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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

Albania

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Albania was held at the 6th meeting, on 2 December 2009. The delegation of Albania was headed by H.E. Genc Pollo, State Minister for Reforms and Relations with the Parliament. At its meeting held on 4 December 2009, the Working Group adopted the present report on Albania.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Albania: Mauritius, Russian Federation and United States of America.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Albania:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/ALB/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ALB/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ALB/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Germany, Hungary, Latvia, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Albania through the troika. These questions are available on the extranet of the Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Genc Pollo, State Minister for Reforms and Relations with the Parliament, believed that the universal periodic review is an additional opportunity to promote and uphold human rights and fundamental freedoms universally. Albania's example is perhaps the clearest case indicating that the shift from a closed totalitarian to an open democratic society is associated with a major and positive release of energies by each individual in the political, economic and social area. Not more than two decades ago, Albania was going through a sort of a disastrous mixture of totalitarianism and isolation, which made it the most impoverished and the most oppressed country in all Europe. After 1992, the policy of the Albanian State in observing human rights was based on the two pillars: setting up a whole corpus of legal and sub-legal acts, which would enshrine and ensure individuals' rights and freedoms; and setting up special State structures, which on one hand would overview the fulfillment of the obligations undertaken in the context of international conventions or even in the framework of domestic legislation and on the other hand, would highlight for the benefit of the State authorities the difficulties or the problems faced in observing human rights, proposing at the same time legal and organizational measures for their solution. The adoption of the Constitution in 1998 marked a significant juridical-institutional development on human rights in Albania. In over 40 articles, the Constitution addresses in a detailed way human rights and fundamental freedoms. The right to life, freedom of expression, freedom of press, the right to information, freedom of consciousness and religion, personal freedom, the right to privacy and other rights represent today the

underlying safeguards of a legal and institutional system, which upholds human rights. The right to information, as defined in article 23 of the Constitution, improves the contents of relevant articles in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The same applies to the right specified in article 35 of the Constitution, which deals with the protection of personal data, so that they would not become public. It is also worth mentioning that, considering the right to life as a basic principle from which all other rights emanate, Albania has joined that group of States which have ratified Protocols 6 and 13 of the European Convention on Human Rights, abolishing capital punishment under any circumstance, in war or peace. Albania has acceded to and ratified almost all human right conventions in the context of the United Nations and the Council of Europe. The purpose of this commitment relates to the basic goal of the Albanian State to meet and implement the highest standards in the area of human rights. Article 122 of the Constitution serves this end; under this article, all conventions or agreements ratified by the Albanian Parliament become part of domestic law and, moreover, they prevail over the latter. Apart from courts of all levels, a special place in upholding human rights is played by the Constitutional Court. In its capacity of ensuring compliance with the Constitution, the Constitutional Court also has jurisdiction to review complaints filed by individuals for the protection of their constitutional rights. In over 10 years of activity in Albania, the Ombudsman institution has become a fundamental element of the human rights infrastructure. A mediator between administration and individual, the Ombudsman and its activities in Albania are regarded as very useful for a better administration.

6. The specialized structures of the State Police, during the last four years, have cracked down on 108 criminal groups involved in the distribution of narcotic substances or prostitution. Corruption, as a typical phenomenon in all post-communist societies, has also affected the country for years. The Albanian Government is convinced that corruption can be successfully combated only through vigorous legal and organizational measures designed to disrupt its sources, which in their essence affect human rights. The preparation of a clear strategy on combating corruption has already yielded fruit. Specialized anti-corruption structures are attached to the Prime Minister's Office, the Ministry of the Interior, the Ministry of Finance and others. As to the field of education, the Government has taken concrete measures for the eradication of corruption and has endorsed the legislation for the organization of exams at universities.

7. The Government extends its utmost consideration and appreciation for the non-profit organizations operating in Albania. The major mission of these organizations in promoting democracy becomes even more important in a society with a background such as that of Albania. Not only their efforts to educate citizens concerning respect for and awareness of human rights, but their utmost commitment to documenting infringements of human rights and pressing for measures against the perpetrators, constitute an important contribution. The Government assures its support to all legal initiatives whose essence is the improvement of human rights standards in Albania. Finally, the Minister, on behalf of the Albanian Government, extended officially an open invitation for all special procedures mandate-holders who would like to visit the country in the framework of their respective mandates. This invitation confirms once again the confidence Albania has in the international institutions monitoring the observance of human rights and the conviction that only through transparency and reflection can the highest standards in this area be met.

## **B. Interactive dialogue and responses by the State under review**

8. A large number of delegations welcomed the progress achieved in legislative and institutional reform, which would help reinforce the enabling environment for the full respect for all human rights. They also welcomed Albania's ratification of most of the main

United Nations human rights instruments and the invitation extended to the special procedures.

9. Belgium welcomed the constitutional enshrinement of fundamental rights and the establishment of the Ombudsman institution. It noted that the lack of statistical data undermined a definition of effective strategies for human rights purposes. When strategies were designed, they were not accompanied by implementation plans, financial resources or appropriate evaluation mechanisms. It also noted that the State structures remained weak and were often marked by corruption, lack of transparency and effectiveness, lack of training of officials and interference of political authorities in the judiciary and administrative matters and lack of implementation of judicial decisions. Belgium made recommendations.

10. Egypt commended Albania's achievements in combating trafficking in human beings, and efforts made in protecting children's rights, including combating child labour. Egypt asked for further information on progress made and lessons learned related to protection of children's rights and feedback on how measures on combating child labour work. Egypt made recommendations.

11. Algeria, noting the adoption of the national strategy for gender equality and domestic violence for 2007-2010 and of the law on measures against domestic violence in 2006, enquired about tangible results of the implementation of these measures. It referred to the fight against smuggling and trafficking of persons as a constant concern for Albania and welcomed the adoption of a comprehensive legal framework, the establishment of institutions for the care and rehabilitation of victims, the formulation of strategies and action plans and tangible results such as the dismantling of more than 200 groups. Algeria made recommendations.

12. Canada welcomed recent amendments to the criminal code reinforcing protection for children and a law on gender equality aimed at increasing the representation of women in public life. It noted that protection of women against domestic violence and protection of children against exploitation remained weak and that challenges remained in combating human trafficking. It further acknowledged Albania's efforts to consolidate property rights. It also noted that important challenges remained and more work was required in the area of prison reform. While welcoming the plan to improve the living conditions of Roma and to address challenges related to their employment, education and housing, Canada noted that greater efforts at implementation were required. Canada made recommendations.

13. France enquired about measures undertaken by Albania to improve equality between men and women in political as well as in professional life, and to end torture and arbitrary detentions reported by the Human Rights Council and several non-governmental organizations. France also asked the Albanian delegation about concrete results of the implementation of national strategies to promote gender equality and combat domestic violence and discrimination against Roma. France made recommendations.

14. Turkey appreciated the consistent efforts of Albania towards the establishment of democratic institutions and the steady progress in the field of human rights. It noted the adoption of the National Strategy for Children for 2005-2010 and its action plan, and the establishment of the Inter-ministerial Committee of Children's Rights in 2007. In relation to the establishment of the National Council on Disability Issues in 2005, Turkey enquired whether Albania considered becoming a party to the Convention on the Rights of People with Disabilities. It encouraged Albania to maintain its human rights-related efforts, particularly in the field of gender equality and prevention of child labour. Turkey made a recommendation.

15. Brazil enquired about (a) the main steps taken and the shortcomings identified by Albania regarding economic, social and cultural rights, especially in the areas of

unemployment and combating poverty and migration; (b) the main steps taken to fulfill the rights of the child and the rights of women and to combat all forms of discrimination; (c) the main steps to address the issue of customary law and traditional codes of *Kanun*; and (d) the urgent need identified in the area of cooperation focused on human rights. Brazil made recommendations.

16. The Russian Federation noted that the national report demonstrated serious efforts by Albania in a number of areas. As to the experience of Albania in anti-corruption, it asked for detailed information on the work of State procurement agencies. The Russian Federation made recommendations.

17. Chile recognized Albania's important efforts to reduce poverty indexes and underscored its efforts to adhere to the main international human rights instruments. Chile made recommendations.

18. Denmark expressed concern about allegations of arbitrary arrests and detentions, ill-treatment of detainees in police custody and the use of torture to extract confessions from suspects. Denmark noted the concern of the Committee against Torture that a climate of de facto impunity prevails for law enforcement officials who commit acts of torture and ill-treatment. Denmark also enquired about the measures taken to counter all acts of torture and other cruel, degrading and inhumane treatment. Denmark made recommendations.

19. The delegation noted that the law on gender equality adopted in 2008 introduced a quota for women, which resulted in a 16.6 per cent increase of the number of women members of Parliament, and stated that the participation of women in the next municipal elections is expected to further increase. It reported that the adoption of a law on measures against domestic violence in 2006 led to 456 cases of domestic violence being brought before courts and 162 acted on, including by the issuance of orders of protection. The plan of action for the National Strategy on Gender Equality and Violence 2007-2010 aims at ensuring the implementation of the legal framework and its review, taking into account experiences and new challenges. The delegation referred to the implementation of programmes for gender equality and the promotion of the employment of women, including from particularly vulnerable groups, in the private and public sectors.

20. With respect to corruption, the delegation stressed Albania's determination to eradicate this phenomenon. Full-fledged strategies with action plans are in place and, whenever necessary, the legislation is brought into line with relevant United Nations and European conventions. The training of judges, prosecutors and police together with systemic reforms have led to changing officials' understanding of their role. The Government is determined to fight impunity and to ensuring equality before the law.

21. While the freedom of expression is guaranteed by the Constitution, the Parliament is considering a law on audiovisual media to bring it into line with the *acquis communautaire* with the assistance of the European Union and the Council of Europe. According to a Government policy, members of the executive should refrain from filing law suits in the case of slander and libel of journalists and limit themselves to rectifying by explanatory statements. The decriminalization of libel through amending the penal code requires a qualified majority.

22. Albania has ratified most international human rights instruments and intends to ratify the Convention on the Rights of Persons with Disabilities. Torture is strictly prohibited and punishable by law, and there are several cases where law enforcement personnel subjecting detainees to inhuman treatment were discharged from their functions, prosecuted and convicted. Training programmes are provided for police officers and other law enforcement personnel.

23. The delegation refuted the current application of the *Kanun*, which was applied in certain parts of Albania in medieval times, noting rather the need, in certain rural or poor areas, to improve enforcement of the laws.

24. Bahrain noted important steps taken by Albania for the protection and promotion of human rights, particularly the ratification of international and regional instruments and efforts for promotion of gender equality. Bahrain requested further information on measures the Albanian Government undertook to eliminate gender discrimination.

25. The United States of America noted the establishment of a Media Monitoring Board to oversee media matters during elections, but also noted that this body was neither sufficiently robust nor effective during the recent parliamentary elections in June 2009. It recognized Albania's actions to end exploitative child labour, including changes to the penal code to categorize exploitative child labour as a crime, the signing of a five-year memorandum of understanding with the International Labour Organization (ILO) to eliminate child labour and the launching of phase two of the Child Labour Monitoring System. It made recommendations.

26. Italy noted concerns expressed at the persisting phenomenon of corruption in public administration and lack of the independence of the judiciary. While commending Albania's efforts to enhance the efficiency of the civil service and fight corruption, Italy asked how the Government intends to address these concerns. It also noted the lack of specific detention facilities for minors who have to serve their sentences together with adult detainees. Italy further welcomed the ongoing efforts to ensure effective gender equality such as the adoption of a law reserving a quota of at least 30 per cent of posts to women in public administration. Italy expressed confidence that the Albanian authorities will speed up the adoption of the law on domestic violence and to establish a monitoring mechanism for the implementation of gender equality policies both in the public and private sectors. It made a recommendation.

27. The Czech Republic welcomed Albania's good cooperation with human rights mechanisms and the adoption of the National Strategy on Children's Rights. The Czech Republic made recommendations.

28. The Libyan Arab Jamahiriya noted that the adoption of a series of laws to ensure human rights protection, and welcomed the establishment of an Ombudsman as an important step towards protecting citizens against abuses. It made a recommendation.

29. Austria noted that traditional concepts of justice known as *Kanun* persisted in some parts of the country and collided with norms of national and international law. Examples include a low status of women, domestic violence against women and children and honour killings. It also noted that most children in institutional care came from a poor and rural family background, and that children in institutional care typically left at the age of 14 to 15 often facing social stigmatization, poverty and inadequate access to quality education. Austria made recommendations.

30. Mexico noted the legal and institutional progress in several areas, including promotion of gender equality, protection of rights of minorities, persons with disabilities and children, combating domestic violence, torture and trafficking in human beings, and establishment of an ombudsman institution. Mexico made recommendations.

31. Spain recognized the legislative and constitutional reform undertaken since the regime change in the 1990s, particularly the re-establishment of the freedom of religion and belief and the adoption of a democratic constitution in 1998. It welcomed the substantive legal framework and the abolition of the death penalty for all crimes. It enquired about the Government's intention to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-CESCR) and the results yielded by

the national action plan (2005-2007) in the fight against trafficking in persons. Spain made recommendations.

32. Serbia requested further information on the measures taken to protect and respect rights of national minorities, particularly the Serbian minority in the country. Serbia encouraged the Government to seriously consider and implement recommendations as stipulated in paragraph 16 of the summary prepared by OHCHR (A/HRC/WG.6/6/ALB/3) with particular attention to the alleged trafficking in human organs.

33. Sweden welcomed Albania's efforts to address discrimination against women and to guarantee freedom of expression and the press. Sweden expressed concerns regarding prison conditions, protection of property rights, and labour and trade union rights. Sweden made recommendations.

34. Germany noted reports, including by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Discrimination against Women, of discrimination against women, particularly under customary law and traditional codes of conduct and asked about the measures taken in that regard. Germany made recommendations.

35. Bosnia and Herzegovina noted the improvements regarding the issue of minorities, confirmed by the fact that the Constitution considers minorities as an indivisible part of the Albanian society, ratification of the Framework Convention for National Minorities by Parliament, existence of cultural associations to preserve and protect their culture and identity, and political representatives of the minorities in the Parliament since 1992. It further noted the continuing economic and political challenges and poverty, which constituted a burden for the country. It made a recommendation.

36. The Netherlands acknowledged Albania's efforts in promoting gender equality, and it further expressed concerns on several laws that may, in practice, result in discrimination against women. The Netherlands also expressed concern about violations of human rights based on sexual orientation or gender. It made recommendations.

37. Norway welcomed the adoption of the Laws on Gender Equality and Domestic Violence and the inclusion of a 30 per cent quota of women on the new Electoral Code, as well as the State's commitment to adopt a Law on the Rights of the Child and its principled support for a comprehensive anti-discrimination law. Norway understands that certain categories of children in Albania, especially those living in remote areas, Roma, orphans, juveniles in detention and children with disabilities are often not provided with adequate conditions for personal development, thus remaining entrenched in their marginalization and vulnerable to various forms of exploitation. It appreciated Albania's efforts to improve the conditions for prisoners. Norway made recommendations.

38. Uruguay welcomed the establishment of the Inter-ministerial Committee on the Rights of the Child and stressed the importance of coordination, particularly with civil society. Uruguay requested more details on concrete measures and the results achieved under Albania's National Strategy for Children (2005-2010) and the 2008 strategy for foster care for needy children. Uruguay noted the Law (8143) on the situation of orphans, girl children and adolescents, under which they have the right to have support of various types such as financial assistance, fellowships, and free access to services. Uruguay enquired about measures taken to ensure resources that are available to implement these types of support and to carry forward effective policies of public care for these children until the age of 18 years. Uruguay made a recommendation.

39. Israel noted several steps undertaken by Albania for the protection and promotion of human rights, which includes ratification of main international and regional human rights treaties, establishment of the State Minority Committee, and prioritizing the minority issues



on economic, social and educational development. Israel asked if Albania considered integrating various laws addressing issues of minorities into a single one. Israel made recommendations.

40. Montenegro commended Albania for its readiness to fulfill international obligations and to promote and protect human rights. It noted that the Albanian minority in Montenegro and the Montenegrin minority in Albania live in peace and harmony, representing a bridge in the relations between two countries which jointly strive to European and Euro-Atlantic integration.

41. Poland appreciated the achievements made in tackling the problem of trafficking in human beings, including through the adoption of relevant legislative, institutional and policy frameworks. It enquired about the measures taken and being envisaged to implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography in 2005 and the steps to be taken to enhance the cooperation with other stakeholders such as non-governmental organizations in the fight against trafficking in human beings. Poland made recommendations.

42. China commended Albania for carrying out wide consultation with various stakeholders in preparation of its national report and for the progress made in various areas, including protection of rights of children, women and Roma, fight against discrimination on various grounds and trafficking in human beings, effective cooperation with the international community. Considering that Albania faces a challenge of children exploitation, China asked about measures the Albanian government had undertaken or plans to initiate to address this challenge.

43. The former Yugoslav Republic of Macedonia welcomed the attention given by Albania to minority issues and the establishment of the National Committee on Minorities under the Prime Minister and noted the progress made in combating poverty. Noting remaining challenges in the social sphere, it encouraged Albania to continue working on remedial measures to address regional disparities that affect the equal enjoyment of economic, social and cultural rights and to pursue efforts in the field of education.

44. The delegation stated that Albania has recognized trafficking as a phenomenon since 2001 when it ratified the United Nations Convention against Transnational Organized Crime and its Optional Protocol and its criminal code has been amended to be in conformity with this and other instruments. Amendments to the Criminal Code concern forced child labour, child begging, pornography with minors and trafficking in minors, including sale of children by parents. Albania developed several programmes against trafficking in persons, adopting and implementing anti-trafficking strategies of biennial length. Other programmes, like those concerning unemployment, reduction of school leaving, and empowerment of minorities, in particular Roma, have indirect effects. Assistance services for victims are improved by the guidelines for implementing the social care standards for trafficked persons through, among others, the increase of financial resources for the national shelter in Tirana. Assistance is also provided after the victims leave the shelters. Albania has five reception and reintegration centres which offer short, medium and long-term assistance and reintegration to victims of trafficking. In order to track cases of trafficked persons, including their identification, a database has been operational since September 2008. This system has enabled 55 persons to be identified and assisted in 2009 so far. The draft law to amend the law on prevention of organized crime is being adopted by the Parliament; amendments will include, inter alia, confiscation of assets owned by perpetrators of trafficking and compensation of victims. Positive prevention measures include awareness programmes for the general public, improving the capacities of law agencies dealing with this phenomenon and informing people about legal migration and employment abroad. A law on the improvement of the legal framework for the protection of witness and collaborators creates a legal flexible tool to ensure protection through specific

and practical measures. On registration of children, the Albanian Government has taken measures for the improvement of the law on the civil registry and civil registration, which, inter alia, removes the administrative sanctions for those parents who did not register their children. A number of administrative bodies are now enabled to register births and as a result, 7,000 previously unregistered children have been declared by their own parents.

45. On the issue of illegal detention and torture during detention, the delegation stated that, in 2007, Albania amended article 86 of the Criminal Code providing a definition of torture, which is now in line with article 1 of the Convention against Torture. The Penal Procedural Code stipulates that no one should be subjected to torture or degrading punishment. The Code of Police Ethics prohibits acts of violence in the exercise of police duties, and the new law on the State Police emphasizes the obligation to maintain public order in accordance with the law on respecting and observing the human rights of individuals. In the process of reorganization of the police, Albania established a sector of complaints and discipline, which analyses and investigates the complaints of any citizen. Experts who are in charge of verifying the conditions of detention and guaranteeing constitutional rights have been systematically carrying out inspections at the detention facilities. In partnership with the Albanian Centre for Human Rights and the Council of Europe, specific training programmes for law enforcement offices have been organized. The Department of Crime Investigations at the Ministry of the Interior has published a manual entitled "Standard work procedures during crime investigations". The Public Order Department at the Ministry of the Interior has given authorization to the representatives of non-governmental organizations to inspect detention centres at any time. In 2008, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found that the majority of prisoners were treated correctly.

46. On conditions of detention, the law on the rights and treatment of pre-trial detainees and prisoners has been amended to prohibit the use of physical force against the incarcerated unless it is indispensable to stop violence. A new pre-trial detention facility has been financed by the Albanian Government. Improvements have been made to three operational detention facilities. The prisons strategy 2008-2013 and the master plan on pre-detention facilities have been implemented. Further infrastructure improvements and investments will be done in two other institutions in 2010 and building plans are already approved for three additional centres. The General Directorate of Prisons is implementing training programmes which are especially focused on vulnerable groups such as women, juveniles, drug-addicted persons and those at high risk of committing suicides. Rehabilitation programmes, educational and vocational training for detainees are in place. The Probation Service Law has played a crucial role in reducing the prison population, which diminished by 800 detainees in 2008 and 311 in 2009. All juveniles detainees are accommodated in separate sections of detention centres and specific educational, vocational programmes are available to them individually. Presently, there is no case of inhuman treatment recorded in the Albanian penitentiary system.

47. The Government adopted a five-year anti-corruption strategy consisting of concrete measures and monitoring indicators. This strategy is monitored by a inter-ministerial board constituted at a political and a technical level. Systemic reforms have been developed to combat corruption in the public administration. The legislation on procurement and education has been improved in compliance with United Nations and Council of Europe conventions on fighting corruption. The legislation includes 11 new offences related to corruption. Albania is part of a group of countries fighting corruption and, in this capacity, undergoes evaluation tests. The Government has also taken measures to encourage and reward citizens who denounce cases of corruption. A public administration law introduces new salary scales for judicial personnel. The national strategy on public administration aims to change the civil service by improving the recruitment system through meritocracy and career promotion. In 2009, the Department of Public Administration, in cooperation with

the national institute for training, organized training on ethics, raising awareness of the fight against corruption and preventing conflict of interest. The forthcoming creation of administrative courts will contribute to enhance the judicial process in cases of conflict between citizens and the administration.

48. With respect to measures to combat domestic violence, the Government has introduced a law to counter domestic violence and has bolstered all the bodies dealing with violence against women, while including family violence in these measures. There is an action plan for 2010 to implement the above-mentioned law and to ensure equal opportunities between women and men. It provides for training sessions to raise awareness among all appropriate public officials, lawyers and people working in the area of education and includes the involvement of the Ombudsman. The Ministry of Labor, Social Affairs and Equal Opportunities is seeking to build the capacity of local authorities to set up programmes for sheltering victims of domestic violence. Efforts are being made to train 1,800 staff members to provide medical services victims of family violence are given opportunities to have accommodation in shelters and dedicated phone lines are being set up. This is done by the One UN Programme. From 2 November to 20 December 2009, a campaign to stop domestic violence was organized by the Ministry of Labour and all other relevant actors including at the international level. The campaign includes participation by members of Parliament. Clear measures for the next few years are in place to minimize domestic violence and to resolve these matters in conjunction with all relevant stakeholders, central and local government, civil society and international organizations, which are *inter alia* providing funding to help implement these measures.

49. On the question of the Roma minority, the delegation noted that since Albania's ratification of the national strategy in 2003, the Government has set up a technical secretariat to monitor implementation of the strategy in cooperation with the central and local governments. In the context of the Roma decade initiative the Government has adopted an action plan along with a dedicated budget. Four ministries are involved in four key areas of the Roma inclusion decade. The measures for 2010 to 2015 will be modified over time to improve the economic situation of the Roma in the country, taking into account the challenge this minority faces to counter discrimination.

50. Ukraine appreciated efforts aimed at combating trafficking in human beings and expressed satisfaction on the substantial progress in countering trafficking networks in the past years, which Ukraine considered to be a good practice. Ukraine made a recommendation.

51. Morocco appreciated the consultative approach employed by the Albanian Government for the preparation of its national report for the periodic process. It valued steps undertaken by Albania for the protection of minority rights and interesting and innovative measures undertaken for protection of children's rights. Morocco requested more information on implementation of the National Strategy on Children's Rights for 2005-2010 and its action plan as well as that of the Foster Care Strategy Programme. Morocco made a recommendation.

52. The Republic of Korea welcomed the considerable progress made in the fight against corruption. It noted the absence of a specific anti-discrimination law, and enquired about Albania's plans to adopt such legislation. It also noted concerns expressed in reports of various United Nations treaty bodies on trafficking in persons, especially women and girls. It made a recommendation.

53. Slovenia welcomed the progress made in the fight against corruption while enquiring about measures undertaken to fight it. It also asked about plans to contribute to strengthening the rule of law and to prevent any potential political pressures on the judiciary. It expressed concern about the situation of women and children's rights where

practices continue to deviate from the national legal standards. It also highlighted the problems of domestic violence against women. It further asked about plans to support the programmes intended to help the victims of violence and human trafficking. Slovenia made recommendations.

54. Greece acknowledged Albania's efforts in fighting corruption, protection of minority rights, women rights, freedom of media and gender equality, and addressing domestic violence. Greece asked if the anti-corruption strategy had been evaluated, and requested further information about actions and measures to be undertaken in order to ensure full property restitution for members of Greek minority community; enhance media freedom and independence of journalists; and achieve better implementation of the legislation and increase public awareness on gender equality and women rights.

55. The United Kingdom of Great Britain and Northern Ireland underlined the range of domestic legislation to safeguard human rights and the improved representation of women in Parliament as a tangible result of legislative change. It noted the recent violent attacks against journalists, which raised concerns over freedom of expression and the adequacy of legislation that ensures editorial independence of the media, and promotes a climate in which journalists can operate without fear. Welcoming Albania's commitment to fight corruption, it noted that this remained a particularly serious problem and expressed its support for the call for a "more systematic and strategic approach" and the establishment of a convincing track record of verdicts and sanctions in corruption cases. The United Kingdom welcomed Albania's commitment to provide support and protection to victims and witnesses of human trafficking. It made recommendations.

56. The Syrian Arab Republic welcomed Albania's efforts made in the area of human rights, and further encouraged Albania to pursue their efforts in all areas, including health, the rights of women, children and minorities, as well as other areas, depending on the national needs and international commitments. It made a recommendation.

57. Romania appreciated that human rights protection had been a part of national policy of the country and that minority rights had received special attention. In line with concerns expressed by the Advisory Committee of the Framework Convention for the Protection of National Minorities (Council of Europe), Romania asked about effective enjoyment of rights of Vlachs/Aromanians and their representation in the State Minority Council.

58. Slovakia remained concerned about the persisting issue of trafficking in children for sexual exploitation and forced labour. Noting the prohibition of discriminatory practices by the Albanian Constitution and other applicable laws, it referred to reports of numerous cases of discrimination on various grounds. Slovakia made recommendations.

59. Kyrgyzstan noted the broad public involvement in the drafting of the national report. It also noted Albania's active efforts in combating corruption and the achievements made in combating human trafficking. It further noted the establishment of a national human rights protection system, including a functioning Ombudsman, a national committee for minorities, a committee for children's rights, a committee to eliminate child labour, a committee for people with disabilities and the establishment of a government department concerned with domestic violence. It expressed hope that Albania would continue its comprehensive reform programmes in protecting human rights and share experience in the areas where it had achieved positive results, particularly in preventing human trafficking and countering corruption.

60. Senegal welcomed Albania's efforts to improve its institutional framework for the protection of human rights, including children rights. It acknowledged the progress made in several areas, including the protection of rights of minorities and combating trafficking in human beings. Senegal requested further information on the draft law on children's rights

mentioned in the national report and also on awareness-raising programmes to prevent discrimination. Senegal made recommendations.

61. Afghanistan noted that the guarantees of human rights and fundamental freedoms provided for in the Constitution were applicable to nationals, foreigners and persons without citizenship in Albania. It welcomed the establishment of the State Council of Minorities, the National Strategy for the Improvement of the Living Conditions of the Roma and the Committee for Equal Opportunity. It further enquired about the coordination of these institutions to achieve concrete results. Afghanistan made recommendations.

62. Latvia welcomed the good level of cooperation of Albania with United Nations and regional human rights mechanisms. While welcoming that Albania extended a standing invitation to all special procedures, Latvia invited all other countries to follow Albania's example.

63. Azerbaijan sought information about measures that Albania had undertaken for the representation of different minority groups in the public administration and the development and implementation of policies aimed at countering the various forms of discrimination. Azerbaijan made recommendations.

64. Argentina welcomed the re-establishment of the freedom of religion or belief. Argentina raised concerns at the use of corporal punishment of children as a disciplinary method. Argentina made recommendations.

65. Malaysia commended Albania's efforts to institutionalize respect of human rights and fundamental freedoms and its commitment to promote and protect human rights, evidenced by its accession to a number of international and regional human rights instruments. Malaysia made recommendations.

66. Jordan welcomed the establishment of the Ombudsman, an accredited national human rights institution. Albania acceded to a high number of international and regional human rights instruments with direct applicability and primacy over domestic laws. Jordan made a recommendation.

## **II. Conclusions and/or recommendations**

**67. The recommendations formulated during the interactive dialogue have been examined by Albania and the recommendations listed below enjoy the support of Albania:**

- 1. Consider signing the Convention on the Rights of Persons with Disabilities (CRPD) (Canada);**
- 2. Sign and ratify CRPD and its Optional Protocol (Spain);**
- 3. Ratify CRPD (Azerbaijan);**
- 4. Consider ratifying CRPD and its Optional Protocol, and accomplish the human rights goals set by the Human Rights Council in resolution 9/12 (Brazil);**
- 5. Consider accession to CRPD (Jordan);**
- 6. Ratify the main international human rights instruments, particularly CRPD and its Optional Protocol (Chile);**
- 7. Envisage the possibility of adhering to CRPD, which offers an important frame of reference in the area of promotion and protection of the rights of**

persons with disabilities, without underestimating the cost of implementing the related norms (Algeria);

8. Continue its efforts towards harmonization of its national laws with its international human rights obligations (Egypt);

9. Continue to make every effort to ensure that its national legislation is in line with international instruments (Libyan Arab Jamahiriya);

10. Continue to improve its legislation to bring it in line with international human rights standards (Senegal);

11. Review compliance of its criminal and civil codes with provisions on freedom of expression in the International Covenant on Civil and Political Rights (Czech Republic);

12. Adopt the Law on the Rights of the Child and the Law against Discrimination as matters of priority, as well as measures to ensure the implementation of laws on birth registration (Norway);

13. Promptly adopt and amend when necessary the Law on Anti-Discrimination, already prepared with civil society, to comply with international standards and ensure its due implementation in close cooperation with all stakeholders (Slovakia);

14. Pursue its efforts to bring national legislation into line with international human rights standards and take this element into account when adopting a law on the rights of children (Morocco);

15. Take further concrete steps to ensure that existing human rights legislation is implemented and enforced (United Kingdom);

16. Strengthen its policy for the full guarantee of the rights of the child, with attention to combating child labour and the implementation of the Guidelines for the Alternative Care of Children, in accordance with Human Rights Council resolution 11/7 and draft resolution A/C.3/64/L.50 of the General Assembly. (Brazil);

17. Consider fostering policies on combating child trafficking and define the crimes of the sale of children and child pornography (Brazil);

18. Fully implement the National Strategy on Gender Equality and Domestic Violence, intended to tackle violence against women (Chile);

19. Provide human rights education and training to police officers corrections officers and judicial staff aimed at the protection of women, persons of minority sexual orientation and gender identity and national minorities (Czech Republic);

20. Recognizing the work of the National Council for Disability Matters, intensify necessary measures to improve specialized services for persons with disabilities, in particular in disadvantaged areas; develop reliable statistics on persons with disabilities and their access to basic services (Spain);

21. Undertake awareness-raising campaigns to ensure the effective implementation of and respect for the laws of the State, in particular by ensuring the effective investigation and prosecution of honour killings and cases of violence, including domestic violence against women and children (Austria);

22. Create more social awareness-raising campaigns against gender-based violence, with particular emphasis on its condemnation by the highest levels of

the Administration; and more human rights training programmes for employees in the security and justice sectors (Spain);

23. Implement public education and awareness programmes on issues related to sexual orientation and gender equality and provide training to law enforcement, judicial and other relevant authorities with the same objective (Netherlands);

24. Elaborate State policies and establish mechanisms targeting discrimination against marginalized and vulnerable categories of children (Norway);

25. Develop further the National Strategy for Gender Equality and Domestic Violence adopted in 2007 in accordance with the recommendations made by the Committee on Economic, Social and Cultural Rights and the Committee against Torture (Israel);

26. Introduce and disseminate specific awareness-raising programmes for all relevant judicial and police personnel aimed at the protection of children from trafficking (Poland);

27. Take appropriate measures to improve the effectiveness and transparency of the strategies and actions to combat corruption (Belgium);

28. Further intensify the fight against corruption, especially the corruption of State officials (Slovenia);

29. Strengthen its national child protection system and ensure its full implementation; intensify its efforts to raise public awareness against trafficking in children for sexual exploitation and forced labour within its National Strategy for the Fight against Trafficking in Human Beings as well as other policies and programmes; and adopt appropriate rehabilitation and reintegration mechanisms for the victims (Slovakia);

30. Take further measures to promote and protect the rights of women and children (Afghanistan);

31. Continue giving priority and allocating adequate resources to the implementation of the national strategies on children and on combating child trafficking (Malaysia);

32. Follow up on the legal framework for gender equality and domestic violence, including its application to law enforcement and judicial authorities handling cases of domestic violence, by taking more effective measures for its enforcement and increasing public awareness about the law in smaller towns and rural areas (Norway);

33. Consider issuing a standing invitation to United Nations human rights special procedures (Brazil);

34. Extend an open and permanent invitation to the United Nations special procedures mandate-holders (Chile);

35. Consider extending a standing invitation to special procedures mandate-holders (Mexico);

36. Extend an open and permanent invitation to all special procedures (Spain);

37. Issue invitations to all special procedures to enable them to visit the country and look into developments in the area of human rights (Syrian Arab Republic);
38. Respond more regularly and in a timely manner to the questionnaires sent by OHCHR (Turkey);
39. Accelerate its efforts towards the adoption of anti-discrimination and children's rights laws (Egypt);
40. Continue and strengthen policies to combat all forms of discrimination, with special attention to discrimination against women, and establish a legal framework to combat domestic violence (Brazil);
41. Take further measures to ensure equality between men and women, including through facilitation of women's participation in public affairs and the labour market (Sweden);
42. Step up necessary measures to promote equality between men and women and strengthen the ongoing efforts for the prevention of domestic violence (Ukraine);
43. Introduce for adoption a comprehensive, all-inclusive anti-discrimination law that includes protection against discrimination on the grounds of sexual orientation and gender identity (Netherlands);
44. Amend the economic aid law and the property law so that they in no circumstances discriminate against women (Netherlands);
45. Consistent with the recommendation of the Committee against Torture, strengthen the fight against impunity and look into all allegations of torture and ill-treatment committed by law enforcement authorities and prosecute those responsible for such acts (France);
46. Investigate all allegations of torture or ill-treatment, prosecute those responsible and take all measures to ensure that impunity does not prevail (Denmark);
47. Treat acts of torture by law enforcement officials according to the seriousness of their offence in line with previous recommendations of the Human Rights Committee (Germany);
48. Intensify efforts to combat ill-treatment by police authorities (Norway);
49. Improve the conditions of prisoners and pre-trial detainees and prevent any kind of abuse of prisoners by security personnel (Slovenia);
50. Continue efforts to improve prison conditions (Russian Federation);
51. Improve the conditions of detention for those held on remand and for convicted persons (Denmark);
52. In light of the recent report by the Council of Europe's Committee for the Prevention of Torture, continue investments in prison and detention facilities, with a particular focus on improving material conditions for suspects held in police establishments and pre-detention centres (Norway);
53. In light of the priorities established in the fight against domestic violence, take those effective measures that it deems appropriate for the realization of the emancipation of women, in particular through education and integration in the labour market, and extend them to rural areas (Algeria);



54. Adopt and implement robust measures to better address domestic violence (Canada);
55. Continue efforts directed towards protection of the rights of women and children (Russian Federation);
56. Strengthen efforts against all forms of violence against women, including domestic violence (Sweden);
57. Remain vigilant on the issues of blood feud and domestic violence; develop and support programmes to provide help to victims of domestic violence (Slovenia);
58. Intensify efforts to combat sexual violence and ill-treatment against women and children, including by providing specific training to law enforcement officers and judges (Malaysia);
59. Pursue its efforts to diligently combat the smuggling and trafficking of persons and envisage appropriate channels for sharing its experience and its knowledge with countries that may wish to benefit from them (Algeria);
60. Adopt and implement robust measures aimed at addressing human trafficking (Canada);
61. Continue pursuing efforts to combat human trafficking, with emphasis on protection of victims (France);
62. Continue efforts aimed at combating trafficking of human beings (Russian Federation);
63. Further develop specific measures and rehabilitation programmes directed at the long-term reintegration of victims of trafficking (Poland);
64. Bolster its efforts to address the issue of trafficking in persons, especially women and girls, in a more comprehensive and systematic manner that includes all aspects of prevention, protection and prosecution (Republic of Korea);
65. Adopt further measures to fight human trafficking and assist its victims (Slovenia);
66. Ensure that the Ministries of Labour, Social Affairs and Equal Opportunity take further steps to eliminate the worst forms of child labour, that they address the informal sector in these measures, and that they receive adequate training to detect and prevent unlawful child labour, improve the quality of and increase the number of workplace inspections in both formal and informal sectors, and work with the courts to effectively prosecute perpetrators (United States of America);
67. Adopt the necessary reforms to improve the capacities and effectiveness of the national judiciary system (Belgium);
68. Implement effective and comprehensive reform of the penitentiary system (Canada);
69. Establish detention facilities for juvenile detainees (Italy);
70. Take effective measures to accelerate the consolidation of property rights (Canada);
71. Adopt further measures to ensure birth registration of all children (Czech Republic);

72. Facilitate and ensure registration of all children born in Albania (Mexico);
  73. Take appropriate measures to promote the registration of all children, paying particular attention to the most vulnerable and marginalized groups (Azerbaijan);
  74. Investigate and punish attacks and threats against journalists (Czech Republic);
  75. Continue the efforts to ensure full respect for freedom of expression and of the press, in accordance with Albania's international obligations (Sweden);
  76. Step up efforts to address the problem of unemployment, in particular in the rural regions, including through specially targeted programmes to stimulate economic growth and development in the poor and rural areas (Malaysia);
  77. Intensify efforts to reduce the infant mortality rate (Chile);
  78. Foster equal and unconditional access for all inhabitants of the country to health care and education (Chile);
  79. Adopt further measures to ensure protection of the human rights of children leaving care in particular through the provision of education, health and psycho-social support (Czech Republic);
  80. Fully implement its action plan to improve the living conditions of minorities, especially Roma (Canada);
  81. Increase the involvement of local authorities in the National Strategy on Roma and equip the Strategy with adequate financial means and evaluation mechanisms (France);
  82. Intensify its efforts to promote ethnic tolerance and adopt a strategy for the integration of persons of a different ethnic origin (Germany);
  83. Further strengthen its efforts to address minority issues with the aim of overcoming the remaining obstacles to the full implementation of the human rights of minorities as one of the most vulnerable groups within society (Bosnia and Herzegovina);
  84. Continue fostering educational attainment of Roma children as indicated in the 2004 common country assessment report (Israel);
  85. Ensure that all members of ethnic and linguistic minorities, recognized as such or not, should enjoy all social rights and should be protected from any forms of discrimination (Argentina).
68. Albania considers that recommendations Nos. 8, 9, 10, 11, 12, 13, 14, 16, 19, 20, 21, 22, 24, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 58, 59, 61, 63, 64, 67, 68, 69, 72, 73, 78, 79, 81, 82, 84, 85 above are either already implemented or in the process of implementation.
69. The following recommendations will be examined by Albania, which will provide responses in due time. The response of Albania to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:
1. Ratify those treaties which have not yet been ratified, such as the Optional Protocol to CESCR and CRPD and its Optional Protocol (Argentina);

2. Increase the age of leaving care to 18 years and enact and implement legislation aimed at improving support for children in care as well as after leaving care, in particular with regard to access to education and vocational training (Austria);
3. Include in the relevant legal framework the definition of the crimes of sale of children and child pornography (Mexico);
4. Consider establishment of a national human rights institution in accordance with the Paris Principles (Egypt);
5. Adopt a comprehensive national action plan that (a) includes clear objectives and tangible measures to implement all human rights; (b) allocates financial and human resources for each measure envisaged; and (c) establishes an evaluation mechanism for regular monitoring of the measures (Belgium);
6. Implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women (Germany);
7. Include sexual orientation and gender identity specifically in anti-discrimination legislation, and consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (Spain);
8. Strengthen measures to eliminate customary practices leading to violence, in particular vendetta and honour killings and domestic violence, and ensure effective access of potential and actual victims to protection (Czech Republic);
9. Take effective measures to guarantee the independence of the judiciary and to put an end to infringements of judiciary independence through rapid, in-depth, independent and impartial investigations into allegations of interference as well as prosecutions and sanctions against the perpetrators (Belgium);
10. Take measures to prevent the unnecessary admission of children to institutional care and to support the reintegration of children into their biological families (Austria);
11. Prevent any kind of political or other pressures against the independence of the judiciary system and bodies (Slovenia);
12. Take steps to tackle the current “culture of impunity” and ensure that high-level cases of alleged corruption are brought to court and processed appropriately (United Kingdom);
13. Follow the recommendations in the final report of the Organization for Security and Co-operation in Europe on the 28 June elections to minimize the politicization of the Media Monitoring Board and to facilitate training for the Board members in quantitative and qualitative media analysis (United States);
14. Strengthen protection of journalists against intimidation, death threats and attacks (Czech Republic);
15. Improve the legal definition of children at risk of losing parental care, take measures to systematically identify children at risk, and provide adequate support and other services to prevent separation of children from their families (Austria);

16. Take measures to create and strengthen the system of public care for boys, girls and adolescents who need such care, to ensure that they stay in the system until the age of 18 years as needed and that they are prepared for successful reintegration into society (Uruguay);
  17. Take action to improve both the legal framework and the overall climate in which the media operate, in order to safeguard freedom of expression and independence of the media (United Kingdom);
  18. Seek technical assistance from OHCHR and UNICEF, among others, on juvenile justice as recommended by the Committee on the Rights of the Child (Afghanistan);
  19. Request technical assistance from OHCHR for the harmonization of domestic legislation with the international human rights standards (Senegal).
70. The following recommendations did not enjoy the support of Albania:
1. Prohibit corporal punishment as a method of admonishing children and adolescents (Chile);
  2. Prohibit by law the practice of corporal punishment of children as a disciplinary method (Argentina).
71. With regard to the two recommendations above, Albania offers the following comment:
- “The Albanian legislation provides necessary measures to address domestic violence including violence against children. The Law on Measures against Domestic Violence (article 10) provides a set of protective measures for victims of domestic violence. Domestic violence is included as a penal offence in the Penal Code of the Republic of Albania.”
72. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Albania was headed by Genc Pollo, State Minister for Reforms and Relations to the Parliament and composed of 26 members:

- H.E Mr. Sejdi **QERIMAJ**, Ambassador, Permanent Representative of the Republic of Albania to the U.N. Geneva. *Representative*
- Mr. Klevis **LIMAJ**, Chief of Cabinet. State Minister on Reforms and Relations to the Parliament
- Mr. Qirjako **QIRKO**, Head of the UN Reporting Section, MFA, Albania
- Ms. Brunilda **PECI**, Desk Officer, UN Reporting Section, MFA. Albania
- Ms. Helena **PAPA**, Coordinator, Department on Internal Administrative Control and Anticorruption. Council of Ministers, Albania
- Mr. Kleves **BITRO**, Chief of Cabinet. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Ms. Denada **SEFERI**, Director of the Social Policy Services Department. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Ms. Ilda **PODA**, Expert. Department on the Social Policy Services. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Mr. Stavri **LAKO**, expert, Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Ms. Blerina **TEPELENA**, Expert. Technical Secretariat on Roma Issues. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Ms. Brunilda **DERVISHAJ**, Expert on Issues of Equal and Gender Identity at the Department of the Equal Opportunities. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Ms. Luljeta **KRASTA**, Expert. Department on the Labour Policy.
- Mr. Ndrek **ISMAILI**, Chief of Sector of the Section on the Rights of Persons with Disabilities. Ministry of Labour, Social Affairs and Equal Opportunities. Albania
- Mr. Ervin **HOXHA**, Chief of Sector of the Order and Public Security Section. Ministry of Interior. Albania
- Mr. Ilir **ZHURKA**, Expert at the Section against Domestic Violence. Ministry of Interior. Albania
- Ms. Irena **TAGA**, Director of the Anti –Traffic Department. Ministry of Interior. Albania
- Ms. Irida **ZOGOLLI**, Chief of Sector at the Procedures and Documentation Sector. Ministry of Interior. Albania
- Ms. Elvira **PETOSHATI**, social worker on the issues of refugees and asylum - seekers. National Accommodation Centre. Tirana. Albania

- Mr. Mirand **KOPANI**, Head of the Legal Assistance Department. Ministry of Justice. Albania
  - Ms. Blerta **DOÇI**, General Department of Detention Centers. Ministry of Justice. Albania
  - Ms. Pranvera **KAMANI**, Chief of Basic Education Sector at the Curricula and Monitoring Department. Ministry of Education and Science. Albania
  - Mr. Gazmend **BEJTJA**, Head of the Public Health Department. Ministry of Health.
  - Mr. Agim **PASHOLLI**, Minister Counsellor, Albanian Permanent Representative to the UNOG, *Alternate*
  - Ms. Inid **MILO**, Second Secretary at the Albanian Permanent Mission to the UNOG
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