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## **ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

### **Third Opinion on Albania adopted on 23 November 2011**

#### **EXECUTIVE SUMMARY**

Albania has continued its efforts to enhance the implementation of the Framework Convention since the adoption of the second Opinion of the Advisory Committee.

The Law on Protection from Discrimination, which aimed to base the Albanian legislation in this field on European standards, was adopted in 2010 and the Office of the Commissioner for Protection from Discrimination has been established. The Criminal Code was amended to make discrimination relating to gender, race, religion, nationality, language, political and religious or social beliefs an aggravating circumstance of any offence. The distribution of racist or xenophobic materials through computer systems and insult with racist or xenophobic motives were criminalised.

The institutional framework for addressing minority concerns and structuring the dialogue with the representatives of national minorities' remains inadequate. The State Committee on Minorities, simultaneously a governmental body answering directly to the Prime Minister and a quasi-representative body appearing to speak on behalf of some national minorities, lacks the necessary independence and cannot be considered an effective consultation mechanism.

A census took place in Albania in October 2011. Last minute amendments to the legislation governing the population census introduced fines for incorrect responses to the questionnaire, and stipulated that a reply would be considered incorrect if it did not correspond with the data contained in the civil registry. The registry is in itself an unreliable source of information. These amendments are therefore not compatible with the principles of free self-identification of persons belonging to national minorities, as provided for by Article 3 of the Framework Convention.

Against the background of a general climate of tolerance and understanding prevailing between national minorities and the majority, Albania recorded its first major hate crime 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 the necessary steps to protect the victims of this attack. The inadequacy of police reaction 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 possibilities for learning minority languages and receiving instruction in these languages remain insufficient and support for minority cultures remains inadequate and unreliable.

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. Specific efforts have been taken to support pre-school education facilities in neighbourhoods inhabited by substantial numbers of the 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.

However, in spite of measures taken by the authorities in recent years, the housing situation of the Roma remains worrying and unemployment among persons belonging to this minority remains unacceptably high.

#### **Issues for immediate action**

- **Consider adopting comprehensive legislation on national minorities to fill in the identified legal gaps and to clarify State policy towards 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 strict 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 ;**
- **Intensify the dialogue with persons belonging to national minorities on the opportunities for teaching of and in minority languages and, where appropriate, take the necessary steps to address any shortcomings;**
- **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 in the framework of this Action Plan.**

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**THIRD OPINION ON ALBANIA**

1. The Advisory Committee adopted the present Opinion on 23 November 2011 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 10 January 2011, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Tirana and Pogradec, from 5 to 8 September 2011.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Albania. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Albania, adopted on 12 September 2002 and 29 May 2008 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 11 May 2005 and 8 July 2009.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Albania.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Albania as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Albania has pursued a constructive approach towards the monitoring process, including by submitting its State Report in a timely manner. The Advisory Committee wishes to emphasise, as a positive step, that the Albanian authorities organised a follow-up seminar in July 2010 which was instrumental in disseminating the results of the second monitoring cycle. The Advisory Committee notes with satisfaction that the third State Report was prepared in consultation with a number of national minority organisations and in co-operation with the State Committee on Minorities.

7. The Advisory Committee visited Albania from 5 to 8 September 2011. The visit, organised at the invitation of the Albanian Government, provided an opportunity to engage in direct dialogue with the parties concerned. The additional information gathered from the government and other sources, including representatives of national minorities, proved particularly useful. Talks were held in Tirana and Pogradec. The Advisory Committee welcomes the spirit of co-operation shown by the Albanian authorities during the process which led to the adoption of the present Opinion.

### **General overview of the implementation of the Framework Convention after two monitoring cycles**

8. Overall, a climate of respect and tolerance generally prevails in Albania and the representatives of national minorities reported that incidents of racist or ethnic intolerance were rare.

9. The authorities have pursued their efforts to protect national minorities since the ratification of the Framework Convention. Nevertheless, the legislative framework pertaining to minority protection, in particular as regards the absence of a truly representative body able to voice the concerns of persons belonging to national minorities, the financing of minority cultures and the use of minority languages in relations with the administrative authorities and for the display of traditional local names, street names and other topographical indications, still needs to be completed. Endeavours to draft a law on national minorities should be intensified significantly.

### **Legislative and institutional framework**

10. Progress has been made in the field of legislative and institutional protection against discrimination. Anti-discrimination legislation has been adopted and the Office of the Commissioner for Protection from Discrimination has been established. The Office of the People's Advocate continues to play an active role in protecting human rights in Albania, in particular in raising awareness of the rights of persons belonging to minorities and in seeking solutions to outstanding problems. The acting People's Advocate has taken decisive steps to elucidate the circumstances of the attack on the Roma settlement near the Tirana train station in February 2011, in which unidentified perpetrators burned down dwellings inhabited by some 40 families and the internal police investigation and disciplinary proceedings were ineffective.

11. 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 further amended to "criminalise the distribution of racist or xenophobic materials through computer systems and insult with

racist or xenophobic motives referring to distribution through computers of materials related to genocide, crimes against humanity, racism and xenophobia”.

12. The institutional framework for addressing minority issues and structuring the dialogue with representatives of national minorities’ representatives remains inadequate. The Advisory Committee notes with concern that the State Committee on Minorities, established in 2004, 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, and, on the other hand, its membership, composed of persons belonging to national minorities, makes it a quasi-representative body appearing to speak on behalf of some national minorities. The Advisory Committee notes in this regard that members of the State Committee are appointed by the authorities without prior consultation of national minorities. The unbalanced composition and the apparent lack of independence of the State Committee on Minorities signify that persons belonging to some national minorities do not benefit from a truly representative body, which can speak on their behalf and defend their interests on issues concerning them.

### **Census and birth certificates**

13. 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, was abolished in May 2011. This practice, which was restricted only to the Greek and Macedonian minorities and practiced only in the “minority zones”, constituted discrimination among persons belonging to different national minorities.

14. It has to be noted that data on ethnicity contained in civil registers has been used by the authorities to grant certain rights to persons belonging to national minorities, for instance to decide on opening classes in a minority language. The Advisory Committee is of the view that, in the absence of *ex-officio* recorded data on ethnic origin, the authorities must systematically review requests from persons belonging to national and “ethno-linguistic” minorities, based on a voluntary and free declaration of ethnicity and the principle of self-identification.

15. A population census was conducted in October 2011 in Albania. The questionnaire used in the census contained, for the first time since the fall of the communist regime in Albania, optional open-ended questions on ethnic origin (nationality) and religion which is to be welcomed.

16. The Advisory Committee notes, however, with concern, that the legislation on the population census was amended just three months prior to the event. The Advisory Committee considers that the provision introducing a fine for an incorrect reply to the question on ethnic origin (nationality), in conjunction with the reliance on the data on civil registry, which (given the shortcoming and inaccuracies inherent in the system which existed until recently) cannot be considered to be reliable and accurate, raises issues of compatibility with the principles enshrined in Article 3 of the Framework Convention. In particular, persons belonging to the Greek and Macedonian minorities residing outside of the former “minority zones”, whose ethnicity was not entered or was entered incorrectly in their birth certificates, and persons belonging to other minorities, in particular the “ethno-linguistic” ones whose ethnicity was never recorded, have not been granted the right to declare freely their ethnic origin.

17. Given the possibility of applying fines and the resulting calls for a boycott of the census, the Advisory Committee considers that the results of the census should be viewed with the utmost caution and calls on the authorities not to rely exclusively on the data on nationality collected during the census in determining its policy on the protection of national minorities.

### **Intercultural dialogue and tolerance**

18. While a general climate of tolerance and understanding prevails between national minorities and the majority, Albania recorded its first major hate crime 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. It is of particular concern that law enforcement bodies did not take the necessary steps to protect the victims of this attack.

19. The inadequacy of police reaction 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.

### **Education**

20. The possibilities for learning minority languages and receiving instruction in these languages remain insufficient. Whereas a small number of primary and high schools, with Greek and Macedonian as languages of instruction, continue to operate in the “minority zones” inhabited by a significant number of persons belonging to these minorities, numerous requests for tuition to be organised in these and other minority languages have not been favourably received by the authorities. No classes with Serbian, Montenegrin, Vlach/Aromanian and Romani as languages of instruction have been organised.

### **Roma**

21. In recent years, the authorities have increased efforts to combat discrimination and integrate the Roma into society, in particular in the framework of the National Strategy for the Improvement of the Living Conditions of the Roma, adopted in 2003. These efforts were followed later by the adoption in 2009 of the National Action Plan 2010-2015 for the Decade of Roma Inclusion, which laid down a set of tasks geared to ensure equal treatment in the areas of education, employment and social protection, housing and infrastructure, access to health care and cultural heritage.

22. Amendments to the legislation on civil registration, which extended the statutory time-limit for registration of a new-born child from 45 to 60 days and abolished fines for late registration of a child, have led to a reduction in the number of cases of unregistered births of Roma children.

23. The authorities have taken significant steps in the schooling of Roma children. Particular efforts have been undertaken to open and support pre-school education facilities in neighbourhoods inhabited by substantial numbers of the Roma. In spite of this, the number of illiterate Roma, both children and adults, remains unacceptably high.

24. The Advisory Committee notes that the authorities acknowledge that Roma children are particularly vulnerable to trafficking, in particular to neighbouring Greece, and thus need special protection and care. The authorities, in addition to ratifying the Council of Europe’s Convention on Action against Trafficking in Human Beings, have concluded a number of bilateral agreements with neighbouring countries to create a legal framework for the protection, assistance, repatriation and rehabilitation of victims of trafficking.

25. 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.

**Support for minority cultures**

26. There has been no change since the previous monitoring cycle as regards the development of a policy on supporting minority cultures. Financing of cultural activities of national minorities remains inadequate and unreliable. There are no provisions relating to support for the publication of books in national minority languages. Although the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union (2007-2013) mentions the creation of a special fund to finance projects aimed at preserving and developing minority cultures, no such fund has yet been established.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 1 of the Framework Convention

#### Ratification of the European Charter for Regional or Minority Languages

##### *Recommendation from the two previous cycles of monitoring*

27. In the previous cycles of monitoring, the Advisory Committee considered that the authorities of Albania should consider signing and ratifying the Charter for Regional or Minority Languages, which was one of the commitments entered into by Albania on its accession to the Council of Europe in 1995.<sup>1</sup>

##### *Present situation*

28. No progress has been registered since the second monitoring cycle. To date, Albania has not yet signed this treaty.

##### *Recommendation*

29. The Advisory Committee considers that the authorities should seriously examine the situation, with a view to signing and ratifying the European Charter for Regional or Minority Languages.

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

##### *Recommendation from the two previous cycles of monitoring*

30. In the previous cycles of monitoring, the Advisory Committee considered that the authorities should step up their dialogue with representatives of the Bosniac community and with Egyptians, with a view to meeting their needs for protection and applying the provisions of the Framework Convention to them.

##### *Present situation*

31. The Advisory Committee notes that there has been no change since the 2<sup>nd</sup> monitoring cycle in the position of the Albanian authorities concerning the scope of application of the Framework Convention. The authorities recognise two concepts of “national” and “ethno-linguistic” minorities, and according to this view, the essential difference between the two concepts is the existence of a “kin-State”, which is a necessary attribute of a “national” minority as compared to an “ethno-linguistic” minority. The Advisory Committee acknowledges the Albanian government’s assertion that this differentiation does not result in any discriminatory treatment for either of the two groups.<sup>2</sup>

<sup>1</sup> See Opinion No. 189 (1995) of the Parliamentary Assembly of the Council of Europe regarding Albania’s commitment “to study, with a view to ratification, [...] the European Charter [...] for Regional or Minority Languages”.

<sup>2</sup> See the Third Report of the Republic of Albania, ACFC/SR/III(2011)001, pg. 7  
[http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_SR\\_Albania\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Albania_en.pdf)

32. As already acknowledged by the Advisory Committee in its previous Opinions, the authorities recognise as national minorities the Greek, Macedonian, Montenegrin and Serb national minorities. The Roma and the Aromanians/Vlachs<sup>3</sup> are recognised as “ethno-linguistic” minorities. The requests of persons belonging to other groups, such as Egyptians and Bosniacs, who have expressed in the past their wish to be recognised as persons belonging to a national minority and to benefit from the protection of the Framework Convention, have not been examined by the Albanian authorities and their existence as distinct groups with specific identities has not been acknowledged.<sup>4</sup>

33. The Advisory Committee notes in this context that the adoption of a comprehensive law on national minorities is planned within the framework of the implementation of the National Plan for the implementation of the 2006 Stabilisation and Association Agreement between Albania and the European Union. The Advisory Committee considers that the adoption of such a law would fill the existing gap in the legal and institutional framework pertaining to national minorities in Albania and would help to clarify Albania’s policy towards its minorities in particular by establishing proper legal criteria required for recognition as a national minority.

#### *Recommendations*

34. The Advisory Committee urges the authorities to consider without further delay the adoption of a comprehensive law on national minorities to fill the existing gaps in legislative provisions and to clarify Albania’s policy towards its minorities.

35. The Advisory Committee considers that the authorities, while taking into consideration both the subjective choice and the objective criteria relevant to a person’s identity, should favour a more flexible and open approach to the scope of application of the Framework Convention. It requests the authorities to examine, in consultation with those concerned, the possibility of including persons claiming Bosniac and Egyptian identities, in the application of the Framework Convention, in particular as regards their linguistic and cultural interests.

36. The Advisory Committee also urges the authorities to review regularly the established criteria of eligibility for protection under the Framework Convention, as applied to requests from persons belonging to these groups, in order to ensure that these criteria do not have the effect of excluding people from the scope of application of this Convention in a way that is arbitrary or discriminatory, in particular as regards their linguistic and cultural interests.

### **Census and birth certificates**

#### *Recommendations from the two previous cycles of monitoring*

37. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to include a question on ethnic belonging in the general census in 2011 and to ensure that the choices were explained by means of information campaigns.

38. The Advisory Committee also urged the authorities to take the necessary action to ensure that the practice of mandatory recording of people’s ethnicity on their birth certificates was abolished.

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<sup>3</sup> The Advisory Committee is aware that certain persons belonging to the Aromanian/Vlach minority consider that two distinct groups exist within this minority, while others consider there to be one single group.

<sup>4</sup> See also the Fourth ECRI Report on Albania, adopted 15 December 2009, CRI (2010)1 §§ 96-105

*Present situation*

39. The Albanian Government decided in May 2011 to abolish the practice, carried over from the communist regime, 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 only in the former "minority zones"<sup>5</sup>, constituted discrimination among persons belonging to different national minorities.

40. The ethnicity of persons belonging to the Vlach/Aromanian minority and to the Roma minority who, according to the terminology of the State Report, are defined as "ethno-linguistic" minorities, had not been recorded in birth certificates or otherwise by the authorities. This resulted in the impossibility for persons belonging to these minorities to exercise rights granted to the other ethnic groups, recognised as national minorities.

41. While welcoming the end of this practice, which raised issues of compatibility with the principles of Article 3 of the Framework Convention, the Advisory Committee notes that data on ethnicity contained in the civil registers have been used by the authorities to grant certain rights to persons belonging to national minorities, for instance to decide on opening classes in a minority language. The Advisory Committee is of the view that, in the absence of *ex-officio* recorded data on ethnic origin, the authorities must systematically review requests from persons belonging to national and "ethno-linguistic" minorities, based on a voluntary and free declaration of ethnicity and the principle of self-identification.

42. The Advisory Committee notes that there are no reliable statistics on the ethnic composition of Albania, since the question of ethnic affiliation has not been asked in any census since the end of the communist dictatorship in Albania. In this respect, the Advisory Committee recalls that already in its first Opinion, it noted the extremely wide variation in the estimated number of persons belonging to national minorities.

43. The Advisory Committee notes that a population census has recently been conducted in October 2011 in Albania. The Advisory Committee further notes that the questionnaire used in the census was drafted in accordance with the United Nations Economic Commission for Europe and the Statistical Office of the European Communities (EUROSTAT) Recommendations for 2010 Censuses of Population and Housing. This questionnaire contained, for the first time since the fall of the communist regime in Albania, optional open-ended questions on ethnic origin (nationality), and religion. The Advisory Committee is concerned that the available options did not allow the respondents to indicate more than one ethnic affiliation or more than one language as mother tongue, which is contrary to the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing.<sup>6</sup>

44. The Advisory Committee notes with concern that the Law on the General Census of Population and Housing of 26 October 2000 was amended in July 2011 just three months before the census. National minority organisations in Albania have expressed concerns regarding the newly introduced Article 20 of this Law, which both introduced a 100.000 ALL (700 EUR) fine

<sup>5</sup> "Minority zones" are particular districts (Gjirokastër, Sarandë and Delvinë for persons belonging to the Greek minority, and districts of Korçë (municipality of Liqenas) and Devolli (municipality of Vernik) for persons belonging to the Macedonian minority) categorised as such under the communist regime, inhabited by substantial numbers of persons belonging to national minorities.

<sup>6</sup> Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: "respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so", paragraph 431: "Questions will generally refer to one language only. Multiple languages may be required for the mother tongue and main languages of minority groups".

for incorrect replies to the questionnaire and determined that a reply would be considered incorrect if it did not correspond with data contained in the civil registry.

45. The Advisory Committee considers that the provision introducing a fine for an incorrect reply to the question on ethnic origin (nationality), in conjunction with the reliance on the data on civil registry, which (given the shortcoming and inaccuracies inherent in the system in existence until recently) cannot be considered to be reliable and accurate, raises issues of compatibility with the principles enshrined in Article 3 of the Framework Convention. In particular, persons belonging to the Greek and Macedonian minorities residing outside the former “minority zones”, whose ethnicity was not entered or was entered incorrectly in their birth certificates, and persons belonging to other minorities, in particular the “ethno-linguistic” ones whose ethnicity was never recorded, have not been granted the right to declare freely their ethnic origin.

46. The Advisory Committee considers that the mere threat of a fine constitutes an intimidating factor and gravely compromises the right to self-identification of persons belonging to national minorities. This view was confirmed by representatives of national minorities, who discussed this issue at length with the Advisory Committee. In this context, the Advisory Committee regrets to note that a number of organisations representing national minorities called for the boycott of the census. At the time of the adoption of this Opinion, the Advisory Committee is not in a position to ascertain how many persons refused to answer the question on ethnicity (nationality) and whether the threat of a fine influenced the persons who did answer this question. However, given the possibility of applying fines and the resulting calls for a boycott of the census, the Advisory Committee considers that the results of the census must be viewed with the utmost caution and calls on the authorities not to rely exclusively on the data on nationality collected during the census in determining its policy on national minorities.

47. The Advisory Committee considers that, given the controversies surrounding the census and its identified shortcomings, the authorities should systematically respect the principle of free self-identification, while taking into consideration both the subjective choice and the objective criteria relevant to a person’s identity, when granting rights to persons belonging to national and “ethno-linguistic” minorities. This is particularly important as regards opening classes in a minority language, when deciding on the right to use a minority language in relations with administrative authorities and for displaying local names, street names and other topographical indications.

#### *Recommendations*

48. The Advisory Committee calls on the authorities to observe strictly the right to self-identification, while taking into consideration both the subjective choice and the objective criteria relevant to a person’s identity, and to abstain from any pressure impacting on the free choice of the persons concerned. In particular, the Advisory Committee urges the authorities not to apply any fines on persons exercising their right to free self-identification.

49. The Advisory Committee encourages the authorities to process the census data in strict conformity with the principle of self-identification and with the recommendations of the Conference of European Statisticians, in order to ensure that reliable figures in respect of the ethnic composition of the population are collected.

50. The Advisory Committee encourages the authorities to adopt additional measures aimed at collecting reliable socio-economic data disaggregated by ethnicity (nationality), age, gender and geographical distribution, in all relevant fields, and to this end, develop adequate methods of ethnic data collection while fully respecting the principle of self-identification and in accordance with international standards on personal data protection.

51. The Advisory Committee calls on the authorities not to condition the exercise of any rights provided for in the Framework Convention on the results of the census of 2011.

#### **Article 4 of the Framework Convention**

##### **Legislative framework for prohibiting discrimination**

###### *Recommendation from the two previous cycles of monitoring*

52. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to complete the legislation prohibiting discrimination, notably against persons belonging to minorities, so as to ensure that all relevant areas were covered.

###### *Present situation*

53. The Advisory Committee welcomes the adoption, in February 2010, of the Law on Protection from Discrimination which aimed to base the Albanian legislation in this field on the standards laid down in the European Council Directive on Racial Equality (2000/43/EC), and the European Council Directive on Employment Equality (2000/78/EC). This law provides protection and prohibits discrimination, in particular, on racial, ethnic, national or religious grounds and establishes legal jurisdiction in procedures alleging breaches of its provisions. The Advisory Committee notes in particular the shifting of the burden of proof and the provision allowing third parties to intervene as *amicus curiae* in cases of discrimination.

54. The Advisory Committee welcomes the appointment, in April 2010, of the Commissioner for Protection from Discrimination (CPD), who has been empowered, together with the courts, to enforce the law and, in particular, to examine complaints from individuals, conduct administrative investigations, impose sanctions, and represent the complainants before judicial bodies in civil cases. The Commissioner can also make recommendations and conduct awareness-raising activities.

55. The Advisory Committee notes that, according to the information available in September 2011, the Commissioner received 10 complaints, including one concerning the displacement of a Roma settlement by the police in Tirana. In this particular case, based on the information received, the Commissioner lodged the complaint against the police and the procedure is ongoing.

56. The Advisory Committee notes that the Commissioner has organised a number of awareness-raising activities amongst the public in co-operation with the Ministry of Labour and Social Affairs. It notes however that, in spite of these efforts, general awareness of the provisions of the law among the public and key professional groups remains low.

###### *Recommendation*

57. The Advisory Committee encourages the authorities to maintain their support for the activities of the Office of the Commissioner for Protection from Discrimination by continuing to provide it with appropriate resources, including financial ones, in order to allow the Office to fulfil its duties effectively and independently and to increase the monitoring of alleged cases of discrimination.

## **Monitoring discrimination and available remedies**

### *Recommendations from the two previous cycles of monitoring*

58. In the previous cycles of monitoring, the Advisory Committee asked the authorities to develop campaigns to make both the general public and national minorities aware of the means of redress available in the event of discrimination.

### *Present situation*

59. The Advisory Committee welcomes the amendments made to the Criminal Code in 2007 in order to make discrimination relating to sex, race, religion, nationality, language, political and religious or social beliefs the 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”.

60. The Advisory Committee notes with interest that certain training activities have been organised, following the enactment of the amendments to the Criminal Code. These have focused in particular on human rights issues and the implementation of the new legislative provisions pertaining to discrimination, racism and hate crimes.

### *Recommendation*

61. The Advisory Committee encourages the authorities to prevent, investigate and prosecute perpetrators of offences committed with racial or xenophobic motives and to provide for constant monitoring of this phenomenon within society.

## **Office of the People's Advocate**

### *Recommendation from the two previous cycles of monitoring*

62. In the previous cycles of monitoring, the Advisory Committee asked for the People's Advocate to put more emphasis on overcoming indirect discrimination in cases involving persons belonging to national minorities.

### *Present situation*

63. The Advisory Committee notes that the Office of the People's Advocate continues to play an active role in protecting human rights in Albania, in particular, in raising public awareness of the rights of persons belonging to national minorities and in seeking solutions to outstanding problems. In this context, the Advisory Committee welcomes a National Seminar on "Albanian Society - Challenges and non-discrimination." This took place in December 2010 and was organised by the Office of the People's Advocate in collaboration with the Commissioner for Protection from Discrimination, the Ministry of Interior, the Ministry of Labour, Social Affairs and Equal Opportunities, as well as by a number of important civil society actors.

64. The Advisory Committee notes that the acting People's Advocate and her Office are well-known in Albania and enjoy a high degree of trust from the public as well as from the authorities. Although the People's Advocate decisions are non-binding, the authorities have implemented a number of her recommendations.

65. The Advisory Committee notes that, in 2010, the Office of the People's Advocate handled 3,264 applications, of which only 10 cases were lodged by the Roma alleging

discrimination on ethnic grounds. A number of these applications, which concerned the alleged delay in registration procedures by the Office of the Civil Shkoder Municipality, were satisfactorily resolved.

66. The Advisory Committee welcomes in particular the action taken by the People's Advocate to elucidate the circumstances of the attack on the Roma settlement near the Tirana train station in February 2011, in which unidentified perpetrators attacked and burned down dwellings inhabited by some 40 families, whilst the police failed to take appropriate measures to protect these people. In particular, the Advisory Committee welcomes the action taken by the Office of the People's Advocate to identify shortcomings in the internal police investigation and disciplinary proceedings.

#### *Recommendation*

67. The Advisory Committee urges the authorities to continue providing the Office of the People's Advocate with the appropriate level of financial and human resources, in order to allow it to fulfil its duties effectively and independently.

### **Socio-economic situation of the Roma**

#### *Recommendations from the two previous cycles of monitoring*

68. In the previous cycles of monitoring, the Advisory Committee urged the authorities to include Roma in the population register, to step up their efforts, in conjunction with municipalities and associations active in this area and to make Roma parents aware of their obligation to register their children's births.

69. The Advisory Committee further called on the authorities to intensify their efforts to implement the National Strategy on the Roma, in particular by specifying the division of responsibilities among central government, local authorities and non-governmental organisations, by providing for appropriate budgetary funding and resources and by taking steps to collect statistical data on the situation of Roma and developing assessment indicators for the strategy.

70. The Advisory Committee also asked the authorities to ensure that evicted persons were treated equally in relation to re-housing and, in particular, that specific monitoring would be undertaken regarding the re-housing of persons belonging to the Roma minority.

#### *Present situation*

71. The Advisory Committee notes that for some years the authorities have increased efforts to combat discrimination and integrate Roma into society, in particular in the framework of the National Strategy for the Improvement of the Living Conditions of the Roma adopted in 2003, followed later by the adoption in 2009 of the National Action Plan 2010-2015 for the Decade of Roma Inclusion. This plan laid down a set of tasks geared to ensure equal treatment in the areas of education, employment and social protection, housing and infrastructure, access to health care and cultural heritage.

72. The Advisory Committee notes in this context that the budgetary provisions for the Action Plan constitute only a potential source of funding, thus endangering the effective implementation of the activities listed in the Plan. The Advisory Committee considers that the lack of resources will have a negative impact on the achievement of the objectives laid down in the Plan.

73. The Advisory Committee welcomes the amendments to the legislation on civil registration which extended the statutory time-limit for registration of a new-born child from 45 to 60 days, abolished fines for late registration and the need for initiating a court procedure in order to register a child outside the time-limit. The authorities also introduced the financial incentive of paying a bonus of 5,000 ALL to families for registering a birth within a prescribed time limit. According to the information provided by Roma representatives to the Advisory Committee, these steps have led to a reduction in the number of cases of unregistered births of Roma children.

74. The Advisory Committee notes in this context that the above steps taken by the authorities, together with the circular of the Ministry of Education and Science of 2006, which permitted school enrolment of Roma children without birth certificates, has already yielded already some positive results by increasing the number of Roma children attending classes.

75. The Advisory Committee also notes that a number of projects, aimed at improving the social inclusion of Roma and Egyptians, have been implemented in co-operation with the UNDP, civil society and the authorities. These included assistance with civil registration through the training of court officials and lawyers and an awareness-raising campaign among Roma and Egyptians, vocational training of Roma, including that of Roma health mediators and teaching assistants. Further measures included an increase in the participation of Roma and Egyptians in local decision-making through their collaboration in the development and implementation of various infrastructure projects, such as the establishment of pre-schools, connecting homes to water and sewage networks and refuse collection.

76. The Advisory Committee notes that the Ministry of Public Works, Transport and Telecommunication allocated an amount of 30 million ALL in the budget for 2008 to finance housing construction and infrastructure projects (running water, sewage treatment) in the municipalities of Kuçova, Bilisht and Pojan. The Advisory Committee regrets to find that, despite these measures, the living conditions in some Roma settlements remain inadequate. Lack of sanitation, livestock waste and insufficient refuse collection create serious dangers to human health and pose serious epidemiological risks. The Advisory Committee was very concerned to learn that, in such circumstances, no funding had been allocated in 2009 and 2010 in order to continue the necessary investments in the most needy Roma neighbourhoods.

#### *Recommendations*

77. The Advisory Committee strongly urges the authorities to exert more effort to prevent, combat and sanction the inequality and discrimination suffered consistently by the Roma. The authorities must step up their efforts, in particular at local level, to improve the living conditions of Roma and to promote their integration into society. The authorities should ensure that the persons concerned have the possibility to participate effectively in the consultation and decision-making processes regarding such improvements.

78. The Advisory Committee urges the authorities to guarantee the funding necessary for the effective implementation of the National Action Plan 2010-2015 and other infrastructure projects.



## **Article 5 of the Framework Convention**

### **Policy on supporting minority cultures**

#### *Recommendation from the two previous cycles of monitoring*

79. In the previous cycles of monitoring, the Advisory Committee asked the authorities to develop a genuine policy on supporting minority cultures, by setting up a special fund to promote minority cultural identities.

#### *Present situation*

80. The Advisory Committee notes with regret that there has been no change since the previous monitoring cycle as regards the development of a policy on supporting minority cultures. Although the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union (2007-2013) mentions the creation of a special fund to finance projects aimed at preserving and developing minority cultures, no such fund has yet been established.

81. It is particularly worrying that, according to the State Report, support to national minority cultures consisted in 2009 solely of the Ministry of Tourism, Culture, Youth and Sports providing a financial contribution to two cultural events: “The Day of Roma Traditional Music” and “Albania in symbiosis with minorities” and to the National Folkloric Festival in Gjirokastër, and of the publication of a magazine focusing on the culture and social issues of the Roma.

82. There are no provisions relating to support for the publication of books in national minority languages.

#### *Recommendation*

83. The Advisory Committee urges the Albanian authorities develop a genuine policy on supporting minority cultures and set up a fund to promote minority cultural identities, as envisaged in the National Action Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union.

## **Article 6 of the Framework Convention**

### **Tolerance and intercultural dialogue**

#### *Recommendation from the two previous cycles of monitoring*

84. In the previous cycles of monitoring, the Advisory Committee called on the authorities to take additional measures to tackle incidents of intolerance and hostility, in particular against the Roma, by raising awareness of the needs of these communities, in particular among professional groups, such as law enforcement officers, the judiciary and the media.

#### *Present situation*

85. The Advisory Committee notes that a climate of respect and tolerance generally prevails in Albania and that the representatives of national minorities reported that incidents of racist or ethnic intolerance were rare.

86. The Advisory Committee notes with deep concern the arson attack against Roma dwellings inhabited by some 40 families in central Tirana in February 2011 which resulted in some serious injuries and the displacement of large numbers of people, including many children (see also the comment under Article 4 above). The victims were made homeless by the attack

and have not yet been provided with appropriate housing. At the time of the visit of the Advisory Committee, they were living in tents, in spite of repeated promises that they would be given appropriate housing before the onset of winter. The situation of the arson victims was exacerbated by the fact that they were settled temporarily in the outskirts of the city, without adequate access to schools and employment.

87. It is of particular concern to the Advisory Committee that law enforcement bodies did not take the necessary steps to protect the victims of this attack. For example, at the time of the Advisory Committee's visit, their complaints had not been properly registered, investigations of the crimes committed had not been carried out and the court's final verdict was still pending. Such an attitude on the part of the police indicates their apparent lack of awareness of anti-discrimination issues and even racial prejudice.

88. The Advisory Committee is also concerned by information provided by the Roma representatives that, in the tests they had conducted, Roma had been victims of discrimination due to refusal of admission to some public places, whereas non-Roma had faced no such difficulties.

89. In this context, the Advisory Committee notes that, in the absence of comprehensive statistics on crimes motivated by racial hatred, it is difficult for the authorities to take effective preventive measures and to devise strategies for combating offences committed through racial or xenophobic motives.

#### *Recommendations*

90. The Advisory Committee urges the authorities to ensure that more vigorous, speedy and effective action is taken to prevent, investigate and prosecute perpetrators of offences committed through racial or xenophobic motives and to provide for constant monitoring of this phenomenon within society.

91. The authorities should intensify their efforts to adopt awareness-raising measures on tolerance and anti-discrimination issues, aimed at training law enforcement officials, the media, the judiciary and informing the public.

### **Relations with the police**

#### *Recommendations from the two previous cycles of monitoring*

92. In the previous cycles of monitoring, the Advisory Committee urged the authorities to step up their monitoring of police conduct by setting up an independent review process and to apply adequate sanctions in the event of proven ill-treatment or discrimination on the part of the police.

93. The Advisory Committee also invited the authorities to step up their police training programmes in relation to the prohibition on discrimination and the standards of the Framework Convention, and to promote the recruitment of persons belonging to minorities, particularly Roma and Egyptians, into the police force, *inter alia* by offering training courses enabling them to compete for available posts.

#### *Present situation*

94. The Advisory Committee notes that a number of initiatives, taken by the authorities in the last four years to combat discrimination, have increased human rights awareness and raised professional standards among police officers.

95. Since 2008, according to the State Report, all police officers have undergone a basic police training during a period of 22 weeks which, among other issues, covered human rights and the rights of persons deprived of freedom. The Professional Standards Directorate in the General Directorate of State Police has been mandated with monitoring and sanctioning inappropriate police conduct, in particular during escorting, detention, arrest, custody and treatment on police premises.

96. In addition, the Advisory Committee notes that, under the authority of the Professional Standards Directorate, a Sector of Complaints and Discipline was established in 2008 tasked with enforcing the Discipline Rules and Regulations of the State Police and with taking appropriate action in case of any breach.

97. The Advisory Committee also welcomes the adoption by the State police of the Action Plan "For prevention and the fight against racism and racial discrimination". This Action Plan lays down measures and tasks, which are to be carried out by central and local authorities of the State Police, in particular by raising the awareness of the police of human rights, by establishing contacts with representatives of minorities to facilitate identification of cases of breaches of their legal and constitutional rights, by preventing and combating discriminatory acts, by combating trafficking and by involving police officers belonging to national minorities in patrolling areas where persons belonging to national minorities live in substantial numbers and by promoting the recruitment of persons belonging to national minorities. The Advisory Committee notes that, in order for all the above-mentioned measures to be effective, they must be observed and monitored strictly at all times by all levels of the law enforcement bodies.

98. The Advisory Committee also notes the establishment in 2008 of a National Mechanism on Prevention of Torture, Inhuman or Degrading Punishment or Treatment, as a special authority within the structure of the Office of the People's Advocate, which is directly responsible for monitoring the treatment of persons deprived of freedom and their protection from torture, cruel, inhuman or degrading punishment.

99. The Advisory Committee shares the conclusions of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)<sup>7</sup> which established that these measures have already started to bear fruit and that a number of improvements in this field have already been observed.

### *Recommendations*

100. The Advisory Committee invites the authorities to continue monitoring the behaviour and attitudes of the police and prison personnel, through the existing supervisory mechanisms, in order to ensure respect for European standards and to enforce the appropriate sanctions in established cases of human rights violations.

101. The Advisory Committee calls for increased efforts to recruit persons belonging to the Roma minority into the police force and other law enforcement agencies.

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<sup>7</sup> See Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 20 June 2008 <http://www.cpt.coe.int/documents/alb/2009-06-inf-eng.pdf>

## **Trafficking of persons belonging to the Roma and Egyptian communities**

### *Recommendations from the two previous cycles of monitoring*

102. In the previous cycles of monitoring, the Advisory Committee invited the authorities to collect data on trafficking and to step up their efforts to create a climate of trust and co-operation with the vulnerable communities in order to tackle the problem of trafficking.

103. The Advisory Committee also invited the authorities to step up measures in the area of protection for victims and witnesses in trafficking proceedings, to do more to rehabilitate victims and to play a greater role alongside non-governmental agencies in preventing trafficking.

### *Present situation*

104. The Advisory Committee notes that Albania ratified the Council of Europe's Convention on Action against Trafficking in Human Beings in 2007 and the authorities have taken a number of important steps to combat trafficking in human beings. In particular, it is to be welcomed that the Office for the National Co-ordinator for the Fight against Trafficking in Human Beings, the National Anti-Trafficking Task Force and a national referral mechanism have all been established.

105. The Advisory Committee also notes that the Convention on Action against Trafficking in Human Beings entered into force for Albania in February 2008, that a Group of Experts on Action against Trafficking in Human Beings (GRETA) carried out a monitoring visit to Albania at the beginning of 2011 and that its report and recommendations will be published shortly.

106. The Advisory Committee further notes that the National Reception Centre for Victims of Trafficking, established under the auspices of the Ministry of Labour, Social Affairs and Equal Opportunities, as well as three other shelters in Elbasan, Tirana and Vlora, provide free-of-charge assistance to victims of trafficking. In 2010, the existing facilities accommodated 97 persons, providing them with medical assistance, counselling and personal reintegration programmes.

107. The Advisory Committee notes that the authorities acknowledge that Roma children are particularly vulnerable to trafficking, in particular to neighbouring Greece, and thus need special protection and care. The authorities of both countries concluded an Agreement in 2006 on the Protection and Assistance to Victims of Trafficking in order to create a legal framework for protection, assistance, repatriation and rehabilitation of victims of trafficking. A similar document was signed with "the former Yugoslav Republic of Macedonia" and with Kosovo.<sup>8</sup>

108. The Advisory Committee further notes that the State police figures show that the number of known alleged cases of child trafficking has significantly decreased in the last few years, with four cases investigated in 2009 and one case in 2010.

### *Recommendation*

109. The Advisory Committee invites the authorities, in addition to addressing all detailed recommendations made by the Group of Experts on Action against Trafficking in Human Beings, to tackle in particular the root causes of trafficking, such as marginalisation within society, poverty and school drop-out, which disproportionately affect the Roma community.

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<sup>8</sup> All reference to Kosovo, whether to the territory, institutions or population, in this text, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## Article 8 of the Framework Convention

### Freedom of religion, religious organisations and restitution of property of religious organisations

#### *Recommendations from the two previous cycles of monitoring*

110. In the previous cycles of monitoring, the Advisory Committee encouraged the Albanian authorities to continue their work on drafting a law on freedom of religion.

111. The Advisory Committee also invited the authorities to ensure that the ongoing process of returning property belonging to religious communities and granting compensation was fair and equitable.

#### *Present situation*

112. The Advisory Committee notes with regret that there has been no change since the previous monitoring cycle as regards the adoption of a law on the freedom of religion. There has been no follow up to the recommendations made by the Venice Commission in 2007 and by the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief in 2009 on the draft law “On freedom of religion, religious organisations and mutual relations with the State”.

113. The Advisory Committee notes however that, based on Article 10 of the Constitution of Albania which calls for separate bilateral agreements to regulate relations between the government and religious communities, the authorities concluded, in 2002, an agreement with the Catholic Church and, in October 2008, with the Muslim, Orthodox, Protestant and Bektashi communities. The Advisory Committee further notes that, following the conclusion of the above-mentioned bilateral agreements, the State Agency for the Restitution and Compensation of Property was instructed to give priority to the return of properties owned by religious communities.

114. The authorities have agreed to the construction of a new Orthodox Cathedral in central Tirana, to be one of the largest in the Balkans, on land handed over to the Orthodox Church as compensation for land seized by the communist regime. It has to be noted also that the municipal authorities in Tirana have recently granted a building permit to the Islamic Community for the construction of a new mosque.

115. The Advisory Committee also notes that other property claims throughout the country, as well as requests for the return of religious icons and precious manuscripts, seized by the communist regime and which remain in the national archives, have not yet been settled.

116. Finally, the Advisory Committee notes that in the framework of the census of 2011, for the first time since 1930, an optional open-ended question on religion was asked. The Advisory Committee considers that data collected on the religious composition of the Albanian population should allow the authorities to draw up more effective and appropriate policies in order to guarantee freedom of religion or belief.

#### *Recommendations*

117. The Advisory Committee reiterates its encouragement to the Albanian authorities to continue their work on the “draft law on freedom of religion”, in full compliance with the applicable international standards.

118. The Advisory Committee also urges the authorities to intensify their efforts to return property belonging to religious communities and to grant fair and equitable compensation.

119. The Advisory Committee requests the authorities to use the information on the religious composition of the population, obtained during the 2011 census, as an indicator in drawing up policies and legislation on the effective protection of freedom of religion or belief, in conformity with international provisions and standards relating to data collection.

## **Article 9 of the Framework Convention**

### **Printed media in minority languages**

#### *Recommendation from the two previous cycles of monitoring*

120. In the previous cycles of monitoring, the Advisory Committee asked the Albanian authorities to support minorities' efforts so as to enable them to continue to issue regular publications in their language.

#### *Present situation*

121. The Advisory Committee notes with regret that there has been no change since the previous monitoring cycle as regards the print media in minority languages. The authorities provide no support whatsoever to minority language media.

122. The Advisory Committee notes however that a number of privately owned and funded Greek language newspapers, such as the "Laiko Vima", are published with varying frequency in Gjirokastër, and a Macedonian language newspaper "Ilinden" has recently been launched in Tirana.

#### *Recommendation*

123. The Advisory Committee urges the authorities to offer financial support for minority language printed media so as to ensure regular publication.

### **Broadcast media**

#### *Recommendations from the two previous cycles of monitoring*

124. In the previous cycles of monitoring, the Advisory Committee invited the authorities to launch, without further delay, the process of revising the legislative framework for the broadcast media with a view to ensuring appropriate coverage for each minority. The Advisory Committee also considered that the authorities should ensure the extension of regional public broadcasting in minority languages.

125. The Advisory Committee also invited the authorities to pay specific attention to smaller communities to ensure that greater consideration was given to their needs.

#### *Present situation*

126. The situation with regard to legislation on broadcast media has not changed since the previous monitoring cycle. The local public radio and television stations in Gjirokastër transmit some programmes in the Greek language.

127. The Advisory Committee notes that there are no legal obstacles to private television and radio broadcasting and that, according to the information contained in the State Report, there are ninety private television broadcasters and fifty-six radio broadcasters. The Advisory Committee also notes that, according to the same source, two privately owned Greek language television stations *Armonia* and *ALPO* and two radio stations *Armonia* and *Saranda* are licensed to operate

in Albania. The Advisory Committee also notes that programmes in the Macedonian language are transmitted by the *Prespa* radio station and in Romani by *Radio Sot-7* in Tirana.

#### *Recommendations*

128. The Advisory Committee reiterates its invitation to the authorities to review, without further delay, the legislative framework for the broadcast media with a view to ensuring appropriate access to the media for persons belonging to national minorities, in conformity with Article 9, paragraph 4 of the Framework Convention.

129. The Advisory Committee also calls on the authorities to ensure that public radio and television networks expand their offers in order to include minority language programmes, in line with relevant provisions of the Framework Convention.

### **Article 10 of the Framework Convention**

#### **Use of minority languages in relations with the administrative authorities**

##### *Recommendation from the two previous cycles of monitoring*

130. In the previous cycles of monitoring, the Advisory Committee invited the authorities to adopt legislation allowing minority languages to be used in relations with the administrative authorities on the basis of clearly defined criteria, in accordance with Article 10, paragraph 2 of the Framework Convention.

##### *Present situation*

131. The Advisory Committee regrets that the situation with regard to the use of minority languages in relations with the administrative authorities has not changed since the previous monitoring cycle. The law on the use of minority languages, which the National Plan for the implementation of the Stabilisation and Association Agreement between Albania and the European Union (2007-2013) lists as one of the short-term measures, has not been drafted.

132. A number of agreements signed between the central and local governments, which enable persons belonging to national minorities to use their languages in specific circumstances, remain in force. However, as already observed by the Advisory Committee in its second Opinion, the wording of such agreements is vague, their legal force is unclear and, moreover, they allow local authorities too much discretion in addressing the issues in question.

##### *Recommendation*

133. In the light of the second Opinion of the Advisory Committee and the resolution of the Committee of Ministers ResCMN(2009)5 which followed, the Advisory Committee urges the Albanian authorities to introduce legislative changes on the use of minority languages in relations with the administrative authorities and to adapt the relevant practice in conformity with Article 10, paragraph 2 of the Framework Convention.

## **Article 11 of the Framework Convention**

### **Patronyms in minority languages**

#### *Recommendation from the two previous cycles of monitoring*

134. In the previous cycles of monitoring, the Advisory Committee invited the authorities to ensure that the new, simplified procedure allowing persons belonging to national minorities to revert to the traditional forms of their names was carefully monitored and applied in practice.

#### *Present situation*

135. The Advisory Committee notes with satisfaction that the representatives of national minorities, with whom it spoke during the visit, did not indicate having had difficulties in reverting to the traditional forms of their names. It notes, however, that a number of people concerned indicated that the cost of changing identity and other official documents, constitutes a significant financial burden, which has a dissuasive effect for persons of limited financial means belonging to national minorities.

#### *Recommendation*

136. The Advisory Committee invites the authorities to consider, in consultation with representatives of national minorities, the adoption of measures which would facilitate the procedure of reverting to traditional forms of names for persons belonging to national minorities.

### **Topographical indications in minority languages**

#### *Recommendation from the two previous cycles of monitoring*

137. In the previous cycles of monitoring, the Advisory Committee asked the authorities to lay down a clear legal framework for the use of minority languages for the display of traditional local names, street names and other topographical indications.

#### *Present situation*

138. The Advisory Committee welcomes the decision, adopted in March 2008 by the Council of Ministers, on “defining technical specifications of signboards for naming parks, playgrounds, boulevards, streets, and the numbering of buildings”. A provision of this Regulation specifies that “in the unit of local government where national minorities live and in case of their requests, signboards will be written in two languages complying with technical specifications of such boards and maintaining the same dimensions of letters in both languages”.

139. The Advisory Committee notes with concern that the above-mentioned decision does not address the issue of naming towns and villages in a minority language. The Advisory Committee also notes with regret that the above regulation does not provide for any threshold to be attained by a minority population in a municipality which would legally oblige the local authorities to consider the request for the display of street names in a minority language, nor does it outline the procedure to be followed.

140. The Advisory Committee also regrets to find that the State Report does not provide any figures on the number of municipalities in which the regulations on the display of traditional local names, street names and other topographical indications are being implemented.



*Recommendation*

141. In the light of the second Opinion of the Advisory Committee and the resolution of the Committee of Ministers ResCMN(2009)5 which followed, the Advisory Committee urges the authorities to take adequate remedial measures to bring the legislation and the relevant practice in conformity with Article 11, paragraph 3 of the Framework Convention.

**Article 12 of the Framework Convention****Access to education for Roma***Recommendations from the two previous cycles of monitoring*

142. In the previous cycles of monitoring, the Advisory Committee urged the authorities to tackle vigorously the issue of schooling for Roma children. It asked the authorities in particular to ensure that children without birth certificates were not prevented from enrolling in schools. The Albanian authorities were also asked to collect figures on the rate of school enrolment among Roma children.

143. The Advisory Committee also asked the authorities to allocate appropriate resources to pre-school education.

144. Finally, the Advisory Committee invited the authorities to take measures to combat illiteracy among Roma, including Roma adults.

*Present situation*

145. The Advisory Committee notes that in recent years the authorities have taken significant steps 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 the Roma. These initiatives to establish pre-school education for Roma children followed an earlier scheme, implemented in 2004 – 2006, to build and rehabilitate schools throughout the country, including in Roma neighbourhoods.

146. The Advisory Committee welcomes the fact that the Ministry of Education and Science has been engaged since 2008 in developing a database on school enrolment among Roma children in order to assess the progress achieved thus far and to direct future policies aimed at increasing enrolment.

147. The Advisory Committee also notes that, for a number of years, the Ministry of Education and Science has been implementing projects aimed at assisting vulnerable groups, including the Roma, by providing textbooks free of charge to children whose parents were unemployed. The Advisory Committee notes also that, in 2006, the Ministry of Education and Science issued a circular which permitted school enrolment of Roma children without birth certificates. This measure has already yielded some positive results by increasing the number of Roma children attending classes (see related comment under Article 4 above).

148. The Advisory Committee also welcomes information provided by the Ministry of Education and Science on the "Second Chance" school project, launched in 2004, to assist children, who have already dropped out, to re-enter the school system. According to official figures, over 50% of the 469 pupils participating in this scheme belong to the Roma community.<sup>9</sup>

149. The Advisory Committee welcomes the introduction of scholarships specifically earmarked for Roma children, which have been granted to 560 Roma children attending pre-schools and to 2,888 Roma children attending primary and secondary schools in 2010/11, as well as the creation of 20 scholarships for Roma students at universities.

150. Against this background, the Advisory Committee is concerned about studies indicating that the number of Roma children remaining outside of the education system is still alarmingly high, with only 13.5% of Roma children between the ages of three and five attending pre-school education and less than 50% of Roma children between the ages of 6 and 16 attending primary and secondary schools. In addition, 43% of Roma teenagers between the ages of 15 and 16 are illiterate.<sup>10</sup> Beyond the minimum school leaving age, only 12% of Roma between the ages of 16 and 19 attend upper secondary school, compared with a figure of 78% for the rest of the population, and only 2% of Roma go on to higher education.<sup>11</sup> The Advisory Committee further notes with concern that, according to the data collected in 2004,<sup>12</sup> only 58% of Roma women were literate, compared to 66 percent of Roma men.

151. The Advisory Committee considers that data disaggregated by age, gender and geographical distribution, collected during the census of 2011, might assist the authorities by providing the necessary information for developing further their policies to combat illiteracy and taking additional measures to tackle vigorously the issue of schooling for Roma children.

### *Recommendations*

152. The Advisory Committee encourages the authorities to increase their efforts to tackle the difficulties facing Roma pupils in the education system at all levels and to offer additional support for programmes in this regard. Systematic monitoring and evaluation of these programmes is essential. Representatives of Roma communities should be involved effectively at all stages in education programmes, including their design, monitoring and evaluation.

153. The Advisory Committee urges the authorities, as a matter of priority, to make more sustained efforts to ensure access to pre-school facilities for all Roma children and guarantee that the curriculum in pre-school education corresponds to the diverse needs and multi-lingual composition of the groups involved.

154. The Advisory Committee calls on the authorities to take urgent measures to tackle the problem of adult illiteracy among the Roma.

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<sup>9</sup> See <http://europeandcis.undp.org/governance/lgdc/show/B954E273-F203-1EE9-B28319AB82C06004> , Progress Report on the Implementation of the National Strategy for Improving the Living Conditions of the Roma Community, p. 29.

<sup>10</sup> Human Development Center, Educational Situation of Roma Children in Albania, Tirana, 2007

<sup>11</sup> UNICEF, Breaking the Cycle of Exclusion: Roma Children in South East Europe, Belgrade, 2007, p. 57

<sup>12</sup> See UNDP Report on Social Vulnerability of Roma in Albania, Tirana 2006, pg 23  
[http://europeandcis.undp.org/uploads/public/File/rbec\\_web/vgr/Albanian\\_Roma\\_Report\\_english\\_reduced.pdf](http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/Albanian_Roma_Report_english_reduced.pdf)

## Article 14 of the Framework Convention

### Teaching of minority languages and instruction in these languages

#### *Recommendations from the two previous cycles of monitoring*

155. In the previous cycles of monitoring, the Advisory Committee urged the authorities to apply the criteria for opening a class in a minority language in a flexible way and to look at ways of simplifying the system so as to avoid having numerous categories of eligibility for instruction in minority languages. In addition, the Advisory Committee asked the authorities not to rely on the ethnic origin as stated in birth certificates when deciding on the existence of a need for opening a minority language class.

#### *Present situation*

156. The Advisory Committee notes with regret that the situation as regards teaching of minority languages and instruction in these languages remains largely unchanged from the last monitoring cycle. The issues of concern identified by the Advisory Committee at that time have not yet been addressed.

157. The Advisory Committee notes that six primary schools and two high schools, with Greek as language of instruction, and four primary schools and one high school with Macedonian as language of instruction, continue to operate in the “minority zones” inhabited by a significant number of persons belonging to these minorities. The curricula in these schools have been amended to allow for teaching the history and geography of the national group in question, with textbooks elaborated by persons belonging respectively to the Greek and Macedonian minorities.

158. Teacher training courses for teachers in minority language schools have been organised by the Regional Education Directorates in Korce and Gjirokastër.

159. The Advisory Committee also notes with regret that, according to the information provided by representatives of national minorities, there are no language classes in the Serbian, Montenegrin and Vlach/Aromanian languages in spite of the interest shown by all of these groups in tuition provided in these languages. Representatives of national minorities informed the Advisory Committee that their requests to open classes providing instruction in minority languages have so far been ignored by the authorities. For example, a request signed by 70 parents asking for the introduction of Macedonian language classes in the local school in Bilishta was refused.

160. The Advisory Committee is particularly concerned by information received concerning the banning by the authorities of private Macedonian language lessons attended by 200 children in the region of Golo Brdo.

#### *Recommendations*

161. The Advisory Committee calls upon the authorities to intensify their dialogue with representatives of national minorities in order to analyse the existing requests of minorities, including those from the numerically-smaller groups, to receive instruction in or of their minority language.

162. In particular, the Advisory Committee invites the authorities not to rely exclusively on data on ethnicity contained in the civil registers, nor the results of the census of 2011, but instead to respect the principle of free self-identification, while taking into consideration both the subjective choice and the objective criteria relevant to a person's identity, when deciding on opening classes in a minority language.

### **Teaching of the Romani language**

#### *Recommendation from the two previous cycles of monitoring*

163. In the previous cycles of monitoring, the Advisory Committee urged the authorities to develop teaching materials in the Romani language and to take steps with a view to training teaching staff in the Romani language.

#### *Present situation*

164. The Advisory Committee notes with interest that the most recent reform of the school curricula in 2009 has resulted in the possibility of including the teaching of the Romani language in schools at the request of the parents of at least thirteen children. The Advisory Committee notes however that this possibility has not yet resulted in the organisation of any classes of the Romani language, primarily due to the lack of qualified teachers and applications from the parents of Roma children.

165. The Advisory Committee further notes that, according to the information provided by Roma representatives, there are no textbooks or other didactic aids in Romani.

#### *Recommendation*

166. The Advisory Committee calls upon the authorities to adopt the necessary measures in order to train teaching staff and develop appropriate materials for teaching in the Romani language, taking into consideration the Curriculum Framework for Romani<sup>13</sup>, and with a view to creating opportunities for the teaching of or in the Romani language, where there is a sufficient demand.

### **Article 15 of the Framework Convention**

#### **Government bodies responsible for minorities and dialogue with minorities**

#### *Recommendations from the two previous cycles of monitoring*

167. In the previous cycles of monitoring, the Advisory Committee invited the authorities to review the institutional bodies responsible for minorities with a view to establishing regular dialogue and effective decision-making between, on the one hand, a government body enjoying decision-making power and, on the other, organisations representing the various minorities.

168. The Advisory Committee also asked the authorities to enable minorities to articulate their interests and co-ordinate their position by facilitating the establishment of a body along the lines of a minority council.

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<sup>13</sup> [http://www.coe.int/t/dg4/linguistic/Source/Rom\\_CuFrRomani2008\\_EN.pdf](http://www.coe.int/t/dg4/linguistic/Source/Rom_CuFrRomani2008_EN.pdf) "A Curriculum Framework for Romani" developed in co-operation with the European Roma and Travellers Forum. Language Policy Division, Council of Europe, Strasbourg 2008.

*Present situation*

169. The Advisory Committee notes with regret that the situation has not changed since the previous monitoring cycle and the State Committee on Minorities<sup>14</sup> established in 2004, 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. The Advisory Committee notes in this regard that members of the State Committee are appointed by the authorities without prior consultation of national minorities.

170. The Advisory Committee regrets that the State Committee on Minorities does not represent all minority groups. In addition it lacks independence and its composition is arbitrary. These shortcomings indicate that persons belonging to some national minorities do not benefit from a truly representative body, which can speak on their behalf and defend their interests on issues concerning them.

*Recommendation*

171. The Advisory Committee urges the authorities to review and revise, preferably within the framework of the adoption of a comprehensive law on national minorities, the composition and the functioning of the institutional bodies responsible for minority issues, with a view to establishing regular dialogue and effective decision-making between, on the one hand, a government body enjoying decision-making power and, on the other hand, organisations which truly represent the various national minorities.

**Political participation: electoral representation and process***Recommendation from the two previous cycles of monitoring*

172. In the previous cycles of monitoring, the Advisory Committee asked the authorities to consider ways of increasing the representation of persons belonging to national minorities in Parliament and to ensure that persons belonging to national minorities, who had been excluded from the electoral process, owing to the use of birth certificates as identification, were fully included in the electoral process, through the use of identity cards or any other appropriate system.

*Present situation*

173. The Advisory Committee notes that, in November 2008, new electoral legislation was adopted, establishing the proportional representation system based on 12 regional constituencies, with a 3% threshold for parties and a 5% threshold for pre-election coalitions. The new legislation contains no particular provisions either exempting parties representing national minorities from the threshold or introducing reserved seats for representatives of national minorities.

174. The Advisory Committee notes that the new legislation makes it more difficult for smaller political parties to compete in elections and to have their representatives elected to the Parliament. Whereas after the 2005 elections, 14 parties and coalitions were represented in the Parliament, currently, after the 2009 elections, there are only three parties and coalitions in the Parliament of Albania. The Advisory Committee notes that some members of Parliament, representing national minorities, were elected either as members of mainstream political parties

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<sup>14</sup> Decision No. 127 of the Council of Ministers of 11 March 2004 establishing the State Committee on Minorities.

or as a result of their minority parties entering into pre-electoral coalition agreements with a larger political party.

175. At the local level, representatives of national minorities participated in the local elections held in May 2011 with mixed results. The Advisory Committee notes that a number of mayors and municipal councillors, representing the Greek and Macedonian national minorities, were elected in areas inhabited by a substantial number of persons belonging to these minorities. The Advisory Committee notes, however, that numerically-smaller minorities, in particular the Roma, do not benefit from appropriate political representation, at neither national level nor local levels.

#### *Recommendations*

176. The Advisory Committee encourages the authorities to consider measures to improve the representation of national minorities in elected assemblies, by removing all undue obstacles, including those enshrined in law.

177. Substantial efforts should also be made to promote a better representation of the Roma at all levels. In addition, particular attention should be paid to the representation of persons belonging to numerically-smaller minorities.

### **Participation of Roma in economic and social life**

#### *Recommendations from the two previous cycles of monitoring*

178. In the previous cycles of monitoring, the Advisory Committee asked the authorities to make specific efforts to promote the employment of persons belonging to national minorities. The Advisory Committee also invited the authorities to include specific data on the socio-economic position of persons belonging to national minorities in statistical studies in this field.

#### *Present situation*

179. According to various non-governmental sources, unemployment among the Roma minority continues to be unacceptably high. Whereas the unemployment rate in Albania generally stands at around 13%, more than 70% of Roma are unemployed. A survey conducted by the UNDP<sup>15</sup> revealed that the average monthly income from any source of a member of a Romani household was 68 EUR, compared with 174.5 EUR for the non-Romani population living in the same neighbourhood as the Roma.

180. Measures taken by the Ministry of Labour, Social Affairs and Equal Opportunities, within the framework of the Sectoral Strategy on Employment and Vocational Formation for the period 2007-2013, as well as in support of some other policies, such as the National Strategy of Social Inclusion, have thus far not yielded the expected results. Out of the 3,223 Roma registered as unemployed job-seekers in 2008, only 306 found employment with assistance offered by employment offices. In 2009, only 30 of the unemployed 2,629 Roma, registered with employment offices, found work. This disproportionate number of unemployed Roma indicates discriminatory practices in the employment sector in Albania.

181. The Advisory Committee regrets to note that according to the State Report, in 2008, only 20 Roma unemployed job-seekers were offered vocational training free-of-charge.

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<sup>15</sup> See: At risk: The Social Vulnerability of Roma in Albania, Tirana 2006, page 9  
[http://intra.undp.org.al/ext/elib/download/?id=841&name=National%20Roma%20Report%20english\\_reduced.pdf](http://intra.undp.org.al/ext/elib/download/?id=841&name=National%20Roma%20Report%20english_reduced.pdf)

182. The Advisory Committee notes with concern that the housing situation of Roma remains worrying. The inadequate living conditions faced by the Roma inhabitants of some settlements, such as lack of access to running water and a sewage system, as well as insufficient infrastructures, including roads, are a matter of deep concern. It is particularly disturbing to learn 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.

*Recommendations*

183. The Advisory Committee strongly urges the authorities to exert more efforts to prevent, combat and sanction the inequality and discrimination suffered by the Roma in the employment sector.

184. The authorities must step up their efforts, in particular at local level, in order to improve the living conditions of Roma and to promote their integration into society.

**Article 17 of the Framework Convention**

**Transfrontier contacts**

*Recommendation from the two previous cycles of monitoring*

185. In the previous cycles of monitoring, the Advisory Committee asked the authorities to facilitate contacts across borders, in co-operation with neighbouring States, without undue restrictions on the right of persons belonging to minorities, including Roma, to establish and maintain contacts across frontiers.

*Present situation*

186. The Advisory Committee notes that, in November 2010, visa requirements for citizens of Albania travelling to countries of the Schengen area, and reciprocally for citizens of these States travelling to Albania, were abolished. This followed earlier bilateral agreements aimed at abolishing visas in bilateral relations between Albania on the one hand and Montenegro and “the former Yugoslav Republic of Macedonia” on the other hand.

*Recommendation*

187. The Advisory Committee encourages the Albanian authorities, in co-operation with neighbouring States, to continue seeking ways of facilitating contacts across borders, without undue restrictions on the rights of persons belonging to minorities, including the Roma.

### III. CONCLUSIONS

188. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Albania.

#### **Positive developments following two cycles of monitoring**

189. 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.

190. 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.

191. 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 only in the "minority zones", constituted discrimination among persons belonging to different national minorities.

192. 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.

193. 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

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

195. The authorities have taken a number of important steps to combat the 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.



196. 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 the 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.

### **Issues of concern following two cycles of monitoring**

197. 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.

198. 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.

199. 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. The Advisory Committee notes in this regard that members of the State Committee are appointed by the authorities without prior consultation of national minorities. The unbalanced composition and the apparent lack of independence of the State Committee on Minorities signify that persons belonging to some national minorities do not benefit from a truly representative body, which can speak on their behalf and defend their interests on issues concerning them.

200. Legislation on the population census of October 2011 was amended just three months ahead of the event in order to introduce fines for incorrect replies to the questionnaire and to stipulate that a reply is incorrect when it does not correspond with data found in the civil registry. Given the shortcomings and inaccuracies inherent in the system which existed until recently, the provision introducing a fine for an incorrect reply to the question on ethnic origin (nationality), in conjunction with the reliance on the data on civil registry, raises issues of compatibility with the principles of Article 3 of the Framework Convention.

201. The controversies surrounding the census, the intimidating nature of the fines for "incorrect" answers to the question on ethnic origin (nationality) and also calls on the part of representatives of national minorities for a boycott, raise doubts as to the reliability of the collected data. Consequently, the results of the census should be viewed with the utmost caution and the authorities should not rely exclusively on the data on nationality collected during the census when determining its policy on national minorities.

202. 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.

203. Against the background of a general climate of tolerance and understanding prevailing between national minorities and the majority, Albania recorded its first major hate crime 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 the necessary steps to protect the victims of this attack. The inadequacy of police reaction 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.

204. 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.

205. 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.

### **Recommendations**

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

#### **Issues for immediate action<sup>16</sup>**

- **Consider adopting comprehensive legislation on national minorities to fill in the identified legal gaps and to clarify State policy towards 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 strict 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;**
- **Intensify the dialogue with persons belonging to national minorities on the opportunities for teaching of and in minority languages and, where appropriate, take the necessary steps to address any shortcomings;**

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<sup>16</sup> 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.**

#### **Further recommendations<sup>17</sup>**

- 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;
- Step up efforts to support 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;
- Review 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 various minorities; consult them on issues concerning national minorities.

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<sup>17</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention