

**Resolution CM/ResCMN(2014)1
on the implementation of the Framework Convention for the Protection of National Minorities
by Albania**

*(Adopted by the Committee of Ministers on 12 February 2014
at the 1191st 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 Res(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 Res(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 third monitoring cycle under the Framework Convention on 10 January 2011;

Having examined the Advisory Committee's third opinion on Albania adopted on 23 November 2011, as well as the written comments of the Government of Albania, received on 4 June 2012;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Albania:

a) Positive developments

Albania has pursued a constructive approach towards the monitoring process and has taken useful steps to disseminate the results of the two first cycles of monitoring. A follow up seminar on the implementation of the Framework Convention, with particular emphasis on the recommendations of the Committee of Ministers, was organised in July 2010 in Tirana.

A climate of respect and tolerance between national minorities and the majority population generally prevails in Albania. The Law on Protection from Discrimination was adopted in 2010 and the Office of the Commissioner for Protection from Discrimination has been established. The Law introduced in the Albanian legal system the principle of the shifting of the burden of proof and contained a provision allowing third parties to intervene as *amicus curiae* in cases of discrimination. The Office of the People's Advocate continues to play an active role in protecting human rights, in particular in raising awareness of national minorities and in seeking solutions to outstanding problems.

The authorities abolished in May 2011 the practice of mandatory recording in birth certificates of the ethnicity of persons belonging to the Greek and Macedonian national minorities, based on the parents' birth certificates rather than on a free declaration by the persons concerned. This practice, which was restricted only to the Greek and Macedonian minorities and practiced in certain areas, constituted discrimination among persons belonging to different national minorities.

¹ In the context of adopting Resolution Res(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”.

The Criminal Code was amended in 2007 to make discrimination relating to sex, race, religion, nationality, language, political and religious or social beliefs an aggravating circumstance of any offence. In 2008, the Criminal Code was amended further to criminalise the distribution of racist or xenophobic materials through computer systems and insult for racist or xenophobic motives referring to distribution through computers of materials related to genocide, crimes against humanity, racism and xenophobia.

The State police adopted an "Action Plan for prevention and the fight against racism and racial discrimination" which lays down measures and tasks to raise the awareness of the police of human rights, establish contacts with representatives of minorities in order to facilitate identification of cases of breaches of their legal and constitutional rights and to prevent and combat discriminatory acts. The plan further aims to promote the recruitment of persons belonging to national minorities.

Legislation on civil registration has been amended to extend the statutory time-limit for registration of a newborn child from 45 to 60 days and to abolish fines for late registration, thus contributing to the reduction of the number of unregistered births, in particular among the Roma.

The authorities have taken a number of important steps to combat trafficking in human beings, such as the establishment of the Office for the National Co-ordinator for the Fight against the Trafficking in Human Beings, the National Anti-Trafficking Task Force and the national referral mechanism.

Significant steps have been taken in recent years in the schooling of Roma children, in particular within the framework of the National Strategy for Improving the Living Conditions of the Roma Community. National and local authorities, international donors and local civil society organisations have combined their efforts to open and support pre-school education facilities in neighbourhoods inhabited by substantial numbers of Roma. There has been an increase in the number of Roma children attending classes, and special scholarships earmarked for Roma children are to be welcomed.

b) Issues of concern

There has been no progress with the adoption of a law on national minorities, in spite of the commitments made by Albania to adopt such legislation in the framework of the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union.

The existing legal framework does not address in sufficient detail and clarity a number of issues impacting on the implementation of the Framework Convention. A law on national minorities would fill the existing gap and would help to clarify Albania's policy towards its minorities. Problems should be addressed in a number of areas, such as the legal criteria required for recognition as a national minority, the institutional framework for addressing minority issues and structuring the dialogue with representatives of national minorities, the use of minority languages in relations with the administrative authorities and the use of minority languages for the display of traditional local names, street names and other topographical indications, in particular in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers.

The State Committee on Minorities continues to operate according to the model elaborated at its inception: on the one hand, it is a governmental body answering directly to the Prime Minister, on the other, its membership, composed of persons belonging to national minorities makes it a quasi-representative body appearing to speak on behalf of some national minorities. It has to be noted that the Advisory Committee noted in this regard that members of the State Committee are appointed by the authorities without prior consultation of national minorities, which compromises their independence and representativity. Consequently, national minorities do not benefit from a truly representative body, which can speak on their behalf and defend their interests on issues concerning them.

Legislation on the population census of October 2011 was amended just three months ahead of the event, modifying, *inter alia*, provisions on administrative fines. The results of the Population and Housing Census were contested by minority representatives² as not reflecting the reality on the ground. Data collected through the census should not constitute the exclusive source of information for the development of the legal and policy framework on minorities.

² Including some Roma and Egyptian associations.

Despite measures taken by the authorities in recent years, the housing situation of Roma remains worrying. The living conditions faced by the Roma inhabitants of some settlements, without access to running water, sewers and a lack of roads, are a matter of deep concern. It is particularly disturbing that, following a promising start in 2008, the Ministry of Public Works, Transport and Telecommunication discontinued its funding for housing and infrastructure projects in the most needy Roma communities. Unemployment among the Roma remains unacceptably high.

Against the background of a general climate of tolerance and understanding prevailing between national minorities and the majority, Albania recorded its first major incident in the form of an arson attack against Roma dwellings inhabited by some 40 families in central Tirana in February 2011. The firebombing resulted in some serious injuries and the displacement of large numbers of people, including many children, to a temporary shelter, not suitable for winter accommodation. It is of particular concern that law enforcement bodies did not take immediately the necessary steps to protect the victims of this attack. The inadequacy of initial police reaction, although followed at a later stage by an investigation and prosecution, demonstrates that more vigorous action must be taken to train the police on human rights and to enforce the Discipline Rules and Regulations of the State Police.

The framework for supporting minority cultures remains underdeveloped and no particular fund to finance projects aimed at preserving and developing minority cultures has been established. Furthermore, the authorities provide no support to the minority language media.

The possibilities for learning minority languages and receiving instruction in these languages remain insufficient. Numerous requests for tuition to be organised in minority languages have not been favourably received by the authorities. No language classes in the Serbian, Montenegrin, Vlach/Aromanian and Romani languages have been set up. Difficulties have been encountered in setting up Greek and Macedonian language classes outside of areas inhabited by persons belonging to national minorities traditionally or in substantial numbers.

2. Adopts the following recommendations in respect of Albania:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:³

- consider adopting comprehensive legislation on national minorities to fill in the identified legal gaps and to clarify State policy towards persons belonging to national minorities, abolishing any ground for differentiated treatment between the categories of national and ethno-linguistic minorities; ensure that implementation of the existing and future legislation on national minorities is in line with the provisions of the Framework Convention;
- process the census data in conformity with the principle of self-identification; ensure that appropriate procedures are in place for future censuses, as well as other forms of data collection, in order to provide reliable data on the situation of persons belonging to national minorities, disaggregated by age, gender and geographical distribution, in all relevant fields, in line with the principles of free self-identification and internationally recognised data collection and protection standards;
- develop a constructive dialogue with the representatives of persons belonging to national minorities on the conditions for teaching of and in minority languages throughout the country as of early school age and take the necessary steps to address any shortcomings, in accordance with Article 14 of the Framework Convention;

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- ensure that sufficient resources are available for the effective implementation of the National Action Plan 2010-2015 for the Decade of Roma Inclusion; involve effectively Roma in the design, implementation, monitoring and evaluation of the various measures taken by the different authorities to implement activities in the priority areas of education, employment, health and housing within the framework of this Action Plan.

Other recommendations:⁴

- ensure that the Office of the Commissioner for Protection from Discrimination, the Office of the People's Advocate and the Office for the National Co-ordinator for the Fight against Trafficking in Human Beings are granted all the support they require in order to continue carrying out their roles effectively;

- investigate vigorously offences committed with racial or xenophobic motives and sanction the perpetrators when the facts are established; provide appropriate assistance to victims of hate crimes;

- identify measures that would accommodate initiatives aimed at protecting, preserving and developing the cultural identity and language of minorities;

- intensify awareness-raising measures for law enforcement officials on human rights standards, including on the rights of persons belonging to national minorities; ensure the full enforcement of the Discipline Rules and Regulations of the State Police;

- ensure and promote access of persons belonging to national minorities, including numerically smaller groups, to radio and television programmes in their language;

- improve the current arrangements for the use of minority languages in relations with the administrative authorities and the use of bilingual signs and place names in minority languages;

- review the legislative arrangements in order to establish a full and effective dialogue with organisations representing the national and ethno-linguistic minorities; consult them on issues concerning national minorities.

3. Invites the Government of Albania, in accordance with Resolution Res(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 sections 1 and 2 above.

⁴ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.