



**Resolution CM/ResCMN(2009)5
on the implementation of the Framework Convention for the Protection of National Minorities
by Albania**

*(Adopted by the Committee of Ministers on 8 July 2009
at the 1063rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Albania on 28 September 1999;

Recalling that the Government of Albania transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 15 February 2007;

Having examined the Advisory Committee’s second opinion on Albania adopted on 28 May 2008, and the written comments of the Government of Albania, received on 4 November 2008;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Albania:

a) Positive developments

Albania has made efforts to develop its legislative and other provisions with a view to improving the implementation of the Framework Convention. The Criminal Code was amended in 2007 in order to make racial motivation of criminal offences an aggravating factor. Agreements were signed between central and local authorities in order to find solutions regarding names and topographical indications in minority languages. A Law on Personal Data Protection was adopted. Albania introduced a simplified procedure enabling persons belonging to national minorities to revert to the traditional form of their name.

The State Committee on Minorities was set up as a new specialised body with the task to make recommendations to the government in order to improve the situation of persons belonging to minorities in Albania.

In 2004, Albania adopted a comprehensive National Strategy on Roma following consultations with representatives of the Roma minority. The strategy covers a range of fields such as education, economy, employment, social protection, health care, justice and public administration.

Efforts have been made to raise the awareness of media on the need for fair minority portrayal and there have been occasional broadcasts on minorities.

Efforts have been made to recruit persons belonging to minorities, in particular Roma in the police.

b) Issues of concern

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

Reliable statistical data concerning national minorities in Albania is still lacking. Collection of data on ethnic affiliation in the next census is needed but there is a reluctance to do so by the authorities. Conversely, data on ethnic belonging is reported to be collected when issuing birth certificates for persons belonging to some minorities without full respect of the principle of free self-identification.

The distinction between persons belonging to national minorities and persons belonging to “ethno-linguistic minorities” needs to be clarified in order to avoid differentiated treatment concerning access to certain rights of persons belonging to the latter category.

The application of the Framework Convention is still reported to be subject to overly rigid geographical limitations, de facto restricting disproportionately access to minority rights outside certain areas, including in the field of education.

The Albanian legislative framework pertaining to minority protection still needs to be developed. Non-discrimination provisions do not cover all relevant fields and the legal provisions providing for the display of traditional local names, street names and other topographical indications lack clarity. At the same time, existing regulations regarding education in minority language are too rigid and complex. In the field of media, there is no specific provision with regard to the obligation to broadcast radio-television programmes in minority languages.

The work of the State Committee on Minorities has not been given adequate attention. In addition, the State Committee’s mixed nature being a governmental body which, at the same time, is meant to represent the interests of national minorities has not been conducive to enhancing the dialogue between the authorities and representatives of minorities.

Difficulties have been reported with regard to teacher training and textbooks.

The National Strategy on Roma has not yet yielded concrete results and it lacks adequate funding and resources. A number of Roma are still not included in the civil register and continue to face obstacles in their access to employment, education and housing.

Concerns have been expressed by the representatives of persons belonging to minorities, including the Vlach/Aromanian minority, that the support provided by the Albanian authorities is not sufficient to help them to preserve their culture.

Media are reported to be often indifferent towards issues involving minorities, and in some instances, biased in their reporting of such issues. Minority language programming is considered too limited from a geographical point of view.

Despite some targeted efforts to recruit persons belonging to minorities in the police, their level of participation in public administration remains generally low.

2. Adopts the following recommendations in respect of Albania:

In addition to the measures to be taken in response to the detailed recommendations set out in sections I and II of the Advisory Committee’s opinion, the authorities are invited to take the following measures with a view to further improving the implementation of the Framework Convention:

- address the current lack of data on ethnic belonging notably by including a question on ethnic affiliation in the next census while respecting the international standards on personal data protection, including the principle of free self-identification and ensuring that this principle is also respected when issuing birth certificates;
- ensure that persons belonging to the “ethno-linguistic” minorities do not face undue obstacles in enjoying the protection of the Framework Convention;
- review the rigid territorial limitations to the application of the Framework Convention and ensure that persons belonging to national minorities can enjoy their rights without undue limitations;

- complete the Albanian legislative framework in order to address shortcomings concerning the prohibition of discrimination, the use of minority language in relations with administrative authorities, the display of topographical indications and the broadcasting for minorities;
- review the institutional bodies responsible for minority issues with a view to establishing regular dialogue between a government body with decision-making power and organisations representing the various minorities and ensure effective participation of persons belonging to minorities in decision-making processes;
- address the existing shortcomings in the field of minority language education, textbooks and teacher training; ensure the effective consultation of representatives of national minorities in those fields;
- take urgent action to remedy the absence of civil registration of many Roma, including by introducing a simplified administrative procedure and by developing awareness-raising measures on the importance of such registration;
- step up efforts to implement fully the National Strategy on Roma by involving local authorities, allocating adequate funding and resources and evaluate the progress made regularly;
- develop a policy to support national minority cultures in consultation with representatives of minorities;
- encourage training on minority issues for journalists, promote increased participation of minorities in media management bodies and extend the geographical coverage of minority language broadcasting;
- step up efforts to encourage the recruitment of persons belonging to minorities in public administration.

3. Invites the Government of Albania, in accordance with Resolution (97) 10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.