



COUNCIL    CONSEIL  
OF EUROPE    DE L'EUROPE

Strasbourg, 4 June 2012

Public  
GVT/COM/III(2012)003

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

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

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(received on 4 June 2012)



REPUBLIC OF ALBANIA



MINISTRY  
OF  
FOREIGN  
AFFAIRS

***COMMENTS OF THE GOVERNMENT OF ALBANIA***  
***ON***  
***“THE THIRD OPINION” OF THE ADVISORY COMMITTEE***  
***OF THE FRAMEWORK CONVENTION***  
***“FOR THE PROTECTION OF NATIONAL MINORITIES”***

**Tirana, May 2012**

## **FOREWORDS**

1. The respect for the human rights in general and of minorities' rights in particular, constitutes a basic orientation of the politics of the Albanian state. The historical heritage, where the excellent interethnic relations have been part of the Albanian reality, has served in the way that in the actual conditions, the improvement of standards of minorities' rights helps in the consolidation of trust and understanding climate between the majority of Albanian population and the minorities and in the improvement of the interstate relations in the region.

2. The respect for the minorities' rights has been part of the meeting agenda Albania-EU for years. The continuous dialogue with the high structures of Brussels has led to undertaking important legal steps and institutional changes, which in essence improve the standards of minorities' rights. As a concrete example of this is the approval of the Law against discrimination and the creation of the Commissioner against discrimination. With the approval of the above mentioned law and the creation of this structure, it is completed even that legal and institutional gap, which does not only guarantee with law the prohibition of discrimination because of ethnicity, but undertakes even administrative and penal measures towards subjects that are the cause of this discrimination. The approval of this law is added to about 40 legal acts and secondary legislation that treat the minorities' rights. The legal framework in this field is complete and it does not need supplements.

3. The Council of Europe has given a special contribution for the improvement of human rights standards. As such would be considered even the "Opinions" related to the Third Report of the Framework Convention of the Council of Europe "For the protection of national minorities". On this occasion we express our thanks for all the positive considerations given in this document concerning the respect for the rights of minorities in Albania, and to guarantee cooperation and transparency even in the future.

### **Comments related to the general part of the Third Opinion**

#### **I. "Major Conclusions" (paragraphs 6-26)**

4. The government of Albania welcomes the conclusions of the Advisory Committee concerning the improvement of legal and institutional framework in the service of minorities. The evaluation given by the Advisory Committee relating to the climate of respect and tolerance that exists in Albania between the majorities and minorities is a reality which the government tends to further improve. The indicator of this tendency is even the transparency and correctness with which are completed the obligations towards the Council of Europe and towards the minorities themselves.

5. Below will be given some comments on the remarks which are presented in the document "Opinions".

6. In the paragraph 12 of the document “Opinions” it is considered inappropriate the institutional framework which treats the minorities’ issues and as such is considered even the representation of minorities in the State Committee on Minorities.

7. As it is treated before, the State Committee on Minorities has functioned for 8 years as a body near the Albanian executive and it is composed by representatives of all the minorities. This status gives this body the opportunity to advise the Prime Minister and the Council of Ministers for the favorable policies that have to be undertaken in favor of minorities in different fields of their activity and to take initiatives for the approval of secondary legislation for the above mentioned purpose. It is worth to make clear that the remarks that come from different associations of minorities that complain for the absence of efficiency of this institution or for their inappropriate representation in this structure are not objective. This because not rarely within a minority operate two or more associations, which pretend to represent the interest of that minority. Meanwhile in the State Committee on Minorities each minority is represented by one person. In general the claims for non representation or non efficiency come precisely from the associations which are not represented in the Committee.

8. In a repeated way the Advisory Committee has asked the Albanian Government the inclusion of the question on ethnicity in the registration of population. Knowing the importance that the statistical element represents in undertaking certain favorable policies towards minorities, and the fact of continuous requests of the Advisory Committee for the inclusion of this element in the questionnaire, the Albanian Government despite facing a big pressure from the different associations in the country, included the question on ethnicity in the Registration of Population that was held in October 2011. The remark made in “Opinions” (paragraph16) that “...giving a fine to persons who do not answer correctly (based on the data they have in their certificate) to the question on ethnicity, does not make this data of the census reliable”, is not correct.

9. We would like to inform that the drafting of the questionnaire in general and the specific aspects of the census are prepared in close collaboration and coordination with EUROSTAT. Even the request for responsibility in case of submitting false data is normal and in compliance with the international standards. Ultimately every registration of population aims to extract the real data and without doubt every distortion that is made to this tendency from individuals or groups of individuals by not giving real data affects the whole process.

10. From the other part the questions concerning the ethnicity and religious belief were optional (not obligatory), which means that the individual did not have any reason to distort the truth. But despite what is being talked above referring the official information submitted by INSTAT, during the process of registration of population held in October 2011, it has not been any case of punishment of the individuals for false declaration of ethnicity.

11. As it is evidenced even in “Opinions”, “...the climate of tolerance and understanding prevails between minorities and the Albanian majorities of population, but what happened on 11 February 2011 with the 40 Roma families marked even the

first case of violence towards Roma”. Below it is concluded that the bodies of public order were not efficient in preventing and punishing the perpetrators.

12. We would like to inform that this case was subject of discussion which led in taking immediate measures mainly from the bodies of public order and those that cover the social matters. Taking notice of this event the Police Station no.3 in Tirana treated this case with responsibility and professionalism. Nevertheless from the part of three representatives of this community (who were selected by themselves to communicate with the police) there was hesitation to denounce the authors of the event. After a convincing job it was made possible to take denunciations in bases of which two citizens were detained as potential authors of the event and the case was sent to the Prosecution of the Judicial District in Tirana.

13. Also the Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) monitored the situation in the field and found that a part of Roma families involved in this event were dispersed in the peripheral locations of Tirana, whereas the other families were sent back in their home cities in Elbasan, Fushe - Kruje, Fier and Berat.

14. About 20 Roma families, (92 persons in all) were located in the campsite set up by the Ministry of Labor, Social Affairs and Equal Opportunities near the commune of Paskuqan (the emergency campsite in Babrru). All the Roma residents in the campsite resulted to be registered in the civil status of their home cities such as Elbasan, Fushë-Krujë, Berat, Durrës dhe Fier.

15. Meanwhile 14 Roma families were treated with economic assistance and the other part did not profit from this assistance. Their registration in their settlements constituted a problem relating to the possibility of making profit of social, educative, employment and health services in the city of Tirana. Some of the immediate needs that were identified were:

- Removal of the relevant documentation from the municipalities of their settlements toward Tirana.
- Medical assistance.
- Gaps in the documentation because a lot of residents did not have identity cards, personal and family certification.

16. The interventions made in the campsite during all this period:

- Under the continuous care of MLSAEO, from the very first day it was made possible to set up temporary toilets, drinking water, area electrification and even the appointment of three observatory employees who monitored the campsite 24 hours a day so as to convey the problems that appeared during this interval of time.
- The Ministry of Labour, Social Affairs and Equal Opportunities in collaboration with the General Directorate of State Reserves enabled the support of the inhabitants with food aid for a three month period.
- The Army offered 50 beds, beddings and upholstery supplies which were put at disposal at the moment of setting up the campsite.

17. Following their work the MLSAEO as the responsible institution for the solution of this situation enabled the cooperation with the central/local structures and the net of

actors for the consecutive management of the problems contacting with the Ministry of Economy to send the list of the objects that are in process of privatisation. After consulting the proposed list it was agreed that a former cantonment in Sharra, Commune of Vaqar, in Tirana, be adopted as a place for the accommodation of this group in need. The legal ground for the above action was given by the Decision of Council of Ministers which enabled the transfer of that place as a property of MLSAEO which during a two month period completed the compatibility of military barracks into acceptable living areas.

## **II. Conclusions for each article**

### **Special comments related to the articles 1-3 of the Framework Convention**

18. In the paragraph 32 of the “Opinions” the Albanian government is asked to review the possibility that the persons who are self declared as “Bosnians” or “Egyptians” to be known as national minority.

19. We explain from the very beginning that in no case has the Albanian government expressed itself against the recognition of other minorities in the country. The indicator of this will is even the inclusion of the question on ethnicity in the registration of the population in October 2011. In this view it is emphasized that neither the government nor any other body can create or stop the creation of groups that consider their ethnicity different from the Albanian one. As it is already known, the minorities are products of historical developments and the government can identify these ethnic groups through the registration of the population.

20. Arguments that we have brought in “Comments” for the second Report concerning the so called “Egyptians” (who do not have their own language, who speak only Albanian language, do not have a different culture from the Albanian population in the regions where they live, who do not have a religion different from the Albanian population in the regions where they live and at the end who are not known as a minority even from the Egyptian representation in Tirana), are not to be understood as an attitude that opposes the existence of other minorities, but rather an attitude that leaves open this possibility towards individuals or groups who fulfill the subjective and objective criteria to be an ethnic minority and that are confirmed as such through the registration of the population.

21. In a considerable number of paragraphs (from paragraph 37 to 51) of “Opinions”, are treated issues that have to do with the census held in October 2011. The Third Report has given detailed information for the organizational measures undertaken from the government towards the successful realization of the population registration process. At the end of the population registration process, we may confirm whether this process was realized in a quiet climate without excesses and within the whole range of international norms and standards.

22. As it is informed even before, the question related to ethnicity has been an optional question (not obligatory) and the respondents answered this question without hesitation. According to the collected data from INSTAT, the number of citizens who refused to answer this question is too low. This means that even the call that some

leaders of the minority associations made to their members to boycott the process, has not damaged the population registration process.

23. The question related to ethnicity has also been direct to the respondent. That is, only what the respondent explained orally was reflected in the registration form. In none of the cases reported have the documents (certificates) been asked. That is documents that prove the ethnicity. Evidence in favor of this argument is even the fact that at the end of the population registration process no citizen is fined for false declaration of ethnicity.

24. As stated above, it is certified that during the population registration of October 2011 is duly applied the request of article 3 of the Framework Convention, related to self declaration of ethnicity. Given the fact that the question for the ethnicity has been opened according to the information taken from INSTAT, the interviewed citizens were free to declare that they belong to one or more nationalities. Considering the above statements we confirm that all the remarks and recommendations presented in the "Opinions" (paragraphs 37-51) are taken into consideration during the population registration of October 2012.

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

25. We would like to thank the Advisory Committee for the positive evaluations related to the legal acts approved in the field of anti discrimination. We would also like to guarantee that important institutions such as the Ombudsman and the Anti discrimination Commissioner will have all the necessary financial and logistic support of the government to successfully perform the tasks assigned by law.

#### **The socio-economic status of the Roma minority (paragraphs 68-78)**

26. Below there are given the first steps taken from the government of Albania for the improvement of socio-economic status during the period January 2011- March 2012.

#### **Health**

27. The Ministry of Health continuously monitors the health and epidemiological situation as well as the hygiene and sanitary conditions in the areas populated by the Roma minority. For this purpose:

- The Directorates of Public Health are instructed to know and discuss the problems of Roma community with the whole health personnel. Informing materials of how to have access to the public health system are being prepared: the public health services map for the city of Tirana, the list of public health services in each city, the documentation and the conditions to benefit from the health insurance scheme, package of benefits from the health insurances;
- Roma children vaccination is still a priority. In those areas where the Roma population is identified it is duly applied the compulsory scheme of vaccination. However for the moving part of the Roma community and in those areas where the members of this community are not registered, the Institute of Public Health has intervened with vaccination campaigns.



- The hygiene-epidemiology service in districts coordinated the work to monitor the drinking water even in the locations of Roma community. During this year there are not noticed problems with the potable water in these areas.

28. In the framework of the project implementation: *“Home visits for the development and health promotion of Roma children of the city of Tirana and Durres”*, the Health and Community Welfare Center Center (HCWC) with the support of UNICEF has prepared the handbook that will be used during the home visits and the lists of control that will be completed for every child that is visited.

29. These visits will ensure psycho-social support and health care towards the children and mothers of Roma community. The home visits will be performed by work groups that will work in the field. The work groups will include psychologists, social workers, health workers ( including even specialists of Public Health that work in the Institute of Public Health or other institutions). Actually this process is under its way in the peripheral areas of Tirana and Durres.

30. It is ensured the participation in work groups for the preparation of reports for the Strategy or review of activities of the Action Plan of National Strategy for Roma and also the Action Plan of the Decade of Roma Involvement.

### **Social protection and employment**

31. The Ministry of Labor, Social Affairs and Equal Opportunities has undertaken some concrete initiatives for the drafting of incentive and mitigating policies for Roma community aiming the promotion of their employment as well as their qualification, training and integration in the labor market.

32. In the field of social protection with the amendmends to the Law no. 9355, dated 10.03.2005 “For the assistance and Social Services” (amended with the Law no.10399, dated 17.03.2011), the families belonging to Roma minorities as families in need are excluded from the calculation of the incomes for the benefit of economic assistance.

33. According to the Guideline no. 1945, dated 04.10.2010 approved by the Ministry of Labor, Social Affairs and Equal Opportunities “ For the implementatation of the Decision of Council of Ministers no. 617, dated 07.09.2006, “For the determination of the assessment and monitoring indicators of the programmes of the economic assistance, for the payment of the persons with disabilities and for social services”, there are already collected statistical administrative data for the Roma minority as beneficiaries of economic assistance, beneficiaries of the payment for the persons with disabilities and the number of the beneficiaries of social services in the public or non public institutions of social care.

34. In terms of employment during the year 2011 the situation results as follows:  
The number of Roma unemployed job seekers registered near the respective employment offices who have benefited the different services that are offered by the social workers of employment from these offices at local level is 7,416 persons. Of which 3.788 are women. They are mainly located in the city of Tirana (2.824), in Elbasan (755), in Durrës (822), in Korça (929) and Lezhë (581) etc. According to the classification based on the education level the majority part is with basic education (9

years), 3.614, after that are those with elementary education about 3.336 persons and less with the secondary and university education. Divided according to the age group prevail (about 46% of the total) those over 40 and 50 years who are characterized from their staying for a long time in the lists of unemployment, from the “Passivity”, which characterizes mainly the job seekers that come from the scheme of economic assistance who refuse employment or education but the economic support is a strong reason of their regular appearances every three months in the employment offices. This inactivity is justified even from the lack of transparency of their employment in an irregular way in the informal labor market.

35. In terms of their professional education for the year 2011 there are certified 86 unemployed Roma job seekers in different professions, mainly in Elbasan, Tirana and Shkodra.

36. A good job is done by the Project of PNUD “For the Strengthening of the Communities in need”, which supports the Roma communities who live in Tirana, Elbasan and Fier, through the implementation of small projects of the infrastructure, civil registration, professional courses, training of the community intermediaries, the preparation of the National Plan of the Decade of Roma involvement and through the promotion of social involvement.

37. The project supported 85 Roma individuals (24 of whom are from Elbasan) to attend professional courses in tailoring, hairdressing, plumbing and laying tiles and has equipped them with the necessary means of practicing the gained skills by raising their possibilities for employment. The project in continuity is assisting the trained individuals looking for a job (17 of the trained persons in all the three counties are self employed) while the staff of professional training centers and labor offices are trained and assisted to improve their services towards the communities in need.

38. Recently it is signed the agreement between the Government of Swiss Confederation, the Minister of Science and Education and the Minister of Labor, Social Affairs and Equal Opportunities for the “Alternative education and professional training (Six phases) May 2009-June 2012, who has in its focus the groups in need where it is included even the Roma community.

39. At the same time “Save the Children”, that has worked in Albania since 2008 with the project “Comprehensise education focused on Roma children” aims to offer the children from different ethnic groups to interact and socialize, to learn for each-other by improving in this way the inter-ethnic relations between the children in the public education and the whole community and also to ensure that all the children including the Roma to receive qualitative education and to finisht the basic education.

40. One of the project objectives is to offer possibilities for professional courses of Roma young children in order to integrate them in the labor market. Beneficiaries of the project will be about 100 young Roma/Egyptians people in Tirana, Korçë and Gjirokastër.

41. In this framework a Collaboration Agreement is signed in October 2012 between the Ministry of Labor, Social Affairs and Equal Opportunities and “Save the Children”,

which will help in realizing the component of professional education of the above project.

42. In terms of the Roma minority employment in administration or in the armed forces and state police we may say that there are Roma people employed in institutions at local and central level. The employment is realised mainly in nurseries, kindergartens or schools. There are not accurate statistics related to this representation.

43. It is worth to appreciate the good experience that the Ministry of Interior created during 2011 in terms of the elimination of the discrimination in the state police through the adoption of contemporary standards in this field. For this purpose it is approved the “Strategy on the diversity and legal equality in the State Police for the period 2011-2013”. It is also approved even te action plan for the realization of strategic priorities in this field. In April 2011 it is also approved “The declaration on diversity in the State Police”, which forces this body to accept in the State Police all the individuals that meet the conditions no matter their gender , ethnicity or race. In this framework for the period September- November 2011 it was opened the campaign for the women enrollment in the police. 1650 was the number of the applicants. Of which 218 won the competition including 2 women belonging to Roma community.

#### **Article 5 of the Framework Convention (paragraphs 79-83)**

44. An intense activity is performed by Diaspora and Minority Division in the Ministry of Tourism, Culture, Youth and Sports in relation with the identification, promotion and preservation of the culture of minorities. This organism has collaborated with the associations which represent the minorities creating a database of all the individuals or groups of individuals from these communities, which have proved their inclinations in different fields of art and culture. Also from the part of this sector during this year it is supported the publication of some books written by minority writers and two painting exhibitions by minority painters as well.

45. From the part of this division are also made efforts that the folk heritage (songs, dances, folk instruments) of minorities is reflected even in the activity of the Ensemble of Folk Songs and Dances. A special attention is shown especially towards the Roma tradition and culture. Among the most important activities held during this period are:

- The Roma culture week in the framework of the Roma International day, with the organization of artistic and cultural multi-activities among which we mention:
  - The fair of publications and brochures which were exposed in the different rooms of Ministry of Tourism, Culture, youth and Sports.
  - Exhibits with the activity and integration of Roma activity in associations and organizations of hand artwork, embroidery, knitting, coating preparation etc.
  - Ethnographic exhibition with elements of Roma way of living, objects, decorations, ornaments and working tools used by Roma people in years;
  - Demonstrations of typical Roma clothing which are manifested in the festive days and their ceremonies;
  - Ensemble, dancers, singers and instrumentists who demonstrated their art full of flavour and the typical and easily distinguished Roma colours;
  - The opening of the photographic exhibition “Come with me”, as a result of successfully realizing the photographic project of an Albanian youth group against

trafficking. Typical for this event were photos that reflected not only the actual life of Roma, their daily life and their efforts for integration but even because they were taken, filmed and exposed by the members of this community themselves.

- The celebration of the international day of Roma, a ceremony organized in the grounds of the Ministry of Tourism, Culture, Youth and Sports.

### **Article 6 of the Framework Convention (paragraphs 85-110)**

46. Above we gave a detailed information regarding the event of February 2011, in which 40 Roma families were forcibly dislocated from their settlements.

The fight against human beings trafficking in general and Roma women trafficking in particular is a very complex activity for the success of which are engaged some ministries like the Ministry of Interior, Ministry of Education, Ministry of Labor etc.

47. The National Coordinator Office against people trafficking has drafted a National Action Plan for the Fight Against Human Beings Trafficking and the National Action Plan for the fight against Children Trafficking and the Protection of children who are Victims of Trafficking 2011-2013 (approved with the Decision of the Council of Ministers no.142, dated 23.2.2011), which aims at taking specific measures for the investigation and legal proceeding, the protection and the assistance of the victims, the prevention and the fight against persons trafficking as well as the coordination and partnership. This plan serves as a monitoring instrument for the implementation of the legislation, policies and anti-trafficking measures.

48. The four fields present their importance regarding the limitation of trafficking phenomena but of a special importance is the prevention of trafficking. Related to the prevention the Plan addresses the main causes which may lead a person in the net of trafficking and as such are the difficult economic conditions, the lack of education or a low education, the unemployment etc. So in this respect it would be efficient the increase of the Roma number that attend the school, the increase of the employees from this community.

49. Through an agreement of the Ministry of Education with the Ministry of Interior it is made possible that for the first time to have a full evidence of all the Roma children that are in the appropriate age to go to school. For the year 2011-2012 there were five thousand Roma children to go to school.

50. An important moment towards the prevention of trafficking is even the Roma employment. For the year 2011 from the state budget are allocated 100 million lekë (ALL) regarding the promotion of employment programmes. Implementing the policies for the promotion of employment and professional education. Order no.78, dated 04.04.2006 "For the fees of the professional education system", Roma job seekers who want to attend professional education courses obtain this education for free. Of importance towards the prevention is even the awareness of the public to this phenomena. In this respect the specialized structures of the Ministry of Interior in collaboration with those of the Ministry of Labor and Ministry of Education have collaborated towards the information for the phenomena of trafficking especially with the certain target groups as are the school children, unemployed women, etc.

51. From the experience of the previous years where subjects of trafficking were usually Roma children unregistered in the registers of the civil status are undertaken important legal steps in this respect for which it is given information even in the Third Report.

52. A last contribution is even the Order no.07, dated 10.01.2012, of the Minister of Interior "For the improvement of the procedure and process verbals that will be completed by the representatives of the state police, municipalities and communes, in the case of unregistered children.

53. The prevention of re-trafficking of persons is another moment which serves to the prevention in general. Actually for this purpose in Albania exists a consolidated system. So there are 4 centers which offer services towards the trafficking victims and are financed from the state budget and also three other centers which are supported by the NPO-s.

54. With the Decision of the Council of Ministers no.582, dated 27.07.2011, there are approved "Standard Procedures of Action (SPA) for the Identification and Reference of Victims/or Potential Victims of Trafficking". SPA is the basic document on which the actions for the identification and reference of victims/or potential victims of trafficking will be performed, including even the service packages insurance for the trafficking victims. This act aims mainly at the deviation from the trafficking mainly of children and Roma women. Actually for the period January-May 2012 there are provided trainings in all the counties of the country for the recognition and implementation of SPA.

55. Regarding the violence in family, in February 2011 the Council of ministers has approved the Decision no.334, dated 17.02.2011 "For the mechanism of work coordination for the reference of the cases of violence in the family relations and its way of proceeding". This document paves the way to the problems solution and the identified gaps regarding the necessity of collaboration and coordination of activities to respond in a coordinated way the violence phenomena in family. Furthermore this document has stipulated even the procedures for the multidisciplinary interventions to help victims of family violence.

56. With the Decision of the Council of Ministers no. 573, dated 16.06.2011 it is also approved the National Strategy for the Gender Equality and the Reduction of Gender Based Violence and Family Violence 2011-2015 which in one of the specific objectives has stipulated the amendment of the Penal Code in order to toughen up the punishment for the family violence providing the spousal abuse and family violence as a special criminal offence.

57. The structures of the State Police against family violence have prepared and they are actually following the action Plan for the period October 2011 – December 2012.

58. Also the Council of Ministers has approved in principle the Convention of the Council of Europe "For the prevention and fight against women violence and family violence", a document which after the approval in the Parliament of the Republic of Albania compels in taking further measures with regard to the improvement of the

legislation against violence towards women and family violence as well as the set up and strengthening of the respective institutional capacities.

### **Article 8 of the Framework Convention (paragraphs 110-119)**

59. In compliance with the paragraph 6 of the article 10 of the Constitution, the religious communities are legal persons and have independence in the administration of their properties according to their principles, rules and canons as long as they the interests of the third are not violated.

60. In this framework in compliance with the paragraph 2 of the article 16 of the Constitution, the fundamental freedoms and rights as well as the obligations provided by the Constitution are worth even for the legal persons as long as they match with the general scope of these persons and with the essence of these rights, freedoms and obligations. For this reason in respect of the principle of equality before law sanctioned in the article 18 of the Constitution, the restitution and compensation of the properties of religious communities are subject to the general legal rules in force.

61. Pursuant to article 181 of the Constitution, where it is provided that the Parliament enacts laws for the fair regulation of different issues concerning the expropriations and confiscation made before the approval of this Constitution being led by the criteria of article 41, it is approved the law no. 9235 dated 29.7.2004 "For the restitution and compensation of the property", amended. In this law it is stipulated that any expropriated subjects in compliance with this law may ask the right of property if he had lost it according to the legal acts, secondary laws and penal decisions of courts or if he had gained the right by any other unfair way from the State since 29.11.1944. The expropriated subjects may as well, ask for the restitution and compensation of property. Expropriated subject means the legal or natural persons or their heirs whose property is nationalized, expropriated, confiscated or taken unfairly by the State in other ways.

62. In this sense the religious communities are entities that benefit from the law no. 9235/2004 and the restitution or compensation of their property is done through the rules and criteria provided by this law. However knowing the special role that the religious communities have in the agreements between the Council of Ministers and these religious communities which are ratified by law (for illustration law no. 10056/2009; 10057/2009 or 10058/2009), it is provided that the State knows them the right of ownership on movable and immovable properties with all its composing elements. In compliance with the legislation in force the State treats with priority the requests of religious communities for the restitution and compensation of their properties. In the cases where the cult objects are not registered in the registration offices of immovable properties, the Agency of Restitution and Compensation of the Properties will verify (prove) the ownership through the documents of the Central State Archive. For this reason we assert that the legal framework for the restitution and compensation of the properties of the religious communities is complete and guarantees their right for the property.

### **Article 9 of the Framework Convention (paragraphs 120-127)**

63. In the framework of the improvement of the existing legislation with the best international standards and practises, the Parliament of Albania has undertaken the

legal initiatives for the approval of the new draft law “On the audio-visual media in the Republic of Albania”. The draft law aims to have a complete approximation with EU legislation in this field. It is drafted by the Parliamentary Commission for Education and the Means of Public Information in close collaboration with the experts of the Council of Europe and European Commission.

64. In compliance with the recommendations given from the international partners it is provided that in the Steering Committee of Albanian Radio and Television to have even minorities representatives. So in one of the provisions of this draft law (the criteria for appointment) it is underlined among others that:

“ The Steering Committee of Albanian Radio and Television should ensure that not less than *30% of women members and representatives of minorities be part of it*”.

65. Just like the existing law, the draft law provides that the Commission for Education and the Means of Public Information proposes the Parliament candidates for member of the National Council of Radio and Television proposed by different entities including even proposals from the non profit organizations that act in the field of human rights.

#### **Article 10 of the Framework Convention (paragraphs 130-133)**

66. As we have had the occasion to cover even in the Third Report, the Constitution and other legal acts do not prohibit the minorities representatives to use their own native language in any circumstance besides the official communication which in basis of the Constitution should be in the Albanian language. Also the civil procedure code and that of the criminal procedure code guarantee that the persons may communicate even in other languages beside Albanian language when they are participants in civil or penal processes.

#### **Article 11 of the Framework Convention (paragraphs 134-141)**

67. It is a positive ascertainment even of the Advisory Committee that the representatives of minorities do not have any difficulty regarding the change of names in their traditional form. The remark that is made regarding the high financial cost of this process is not based. We clarify that the financial cost for changing the name is 1000 lekë (ALL) (7 euro), which is paid as a stamp tax based in the Law no. 9975, dated 28.07.2008 “On the national taxes”.

68. The Albanian legislation is flexible and it does not have any vacuum regarding the legal grounds for the return of traditional names of communes, villages or even to the streets and squares which are in the municipalities or communes jurisdiction. Actually the administrative division in municipalities and communes is based on the Law no. 8653, dated 31.07.2000 „On the administrative division in the Republic of Albania“. The way to follow in the cases of requests for the changing of names of municipalities or communes is:

1)The Councils of municipalities/communes make decisions and propose the change of the name of the municipalities/communes. This decision is confirmed by the Prefect and is sent to the Ministry of Interior.

2)The Ministry of Interior prepares a draft law and sends it for revision to the Council of Ministers.

3)The Council of Ministers looks into the draft law and sends it to the Parliament for approval.

4)After being approved by the Parliament the law is enacted by the President of the Republic and enters in force 15 days after being published in the official journal.

69. While the change of the names of streets, squares, a specific area or to a institution under the municipality or commune is always done with the decision of the the Council of Commune or Municipality. The legal grounds for the above mentioned is the law no. 8652, dated 31.07.2000 “On the organization and functioning of local government“.

#### **Article 12 of the Framework Convention (paragraphs 142-154)**

70. The Ministry of Education and Science (MES) pursuant to the objectives for the improvement of the situation of Roma minority education (The National Strategy and the Action Plan for Roma in the Decade of Roma Involvement 2010-2015) as well as its politics for the year 2011 - 2012, has undertaken legislative and institutional reforms in the following directions:

1. The guideline no.102, dated 10.02.2010, the Informative Package “Altertektst 2011”,which provides the criteria for the evaluation of school texts especially towards the respect of gender equality, race, nationality, religion and democratic principles;
2. Pursuant to the Decision of the Council of Ministers no. 672, dated 14.09.2011, “For the admissions quotas in the public Institutions of higher education, the second cycle of studies “Professional master”, there were registered 20 Roma adults in the second cycle of studies for the academic year 2011-2012”;
3. Pursuant to the Decision of the Council of Ministers no. 652, dated 14.09.2011, “For the admissions quotas in the public Institutions of higher education, the second cycle of studies “Scientific master”, there were registered 20 Roma adults for the academic year 2011-2012”;
4. Pursuant to the Decision of the Council of Ministers No. 423, dated 8.6.2011 “For the admission quotas in the public institutions of higher education and school fees for the part-time studies in distance of the first cycle for the academic year 2010-2011”, were registered 20 roma adults. The Roma applicants who won the right to study in a part-time study program of the first cycle are being excluded from the schooling fees and beginning from the academic year 2010-2011 even the Roma students who attend higher levels of schooling.
5. With the Decision of the Council of Ministers no. 423, dated 8.6.2011 ”For the admission quotes in the public institutions of higher education, in the first cycle of studies in full time and the schooling fees for the academic year 2011-2012”, there were planned 20 free quotas for the Roma community which were distributed by the Ministry of Education and Science in consultation with the Roma associations.

71. Some of the results of the work for the education of Roma children are:

- The provision of the statistical data for the educational situation of Roma children, for their number in the kindergartens, in the basic education etc. The Ministry of Education and Science, through statistics that it receives from the Regional Education Directorate /Education Offices (for the registrations), in February ( for the completion of the first term) and in July (for the completion of the academic



year), follows, analyses and takes concrete measures for the further increase of the number of Roma children attending schools.

- For the academic year 2011-2012 and on, with a paperwork of the Minister of Education and Science, no. 4138/1, dated 19.08.2011, directed to the Regional Directorate of Education it is appointed a specialist for the digitisation of information for Roma people at the institutional level.
- In the academic year 2010-2011, the pre-schooling education was attended by 516 Roma children whereas about 2888 students attended the basic education, 1228 of which were girls. The Regional Directorates of Education/Education Offices where the Roma community is located, during the year 2011, have trained 630 teachers for advising the Roma parents and they have realized 257 awareness campaigns with the participation of more than 1300 Roma parents.
- The second chance is followed by 417 Roma children equal to 66.6% of all the number of children that attend this form of education.
- 210 teachers were trained during the year 2011 to teach in an intercultural environment and to work in classes where even the Roma children have been integrated.
- In collaboration with the basic units of local government and with different associations it is ensured the transport service for free for all the Roma students that have their school far from their settlements.
- The inner regulations of kindergartens and public schools ensure the inclusion of Roma children within and out of the education process without any distinction to non Roma children.
- Regional Directorates of Education/Education Offices have appointed experienced teachers known for their professionalism, commitment to their job and ethic of communication. So there are 939 teachers in all who work with the Roma children of which 798 hold a university degree; 137 hold a secondary pedagogical diploma.
- Educational institutions in collaboration with the Roma community have ensured the participation of the representatives of Roma parents in the decision making structures and in the collegial bodies that function in school. Actually there are about 94 Roma parents who take part in 67 boards.
- During this year, the Educational Development Institute realized the review of the content of school curricula for the undergraduate education, regarding the insulting and ignoring treatment in educative programs. At the end of the study was achieved the preparation of a summarized material in which in base of judgements and evaluations are given the necessary recommendations that can serve to the improvement and enrichment of the sections of a good part of the programs.
- Yet some years ago it was prepared a guideline for the teachers of the 9-year education with the support of UNICEF and Roma Education Foundation. Different trainings are organized related to Roma history and culture; the used methodology for the inclusion of Roma students and children in the classroom.

72. Pursuant to the Action Plan no. 3822, dated 03.06.2010 approved by the Minister of Education and Science beside other things:

- We are considering the possibility to include the program of Roma language as an optional subject in the faculty curricula;
- In the Faculty of Foreign Languages in the University of Tirana, within the department of Balkan languages will be established and will function the group of Roma language and culture.

- At the secondary education levels will be created the possibility for the development of a curricula to learn the Roma language and culture;
- In collaboration with the Roma associations and organizations that offer services in the education field, the Ministry of Education and Science is going to create students who are being trained for educators the possibility that a part of their education practice be held near these organizations in order to know the needs and education interests of Roma community and children of this community;
- In collaboration with UNICEF during the period February-December 2011 it is being worked for the identification of Roma children outside the education system aiming to attract them to the system within September 2012;
- The Ministry of education and Science is going to create the conditions and opportunities to register all the Roma children that are adults and like to attend the compulsory education in part-time High Schools and with the Guideline of the Minister no. 35, dated 31.08.2011 for the part-time High Schools, the Roma children will have the possibility to attend High schools;
- The Ministry of Education and Science is going to open accelerated courses for the Roma children near the professional schools in order to provide them with certificates for the labor market.
- Soon will be aimed at the opening of courses for the fight against illiteracy near the 9 year schools based on the requests of the Roma community itself.

73. The Institution of the Education Development for 2011-2012 is aiming the realization of some activities that focus on the improvement of education service that the school institutions offer for the Roma children. So:

- We are putting an end to the study of legal documentation in the education field for Roma in Albania and in other countries of the region;
- Foreign experiences are being studied concerning the involvement of Roma culture in education process;
- For the directors and teachers will be drafted a guideline to ease their job with the Roma children and with their parents. This guideline will be accompanied with supporting materials to help the directors, teachers and parents in working with Roma pupils;
- The qualification of the teachers who works with roma children will be deepen.

74. The reform in the field of curricula has created the spaces needed for the teaching of Roma language in schools where the number of students is bigger, a space which is not exploited properly by the Roma minority because of the lack of information.

75. Recently it is made a great job mainly by the Roma associations like the Union Amaro Drom, Romani Baxt, Roma for integration etc, to make the Roma community aware to register their children in kindergartens. This is made possible through different awareness campaigns and specifically by the opening of pre-schooling new objects or by reconstructing the existing ones. This is a continuous process and there will always be a need for support and collaboration.

#### **Article 14 of the Framework Convention (paragraphs 155-166)**

76. Since the submission of the third Report it has not been any development of legislation in respect to the definitions of the article 14 of the Framework Convention.

Whereas the information concerning the learning of Roma language, is given in article 12 of the Framework Convention.

### **Article 15 of the Framework Convention (paragraphs 167-184)**

77. In the part of “The main conclusions” of this material in paragraph 7 are covered the issues that have to do with the State Committee on Minorities as well as some of the reasons of discontent of some minority associations towards this body.

78. As we have had the occasion to treat even in the previous Reports, the Albanian legislation, regarding the possibility of political commitment of the minorities representatives, is very liberal and in full compliance with the international acts in this field. The Constitution and the Electoral Code allows the minorities’ people to gather in political parties, to elect and to be elected being an active part of the political life in the country.

79. Along with the information given in the previous Reports regarding the political commitment of the minorities representatives and political entities that protect their interest we would like to inform the creation of the “Alliance for European Equality and Justice” Party in February 2012 which inter alia in its statute it is engaged for the protection of the values of Aromanian/Vlach minorities in Albania.

80. It is worth to make clear that in compliance with the legislation in force, the election in the representative bodies at local or central level is related to the number of voters who support the political subject. Not rarely is encountered the tendency of some associations of minorities which in different seminars or meetings submits fictitious data relating to the number of their members, creating even the wrong idea that they are not represented at local or central level in fair proportion with the numbers of members. The example of what we just said is even the case with the Roma minority. From the directors of associations of this minority it is pretended in the last years that the number of Roma people in Albania is one hundred and thirty thousand up to one hundred and fifty thousand. The MLSAEO in collaboration with the Office of UNICEF in Tirana, in the period February-November 2011 made a detailed study giving for the first time the full map of the demographic distribution of Roma minority (at village, commune and municipality level ) and even other important data for this minority (for further detailed information refer to the address <http://www.sidalbania.org/>). According to this study which is in fact the most complete and the most serious, the number of Roma in the Republic of Albania is 14564. As it is seen this number is about ten times smaller from the one pretended by the directors of associations who represent this minority meanwhile even the possibility of election from this minority ( as an only subject) is also small.

81. Relating to the participation of the Roma minority in the socio-economic life we have given full information when we have treated the article 4 of the Framework Convention.

### **Article 17 of the Framework Convention (paragraphs 185-187)**

82. The Government of Albania knowing and appreciating the special role that the human exchanges between the countries of the region towards the creation of a stabilized peace climate have, has initiated years ago the idea of a “Balkan Schengen”. Today we may say that this idea based even on the good will of neighboring countries turned into reality. Actually Albania does not have a visa system with any of the neighboring countries. With Macedonia, Kosovo and Montenegro the movement of the citizens is done only with identity cards (no need for passports) and free of charge. This reality helped and facilitated the contacts between the minority populations with the mother countries.

83. From the other side the issue of respecting the minorities’ rights is now a permanent focal point of bilateral meetings with the countries of the region, bringing not only the improvement of the climate of relations in general but also the improvement of the minorities’ rights standards in the respective countries.