



10 February 2003

GVT/COM/INF/OP/I(2003)004

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

**COMMENTS OF THE GOVERNMENT OF
ALBANIA ON THE OPINION OF THE
ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK
CONVENTION FOR THE PROTECTION OF
NATIONAL MINORITIES IN ALBANIA**

INTRODUCTION

On 26.07.2001 Albania has submitted to the Council of Europe the First Report “On the Protection of National Minorities Rights”. From April the 9th till May the 3rd, 2002, the Advisory Committee of the “Framework Convention for the Protection of National minorities” of the Council of Europe has visited Albania in the framework of this report examination and to receive further information on the application of this Convention.

On 12.09.2002 the Advisory Committee of the “Framework Convention for the Protection of National minorities” of the Council of Europe has approved the “Opinion” concerning the report submitted by Albania.

Assessing the importance of the Advisory Committee “Opinion”, this document was delivered for consideration to some central institutions, including structures that treat the national minorities problems. This Opinion was sent also to the Ombudsman, the Sciences Academy, the Radio Television National Council, the Albanian Helsinki Committee, the various national minority and language associations. So, these comments are a result of the dialogue and consultations among the parties concerned.

In the framework of the further dialogue and transparency spirit increase and on the basis of the suggestions made by the Advisory Committee, the Office for Minorities in the Ministry of Foreign Affairs took the initiative of translating this material into the minorities languages (Greek, Serb-Croat and Macedonian) informing thus the minorities on the Opinion.

Based also on the opinions and remarks of the above mentioned institutions, the Government of the Albanian Republic presents its comments as follows:

COMMENTS ON THE EXECUTIVE SUMMARY

The Government of the Albanian Republic appreciates the work of the Advisory Committee in the monitoring process and the application of the Framework Convention and observes that the Advisory Committee comments, besides a very careful and professional work, also show a systematic attention and care for the most concerning problems of national minorities living in the Republic of Albania.

The Republic of Albania considers the respect of the Framework Convention on National Minorities Protection not only an obligation deriving from the enforcement of internal legislation norms, but also one of the most important commitments undertaken in the context of Stabilisation and Association in European Union.

The following comments are a result of the dialogue and consultations among the various parties and structures, which treat the minorities' problems. Albanian authorities have the opinion that in general this report raises some problems, which must be taken in consideration with the aim of completing and regulating the existing legislation that directly or indirectly has to do with the minorities and at the same time improve their current status. But on the other hand, we observe that the method followed to compile the Opinion creates the impression that in drawing its conclusions, the Advisory Committee is based on some verbal versions of undocumented claims for violation of minority people rights, the truth of which is hard to prove, creating thus a picture that is far from the reality of minority rights respect. Albanian legislation, starting from the Constitution of Albania and the other legal acts, echo completely and exactly the spirit of the Framework Convention on National Minorities Protection. This achievement of Albanian society was consolidated in years, especially during the democratic transformations period. Undoubtedly Albanian society faces serious difficulties and challenges, but concerning the national minorities status, the tolerance and the normal coexistence, the good neighbourhood, it may serve as a model for the entire Balkans region.

Having in mind the comments of the Advisory Committee on the completion of the legal and institutional framework, the Government of the Republic of Albania accepts that more should be done to complete and improve the legal and subordinate legal framework related to minorities, especially in relations with the administrative authorities, the use of traditional names, street names and other topographic indexes. To be more concrete, it is worth mentioning the fact that the *ad hoc* group was established to review the legislation and it will very soon come up with final conclusions concerning the improvement of the current legislation, always in conformity with the Framework Convention principles. Also, in the Framework of the Stability Pact for South-eastern Europe, with the assistance of Switzerland, work has started by a group of independent experts for the project non-discrimination Review, which will last till June 2003. Six out of nine states participating in this project, Albania inclusive, have submitted the preliminary assessment report.

Concerning the lack of statistical data on minorities and with the comment for the inexistence of the nationality entry in the registration of the population and houses for 2001, we clarify that indeed for the data we refer to the census of 1989, financed by UNO. It is also accepted that in the recent registration of the population and houses (REPOBA 2001), the nationality entry was not involved for technical and not political reasons, reasons welcomed by the donors of this registration as well, like the European Commission, the Greek Government. Also in this context, evaluating the importance of the updated data on minority, during the year 2002, as part of the

Government program for the national strategy for the economic and social development, INSTAT, assisted by World Bank organised the questionnaire LSMS (Living Standard Measurement Survey). Though the focus of this questionnaire was the collection of information on the living and poverty standard of families and individuals, in the group of identifying questions that of nationality was included. The data of this questionnaire will be made known very soon. Concerning the problem of Egyptians status, the discrimination of Roma and the active participation of the minorities in the economic and political life of the country, in order to avoid repetition, we think to treat them in details in the comments for respective paragraphs.

II. GENERAL REMARKS

Albanian Government appreciates the fact that in the examination of the Framework Convention on National Minorities Protection application by Albania, the Advisory Committee has taken in consideration the economic, social and the considerations made for the efforts to apply the Framework Convention.

In relation to the remark that no large consultations were made with the national minorities representatives, it is worth stressing at first that the fixed time for the Report compilation was too short to carrying out such a consultation process, which requires a variety of information for the current status of minorities and a as a consequence a considerable time. In the framework of the increase of co-operation with the minorities, the Albanian authorities also took the initiative of translating the "Opinion" into the national minorities languages (Greek, Macedonian, Serb-Croat). Whereas to the Roma and Aromanian associations the material was made available in Albanian. This initiative shows very well the attitude of Albanian Government towards the minorities, as partners in building policies.

Concerning the co-operation with the NGO-s, we mention the organisation of a series of seminars for the increase of awareness about the Framework Convention on National Minorities Protection and to find possible solutions for the problems worrying the minorities, where the Office for Minorities was always invited, which shows that Albanian Government considers NGO-s as worthy partners in promoting the values of a democratic society. Also in the structural composition of the Ombudsman institution, a General Section is included to cooperate with the nongovernmental organisations and to study the activity in the field of human rights and freedoms, which expresses the importance of co-operation with NGO-s. The active participation of the Republic of Albania in the Project Link Diversity, initiated in the framework of Stability pact, is a testimony of the ever-increasing efforts to promote the awareness about the creation of a multicultural society.

Concerning the claim that there are "voices" saying that the Government does not respond to some complaints made by people belonging to minorities, we think that in compiling this opinion and in its conclusions as well, the Advisory Committee should not have relied on verbal contacts with individuals, which cannot be cross-checked or verified.

In order to be more effective and to help solve these problems, important is to present the concrete problems that worry the minorities and a greater co-operation with the Minorities Office, so that a better co-ordination of the work among institutions responsible for dealing with minorities problems. In this point we also stress the activity of the Ombudsman to make the public opinion aware of this institution functioning in defence of freedoms and human rights of all individuals, groups of individuals or NGO-s.

Concerning the Advisory Committee comments about the claims on the officially accepted number of national minorities, which varies from 2%, according to government sources, 20 % according to some "other sources", we stress that Albanian Government should be very careful on this question and we invite the various international institutions to make the same thing basing only on reliable official data and sources.

Whereas concerning the Advisory suggestion for the interpretation of results in accordance with the person's subjective choice with respect to their affiliation with a particular group, we

underline that the Constitution of the republic of Albania in article 20, in accordance with article 3 of the Framework Convention sanctions the right of each person to express freely his own ethnic identity, but this freedom cannot be only subjective free of other considerations. This is also clearly defined in the Commentary for the Framework Convention provisions, according to which the subjective choice is indivisibly and closely linked with some respective objective criteria of the person's identity.

In Opinion stress is put impartially on the subjective choice not mentioning at all the objective criteria for which the Commentary for the Framework Convention. In theory as well as in practice it is not easy to define these objective criteria, moreover having in mind the difficulties in the very definition of the minorities notion. (Additional Protocol of the European Convention of the European Council, which was approved by the Committee of Ministers).

One of the criteria to define a "national minority" is also the one that persons exhibit ethnic, cultural, religious and language characteristics, distinctive from the rest of the population. This criterion should be kept in mind in defining the nationality or the ethnic affiliation of an individual, not to make absolute the subjective criterion, that is, "the personal choice". Differently from the affiliation in a religious community, which has simply subjective character because it means the right of each individual to believe or not and to change religious affiliation, the national or ethnic affiliation - as mentioned above - does not have only subjective character, but it is based on objective criteria as well. For this we refer to all the international conventions of the Council of Europe, UNO and OSCE.

In "Opinion" the objective criteria have been left out, like the language spoken in the family, nationality, traditions. In the conditions in which Albania is passing, disregard of the objective criterion, that is, the stable connection with the country, but taking in consideration only the subjective criterion, which is the expression of the will to be separately a minority, would lead to an artificial amplification of the minority population, and to the dangerous political manipulation of the minorities.

III. SPECIFIC COMMENTS WITH REGARD TO ARTICLES 1-19

ARTICLE 1

Albania is a party in the Main Conventions of UNO for Human Rights, which refer among others to discrimination. These conventions are: "Pact on Civil and Political Rights", "Pact on economic-social and cultural rights", Convention "On Prohibition of racial Discrimination", Convention "On Prohibition of Women Discrimination", Convention "On Children's Rights".

ARTICLE 3, Paragraphs 17-20

With respect to the extension of the field of the Framework Convention application and the question of the re-examination of the recognition of Roma and Aromanians as national minority, firstly, we highlight that the status of linguistic, or cultural minorities does not have any negative or discriminating effect on the application of the Framework Convention provisions. The recognition of linguistic minority status to these groups is based on the fact that Vlachs and Roma do not have a motherland.

In the legal situation where the definition of national minority is missing, Albania based the process of national minorities recognition on the criteria defined by the International Conventions respecting the objective factor and the subjective one.

In the case of Aromanians (Vlachs), we may say that the subjective factor is somewhat missing. Though it cannot be negated that there is a Vlach minority, which preserves and cultivates its own features, which enrich the social and cultural life, most of them in our country do not distinguish themselves from the rest of the population. Most of them do not speak and do not understand the Vlach language and they do not present the question of treating them as national minority.

They are integrated to such an extent in the life of the country that it can be said that it is difficult to distinguish the dividing border with the rest of the population. Their integration in the bosom of Albanian society has reached such an extent that it cannot be treated as minority but as a constituent part of the population. The Aromanian phenomenon is not simply Albanian, but in the entire Balkans there are Vlachs everywhere, which, while preserving their language and traditions have merged with the native population. Besides this, in many countries the notion of linguistic communities or minorities different from the national one is recognised. (Eg. The arberesh in Italy, though they have their motherland, are recognised as linguistic minority).

Albanian Government thus presents reservations with regard to the suggestion for reviewing the status of the linguistic Vlach minority relying only on the “the discontent of some people’ and it welcomes every suggestion or constructive criticism concerning this question.

With regard to point 21 and 22 of “Opinion”, which suggests reconsidering the possibility of recognising the “Egyptian” community as national minority, once again the tendency is observed to define the national minorities relying only on the factor of subjective choice. Generally we think that there is little knowledge about the problem of the self-called Egyptians. In this case the term Egyptian is irrelevant, though the leaders of the respective association use this term since the years ’90. Egyptian Government through its Embassy in Tirana has declared that this community has no ethnic relations with Egyptians, and it has issued a declaration by which it makes known that it recognises no Egyptian minority in Albania. In contacts with the Egyptian representation in Tirana, the question of recognising the Egyptian minority was never raised.

Historically the jevgj or evgjit (gypsy) have come to the Balkans and to Albania from India through Egypt and this is the only connection with this country. Differently from Roma, which have ethnic characteristics, have been nomads and have their own language, gypsies are sedentary, spread in many areas of Albania and not only in one separate area. In the local language they are called “jevgj” or “evgjit” and their origin is questionable. They do not have their own language and they speak Albanian. They are totally integrated in Albanian society and their distinction from the other Albanians is the racial distinction, like skin colour, etc. Once more we express the opinion that the question of recognising the status of national minority to the jevgjit (Egyptians) would not be based on those subjective and objective elements, accepted by the Council of Europe for the recognition of national minorities status.

With regard to paragraph 23 of article 3, which express doubts about the information given by Albanian Government and the question is presented that there are other ethnic or linguistic groups, which have not been considered as national minority, we underline that until now, there are no data for their existence and no applications made by such groups and if the Advisory

Committee possesses information on the existence of these groups in Albania, putting it at the disposal of the Albanian authorities would be welcomed.

With regard to paragraph 24, which raises the question of ensuring right “with no limit” to the national minorities out of the traditional areas where they live, the so-called “minority areas”. We stress that in no legal act of the current Albanian legislation is the term “minority zone” mentioned and the rights of national minorities are recognised in the entire territory of Albania, with no prejudice based on the geographical criterion.

The Albanian Government attitude has always been the guarantee of minorities’ rights in and out of the areas of origin. Until now there is no official practice of the application of this criterion, which is anti-constitutional and does not find expression in Albanian legal system.

ARTICLE 4

With regard to paragraph 25, according to which in Albania there is space for enlarging the legislative framework, we clarify that the Penal code has provisions, which guarantee the equality of citizens and punish with different penal and administrative sanctions the discrimination made on the basis of origin, sex, religious or political belief, or because of belonging to a certain ethnicity, nation, race (article 254 PC). Likewise in article 265 is foreseen the sentence with fine or imprisonment up to 10 years for instigating hate or quarrel among nationalities, races or religions. With regard to the suggestion to foresee the crimes for racial motives as separate offences, and the consideration of the racial motive by the tribunal as an aggravating circumstance, the possibility will be seen to include such an article in the Penal Code, but in reality there were no repeated cases of this phenomenon that would make immediate the prevision of this offence.

With regard to paragraph 26, which suggests the collection of all the relevant legislation concerning anti-discrimination, we think that it should be born in mind whether it is technically possible to include all the various penal, administrative norms in a single legislative act.

With regard to paragraph 27, on the preparation of a specific law for the protection of minorities, Albanian Government once again expresses that the respect and protection of minorities rights is guaranteed perfectly by the current legislation, which, as we stressed, is being improved and completed continually. We also judge that, the Framework Convention on National Minorities Protection, after the ratification is made part of the internal legislation and it has the force of a law, it is sufficient as a guarantee to protect the minorities’ rights in Albania.

With regard to paragraph 28 and 29, according to which, though it is accepted that discrimination is not a major problem in Albania, we observe that the Advisory Committee is informed through complaints by some minority people for the discrimination in various fields, from unemployment up to access in social services. Albanian Government stresses that in the absence of concrete cases, it is difficult to comment on these complaints. Problems like unemployment, the difficult economic-social situation, education, housing, infrastructure, etc. are problems encountered by the entire Albanian society. Of course, the concerns about the discriminations in various fields deserve attention and we cannot negate the fact that there might have been such cases, but anyhow these constitute isolated cases and are not an expression of a political will. Albanian authorities as mentioned in Opinion as well have made it clear to the experts that these “discriminations” have a general character and are not based on ethnic, racial and religious distinctions, so, as to the position of Roma and Egyptians, we can say that they are

not an object of discriminations as a separate community. For this point, the Institution of the Ombudsman expresses that there have been complaints with this content, but the respective subjects never introduced themselves as national minorities representatives.

Albanian Government, conscious of the numerous economic, social, housing, employment, education, culture, infrastructure problems, the active participation of the youngsters in the political-social life of Roma minority, undertook the work for drafting the national strategy for “The Improvement of Roma Living Conditions”, among the objectives of which is the fight against the discrimination of this part of population.

With regard to paragraph 30, the Committee expresses once again its concern for the social-economic difference that is being created between the Rom and the rest of the Albanian population with respect to education, housing, employment, etc. and the absence of the exact data constitutes indeed an obstacle for the state so that it can evidence, apply and monitor the measures for the implementation of the Framework Convention. It is true that we have to do with generally poor strata, but this is not the only poor strata in Albania, for truth’s sake, it must be said that many other citizens are in this situation, especially in the north-eastern area of the country. The low economic, educational, cultural state constitutes another important problem that makes them be marginalized and actually have not equal opportunities with the other citizens to take part actively in the political and social life of the country. Concerning the absence of the precise data for them, the character of their nomad life should be kept in mind, something that makes this process difficult. Of course, the application of the national strategy for Roma will influence on narrowing the differences with the rest of the population.

With regard to paragraph 31, concerning the drafting of the national strategy on “The Improvement of Roma Living Conditions”, Albanian Government is seriously committed to realise it. As you are informed, for drafting this document a work group was established, under the leadership of the Deputy Minister of Work and Social Questions, and the work for drafting the basic Platform is completed and it is presented to the work group in one of its regular meetings. The experience of Rumania was studied and reflected in compiling this Platform.

1. The main objectives of this strategy are:

Elimination of every form of discrimination towards Roma and encouraging this community to participate in an active way in the economic, cultural, social and political life of the country in equality position with all the other citizens of Albania.

The creation of an intellectual Roma class with the purpose of representing this community in the civil society in the most worthy way.

The creation of an identity of the Roma community, in which the historical and cultural values be evaluated and put in evidence.

2. The fields in which the strategy should act are:

Education

Art and culture

Media

Participation in civil life

Employment, Housing and Social Questions

Public Order

Central and local administration

Health
Justice
Economy

3. The basic principles for strategy drafting

The strategy should be drafted as a result of a common work between the Government and the representatives of the Roma community and the NGO-s. In this way this strategy will have constituent elements the Roma community demands and the real realising capacities and possibilities of the state.

The drafting of this strategy will be made in complete accordance with the Albanian legislation and the international one, which is applicable in our country.

The implementation of this strategy will be made relying on the principle of power decentralisation. Thus, in all Prefectures and Municipalities, where the Roma community is currently living, employees of these institutions and Roma community members will be appointed to follow and apply this Strategy.

4. This strategy will address to Albanian civil society and in particular to its following groups:

Rom community members living in Albania and having Albanian citizenship.
Leading political class
Employees of central and local administration
Organs of electronic and written media.

5. The main directions of action for every field;

Education

The preparation of a program to encourage the Roma children to attend school, where the work of social assistants with Roma parents should be included.

Including in the school curricula the topics, which fight every kind of discrimination.

Scholarships for Roma children who want to attend the university.

The possibility to involve them in existing professional schools of crafts branches where Roms have tradition.

Orientation of Roma young people to study in schools, which give the possibility to work in public administration, as for eg. Social Sciences, Public Academy, military Academy, etc.

Preparation and education of Roma teachers.

Art and Culture

Organisation of cultural activities with the purpose of affirming their identity and promoting the positive aspects of Roma culture.

Supporting the cultural activities of Roma folklore.

Promotion and creation of cultural and informing programs for Roma in public television.

Economy

Financing projects, which have the purpose of promoting the crafts products produced traditionally by Roma in the Albanian and foreign sales market.

Supporting the Small and Medium Enterprises, which are a property of people members of the Rom acommunity by giving soft and long-term credits.

Encouraging the projects that open vacancies for Roma community members, especially for Roma women.

Reducing the unemployment level of Roma by creating facilitating fiscal policies for those companies, which employ Roma community members.

Public Order

Involving the Roma community members in police units in those regions where they live in a considerable number.

Organisation of seminars for police organs with the topic, "Respect of human rights and especially those of minorities".

Taking disciplinary measures against those policemen who in their duty discriminate or maltreat people for the fact of being Roma.

Justice

Improvement of legal and legal subordinate acts in the field of human rights in general and those of minorities in particular. This may be included in the framework of commitments that Albanian Government has taken in the process of opening the negotiations for the agreement of stabilisation and association in EU.

Employment, housing and Social Questions

Creation of social policies with the purpose of reducing poverty in Rom families within the existing possibilities of Albanian state.

Supporting Roma young people who finish school to enter in labour market.

Giving social assistance with priority to Roma families, which complete the conditions foreseen by law for receiving this assistance.

Health

Family planning

Assisting Roma families with medication.

With regard to paragraph 32, as to the role of the Ombudsman in identifying and fighting against discrimination, we stress that prevention of discrimination and protection of minorities rights are related between them. Harmony in relations between minorities and the rest of the population and respect of their identity constitute a great asset in the multiethnic and multicultural diversity of our society. In this sense it is very important to sensitise the citizens about the human rights, to know “discrimination” as a phenomenon. Anyhow a lot remains to be done in this direction. Though according to the law, the Ombudsman has no decision taking power in relation to the administration organs, but has only the right of respective recommendations, this does not mean that this institution has no vehicles to protect the rights and freedoms of individuals. The right that this institution has to follow questions gradually according to the administrative hierarchy up to sending the question to the Parliament and the transparency, the co-operation with NGO-s and Media constitute an important element to realise his duty.

Concerning the Advisory Committee suggestion for the extension of the activities of the Ombudsman Institution in the South of Albania as well, we clarify that this institution has the competency to exert its activity in the entire territory of Albania, and in this context, the geographical criterion does not constitute a limitation. We are also looking for the possibility to finance by the state budget the activity of this institution, concretely in appointing a representative in Gjirokaster and Korçe.

ARTICLE 5

With regard to paragraph 34, concerning the greater support by the Albanian authorities in financing a series of projects presented by minorities’ members, we stress that the Ministry of Culture, Youth and Sports supports various activities of minorities in order to preserve and develop their culture by financing projects submitted with their initiative and the activities organised by the International Folk Centre. In this framework, Albanian Government and especially the Ministry of Culture, Youth and Sports expresses its commitment that during this year it will have greater attention for the cultural development of the minorities identity, following a favouring policy in financing the various projects for this purpose.

Paragraph 35. With regard to the Advisory Committee concern for the assimilation of Vlachs/Aromanians in Albania, experts should have in mind that this process of integration is not an event of today, but a result of a long historical process and the passed situation cannot be returned artificially. This does not mean that the particularities of that community of Vlachs which has still preserved its linguistic, cultural, etc. features, be not taken in consideration. Albanian state undoubtedly should take measures and encourage the preservation of these features. It is not easy for Albanian Government to realise the return of the historical assimilating processes happened in centuries, but anyhow it supports the remaining elements of their linguistic identity, e.g., the Ministry of Culture, based on recommendation 1333 of Parliamentary Assembly of the Council of Europe, supports the activity of some Aromanian folk groups in Korça city. Currently conditions have been created for them to learn this language and develop all the elements of their cultural identity. They have also their association “Aromanian Association” and organise now and then various activities in their language with the purpose of echoing their values and customs. They have also a school in Divjake, where the teaching program is developed in Vlach language.

But on the other hand, from Vlach ranks, in Albania distinguished personalities in all fields of culture and art. They have made their works in Albanian language and they take part in an active way in different fields of social life.

ARTICLE 6

Paragraph 36-38. Albanian Government expresses assessments for the Advisory Committee findings, for the tolerance spirit prevailing in general in Albania and it expresses its commitment to eliminate every kind of prejudice or discrimination with regard to Roma community. The question of its status is a question to be solved by consulting also the legislation of other countries, but in spite of their future status, further measures must be taken, based on the concrete possibilities of the state. The Institution of the Ombudsman also pays special attention to the contacts with the complainers, because it is created to help solve the individuals' needs, to prevent and detect violations of individuals' freedoms and rights. The complaints coming from individuals belonging to minorities have not been for discrimination or the ethnic affiliation.

Albanian authorities will consider carefully the prejudice tendencies about these minorities, especially in media. The Office of Minorities in this framework is always very attentive to the reflection and attitude of the printed and electronic media, especially in relation to the Roma community. (This comment refers also to paragraph 51, article 9).

Paragraph 39. With regard to a number of incidents and maltreatment of the Greek minority in the local elections in Himare, Albanian Government observes that the question of elections in Himara is a problem belonging to the past, but it expresses again the regret for the misuse of minorities in every electoral situation and for the spirit of tensions and the national rhetoric.

Paragraph 40. With regard to the measures taken by Albanian Government to encourage the spirit of tolerance for the Roma minority, we mention the fact that a comprehensive activity has started in the institutional plane (the organisation of round tables) and in the concrete aid. During 2002-2003 in co-operation with international institutions and nongovernmental organisations, different seminars have been organised for this purpose, we mention the seminar "Media and Minorities", in co-operation with the Education Ministry, the seminar "Education on Human Rights", November 2002, the organisation in January of the round table "On drafting policies about Roma with the focus on the protection of children's rights in a multicultural society".

With regard to the cases of the maltreatment of minority people by police, we stress initially that these are sporadic cases and this problem does not exist on ethnic bases. Going beyond competencies by police organs and abuses in the justice system constitute a current concern and they do not touch only the minority people. They are part of difficult process of building a society with contemporary and democratic standards.

Paragraph 41. Concerning the problem of trafficking Roma girls, we stress that this trafficking is made in the framework of the general trafficking of human beings and it is not made on the basis of ethnic or racial groupings, for which Albanian Government has a special strategy for the fight against the human beings trafficking.

ARTICLE 8

Paragraph 43. With regard to the difficulties encountered by the minorities' members for properties restitution, and the careful measures to be taken by the Government so that this process is realised with no form of discrimination, we think that such a claim does not stand and for this question there is no discrimination for people belonging to minorities, but the difficulties encountered in this process are for all the categories of the population. Albanian state has

created and is continuously creating the possibilities and the needed legal expansion for the right of property for all the population including the minorities within the territory of Albania. Currently, in application of the constitutional obligation foreseen by article 181/1 of the Constitution of Albania, the draft law on the restitution and compensation of properties finished and it will pass in the parliament.

The approval of the Draft law for the restitution and Compensation of Properties will comprise an important step in the process of legislative reforms concerning minorities.

ARTICLE 9

Paragraph 46. With regard to state aid by supporting the printed media, we think it is important to consider the limited economic possibilities of Albanian state. For the limited level of the spread of the media printed in minorities' languages, the subjective factor should be taken in consideration, that is, the desire of the minorities themselves to express and develop their own national identity. Also one should have in view the right ratio between the population belonging to minorities and the spread and quantity of publications for them, underlining that consumism prevails in the very concept of media.

Paragraph 47-50. Referring to the Committee's comments on the enlargement of television programs for minorities and the increase of the level of coverage for minorities problems, Albanian authorities, having in mind also the minorities' needs and specifics, are exploiting the possibilities of supporting and subsidising some initiatives concerning the increase of the time in the television and radio broadcasts related to minorities, but this always refers to public media. The principle of media freedom and independence causes that the possibility of the state to interfere in the increase of television and radio broadcasts be very limited concerning private media. It exerts its own activity based on the financial power of the subject financing and the state authorities cannot interfere for a support of any kind respecting the independence of the subjects mentioned. The financial problems are general for all the Albanian citizens with no distinction of religion, nationality, etc. and this is the cause of the limited access.

With regard to the lack of applications for licences by the national minorities, the National Council of Radio Television in August 2002 licensed the subject "Radio Prespa", which transmits programs in the language of Macedonian minorities and it is interested about the opening of a station with repetition by the Montenegrin community. Applications have been presented also by representatives of the Greek national minorities for retransmission with repetition and transmission by local radio.

ARTICLE 10

Paragraph 52-53. The Government of the Republic of Albania considers the right of using the minorities' language in areas traditionally inhabited by them as a very important aspect of protecting and promoting their ethnic, cultural values. In the areas where the national minorities are present, their language may be freely used with the local government authorities belonging to these minorities, but having in mind the percentage of the population belonging to the minorities in relation to the local population, in communication with other local and central authorities Albanian language is used. Also the official acts and other documents are formulated and promulgated in Albanian, as the only recognised official language.

We stress that it is important that after an assessment of the needs for minorities languages use in those areas where they live traditionally or are in a considerable number, appropriate measures should be taken to complete the legal and subordinate legal framework, including here also the definition of clear criteria for the naming streets and other topographic indications.

ARTICLE 11

Paragraph 54-55. With regard to the complaints by the Montenegrin minority members, who have been required to have Albanian names and have not had the possibility to change their names into their traditional form, we express that we have not been informed for the concrete cases mentioned above. The minorities' people have the right to use their names and surnames according to tradition in the mother tongue. They have not been deprived of this right, but it is a fact that many Albanians, not only of the Orthodox religion, but also of the Muslim one are registered in the Offices of the Civil Status with Greek names and surnames. The organs of local government have welcomed every application for changing the name in their areas and this has found a proper solution.

ARTICLE 12

Paragraph 57. With regard to the review of the curricula and the new schools texts with the purpose of improving the educational level and removing the negative stereotypes for national minorities from the school materials, we underline that it was and it is a practice that participant in the work groups for the curricula and the new schools review were and will be the authors belonging to minorities.

Paragraph 58. With regard to teachers training, we have thought not only to train the teachers of the national minorities in service, but also for their qualitative formation in the faculties that prepare teachers. Until now qualifications of the teaching personnel who serve in national minorities schools have been made. These qualifications will continue in the future as well, in co-operation with the states to which the national minorities belong. In this framework, we judge it important to create the possibilities for training the teachers belonging to other minorities.

Paragraph 59. With regard to the difficulties of the Roma children in following the teaching program because of the long distance, the low income, we stress that the state authorities are considering with the proper seriousness the question of Roma education. But we must be conscious of the fact that the problems in Roma education in many cases are caused by their way of living, their attitude to the system, to the law and the right, their lack of predisposition for education. An expression of the concrete efforts is the commitment of the Ministry of Education and Science to draft a special strategy for their education.

Paragraph 60. With regard to the measures to be taken for the improvement of the Roma education conditions, we stress that further efforts will be made for the formation of Roma minorities teachers and the qualification of the Roma teachers in service. Prepared teachers will also be appointed to give Albanian language in schools with Roma children with the aim of mastering Albanian language. This will be done for the other minorities as well. In this direction we mention the potential importance of the national strategy that is being compiled for Roma, which will be a constituent part of the national Strategy for "The Improvement of Roma Living Conditions".

Paragraph 61. With regard to the extension of the educational system in all its components including the higher education, the possibility will be exploited to motivate the other minorities' children, save the Greek one, with the purpose of increasing their level of education up to the university, especially for the teachers branch.

ARTICLE 14. Paragraph 65.

With regard to the “calls” for opening other schools for the Greek children, outside the areas that are called “minority zones” referring for example to the application for opening Greek classes in Himare, we stress that the Albanian Government, in treating the applications for opening public schools in the minorities language will be always based on the current laws for education and on the Framework Convention principles. The decision to open a public school in Himare should be made in conformity with the current Albanian legislation (Decision of the Council of Ministers No 396, date 22.08.1994, “On the 8-year education in the minority people mother tongue”), which is in complete accordance with the Framework Convention parameters (and in complete coherence with the opinion of the experts of the Council of Europe). In this context from the examination of the application for opening the school, from the registers of the civil status in Himara town, it results that 34 parents who have made the application have Albanian nationality and for this reason opening such a school is not possible.

Having in mind the importance of the question, with the mediation of the Office for Minorities was organised in the Ministry of Education with the leaders of Omonia, Himare and with the General Director of Secondary and 8-year Education, where besides the presentation of the motives for not opening such a school, two other alternatives were offered to the Greek minority representatives for the solution of this question:

First alternative: Surpassing the bureaucratic difficulties for opening a private school, using an accelerated procedure;

Second alternative: The possibility to teach in the public school of Himare, for those who wish, the subjects of Greek history and language in Greek language (complementary subjects).

The Greek minority representatives accepted none of the alternatives by giving no arguments for this refusal. Albanian state authorities have the will, for those who wish, that the subjects of Greek history and language be taught as complementary subjects the public school of Himare.

ARTICLE 15

Paragraph 67-69. With regard to the Committee concern about the existence and recreation of the post of the Minister for national Minorities, we underline that based on the law for the functioning of the Council of Ministers, it is judged that the government have not a state Minister in its composition, who would have the duty of respecting and protecting human rights, within the framework of which, as it is known, the respect and protection of national minorities rights is a part. As to the further strengthening of the structures that are within the ministries and the local government, which treat the minorities’ questions, recently the Ministry of Education and Science is considering the creation of a separate section, which would have the duty of following the problems presented in the field of education and minorities. Anyway, with the consolidation of the Office for Minorities, all the possibilities exist to follow closely the problems of minorities inside the country, and to realise the contacts with the relevant international organisations concerning minorities’ question.

Paragraph 69. With regard to the limited framework of dialogue development between the state authorities and the minorities, we stress that Albanian Government, through the existing structures, is building the bases of an institutional and constructive dialogue with the minorities.

Paragraph 70-73. Referring to the comments concerning the political level of central and local representation and the electoral system, we remark that, PBDNJ (The Party for the Protection of Human Rights) never defined itself as a party of the Greek minority, so it cannot be said that the possibility was limited for the other national minorities to be represented in the parliament through PBDNJ or as independent candidates. With regard to the level of representation in the local government, we can say that Greek minority has its representatives in all the levels of the elected government. They head communes, respectively eight members of the Greek community, from which three in Gjirokaster, three in Sarande and two in Delvine. There are also 160 councillors, members of Greek minority in the levels of commune councils and municipalities, elected on the basis of the electoral code. With regard to the Macedonian minority, which is concentrated in the commune of Liqenas, the representation in the local government is entirely from the minority community.

As to the direct representation of the minorities in the parliament, in spite of their number, one should have in mind that favouring very small minorities on the one hand is a measure, which incites the strengthening of their role, the respect of their rights, but on the other hand, it may constitute a violation of citizens equality and it creates artificial possibility that in case of numerical balance of the main political forces, represented in the parliament, a few votes belonging to small groups of minorities weigh decisively and unfairly, in disproportion with their real weight in political life.

When speaking about the minority element representation in the parliament, mention must be made of the fact that a number of persons belonging to minorities represent other political parties in the Parliament. There was always an average of 5-10 people belonging to minorities (especially the Greek one), who have been elected in the Parliament in the lists of other parties. There is a special commission in the Parliament for the human rights and minorities, which was headed by a representative of PBDNJ party. Of course, the review of the electoral law and the role of Elections Central Commission will influence in improving this situation.

Paragraph 75-76. With regard to the low participation of minorities in public and economic life, we stress that all the areas where minorities live have total freedom of communication with their mother countries and in these areas the commercial activity has an evident development, which causes that sometimes their economic situation is better than the rest of the native population. Members of this minority are among the most active in the productive and commercial activity in the country and they give their contribution in the economy of the country. In Gjirokaster district, 65 % of the income for the local budget comes from the economic activity of the business of Greek minority members. Their union with Albanian factor is admirable. In Dropull area there are 120 private firms, a property of the Greek minorities. Some of these firms have extended their activity and are known in all the country. These indications are a testimony of the tolerance, which is the basis of the normal and friendly coexistence between the minority and majority. In every commune where minority people lead, financing to keep the administration and the social insurance are given in accordance with the respective legislation. Investments in these areas are in accordance with their situation and their development plans.

Though an analysis of the levels of the effective participation of minorities in the economic life and the public services would perhaps lead to the conclusion that more should be done for the people belonging to other minorities in Albania.

We should also have in mind that in the economic conditions of the Albanian state, the mechanisms of the favouring economic and social intervention of the state are limited and influence on all the Albanian citizens, in spite of their ethnic affiliation.

Paragraph 78. Referring to the comments on the facilitation of the visas regime with the neighbours, we stress that work is being done continuously in this direction for all the Albanian citizens, including the minorities' members. In this framework, we mention that the Greek and Macedonian minority members are favoured by the respective governments by giving visas for a period of 5 years, for pensions, gratis health services, scholarships, special treatment for minority teachers, etc., when the rest of Albanian population, including Roma and Egyptian do not have this favouring right.

Paragraph 79. Being conscious that the signing of agreements is an important instrument, in the framework of protecting minorities' rights, Albanian authorities are recently considering the possibility of signing an agreement with the federal republic of Yugoslavia. These agreements, which Albania has signed with Greece and Macedonia, of course, would contribute in the further development of minorities' rights protection and the strengthening of the regional co-operation, as a fundamental element of the process of Stabilisation and Association of Albania in EU.