roma and the Action Plan of the Decade of Roma Inclusion are in the process of being evaluated (art. 5).

The Committee, recalling the general recommendation No. 27 (2000) on discrimination against Roma, urges the State party to fully implement all anti-discrimination policies that have been adopted with regard to the Roma minority in access to education, housing, employment, health and other social services and public places, to closely monitor and evaluate progress in implementation of these policies at

national and local levels, and to make an assessment of the impact of the measures already implemented in its next periodic report.

12. The Committee is concerned about the situation of Aromanians with regard to the enjoyment of rights without any discrimination.

The Committee recommends that the State party address the situation of persons belonging to the Aromanian minorities with regard to their rights to freedom of opinion and expression, to education and to have access to public services without any discrimination.

13. The Committee regrets the lack of information about the extent to which persons belonging to minorities participate effectively in public and political life (art. 5).

The Committee reiterates its recommendation that the State party take necessary measures to ensure the effective participation of persons belonging to minorities in public and political life and provide information about the situation in its next periodic report.

14. While welcoming the information provided by the State party regarding the measures being taken to address the situation of unregistered Roma, the Committee is concerned about the difficulties that many Roma still experience in obtaining personal documents, including birth certificates and identification cards (art. 5).

The Committee recommends that the State party take immediate steps to ensure that all Roma have access to the personal documents that are necessary for them to enjoy, inter alia, their economic, social and cultural rights, such as employment, housing, health care, social security and education.

15. The Committee reiterates its concern about allegations that members of the Roma minority, especially the young, face ethnic profiling and are subjected to ill-treatment and improper use of force by police officers. It regrets the absence of specific information in this regard by the State party (art. 5).

The Committee reiterates its recommendation that the State party take measures to halt such practices and to increase law enforcement officials' sensitivity to human rights and training in matters involving racial discrimination.

16. While commending the efforts undertaken by the State party in the area of education for minorities, including the provision of education in their languages and courses on their native languages, the Committee regrets that effective enjoyment of the right to education is not guaranteed for all children from minorities and other vulnerable groups, many of whom do not have access to education in their own language (art. 5).

The Committee encourages the State party to step up its efforts to ensure effective access to education of children belonging to minority groups. The Committee also requests the State party to provide detailed information in its next periodic report, including disaggregated statistics, on enrolment in primary, secondary and higher education of members of minorities and other vulnerable groups.

17. The Committee is deeply concerned about the poor living conditions and marginalization affecting members of the Egyptian community (art. 5).

The Committee encourages the State party to take effective positive measures, in consultation with the Egyptian community, to improve the access of its members to health, education, employment and other social services. The Committee also recommends that the State party respect the principle of self-identification for persons belonging to the Egyptian community.

18. The Committee continues to be concerned about the situation faced by women belonging to minorities and the instances of multiple discrimination to which they may be subject (art. 5).

The Committee, recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, encourages the State party to monitor and, if necessary, take measures with regard to addressing multiple discrimination against women belonging to minority and other vulnerable groups.

19. The Committee notes the lack of information on complaints of racial discrimination and the absence of court cases regarding racial discrimination (arts. 6 and 7).

In light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the absence of cases may be due to the victims' lack of information about the existing remedies and therefore recommends that the State party ensure that the public at large is appropriately informed about their rights and the legal remedies available to their violation. The Committee further recommends that the State party provide more detailed information on future complaints and court cases in its next periodic report.

20. The Committee welcomes the information provided by the delegation of the State party with regard to the cooperation with neighbouring States in connection with the promotion of the rights of persons belonging to minority groups. It also takes note of the intention of the State party to pursue close cooperation with regional organizations regarding the Roma minority.

The Committee encourages the State party to continue its efforts towards seeking cooperation with other States and regional organizations in addressing the problems faced by persons belonging to the Roma minority and other minority groups.

21. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

22. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

23. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

24. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution

47/111. In this connection, the Committee cites General Assembly resolutions 61/148, 63/243 and 65/200, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

26. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

27. Noting that the State party submitted its core document in 2003, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee Meeting of the human rights treaty bodies held in June 2006 (HRI/GEN.2/Rev.6, chap. I).

28. The Committee recommends that the State party undertake and publicize adequately an appropriate programme of activities to commemorate 2011, the International Year for People of African Descent, as proclaimed by the General Assembly in its resolution 64/169.

29. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 6, 7 and 14 above.

30. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 9, 10, 11 and 12, and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

31. The Committee recommends that the State party submit its ninth to eleventh periodic reports in a single document by 10 June 2015, taking into account the specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60–80 pages for the common core document (HRI/GEN.2/Rev.6, chap. I, para. 19).