

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF ALBANIA SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 4 December 2012¹

¹ Any developments which occurred after 2 October 2012, date on which a round table in Tirana and meetings with authorities were organised by ECRI's on measures taken to implement the recommendations chosen for interim follow-up, are not taken into account in this analysis.

ECRI Secretariat
Directorate General II - Democracy
Council of Europe
F-67075 STRASBOURG Cedex
Tel.: + 33 (0) 388 41 29 64
Fax: + 33 (0) 388 41 39 87
E-mail: ecri@coe.int

www.coe.int/ecri

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Albania (fourth monitoring cycle) published on 2 March 2010, ECRI recommended that the Albanian authorities strengthen the legal framework in the field of civil and administrative law by introducing comprehensive legislation to combat direct and indirect discrimination in all key areas of life. In this connection it referred to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.*

The authorities informed ECRI that on 4 February 2010, after extensive consultations with civil society, international experts and the private sector, the Albanian Parliament adopted Law No. 10 221 on protection against all forms of discrimination.

ECRI notes that most of the relevant parts of its General Policy Recommendation (RPG) No. 7 have been incorporated into this Law, which covers direct and indirect discrimination in the public and private sector based on race, colour, religious convictions, language and ethnic origin. The Law applies to everyone present in Albanian territory.

ECRI acknowledges that the Law should be improved (for example, it fails to prohibit discrimination based on nationality, a proclaimed intention to discriminate, incitement to discrimination and aiding and abetting discrimination). However, ECRI considers that it provides the main basis for action against racial discrimination¹ in Albania, and welcomes its adoption.

ECRI also welcomes the introduction of the institution of the Commissioner on the Protection against Discrimination, which became operational in 2010. ECRI hopes that the Commissioner's activity will improve the effective application of the Law and make it better known to vulnerable groups.

At the same time, ECRI welcomes the major role played by the Ombudsman in implementing this Law through the cases he is asked to resolve and his recommendations to the authorities.

In conclusion, given that full anti-discrimination legislation has been adopted, ECRI considers that its recommendation has been implemented.

2. *In its report on Albania (fourth monitoring cycle), ECRI strongly recommended that the Albanian authorities implement tangible measures, in consultation with the communities concerned, to ensure that each Roma family has access to decent accommodation, including through the connection of Roma settlement sites to the electricity, drinking water, sewer and road networks. It also advised them to set clear and ambitious targets in this respect for at least the next two years and to publish regular reports on progress made.*

The Albanian authorities informed ECRI that the 2011-2013 medium-term budgetary programme was endeavouring to find a solution for 34% of Roma families' housing needs by the end of 2013 (with reference to "identified" needs); up to 60% of these needs should be met by the end of 2015. The authorities have initiated a number of projects to this end: for instance, in the town of Korça, the National Housing Agency (ANL) has built an eight-storey block with 30 flats for the Roma community; the ANL is also currently drawing up a classification of types of accommodation compatible with

¹ ECRI General Policy Recommendation No. 7 defines racial discrimination as "any differential treatment based on a ground such as race, colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification".

the Roma lifestyle; and the municipality of Tirana has foreseen the participation of a representative of this minority in its Housing Committee².

ECRI has taken note of this information. However, it has difficulty gauging the impact of these initiatives because despite its recommendation, no regular reports have apparently been issued on the progress made³.

ECRI was also informed of the obstacles encountered by many Roma people in acceding to the various housing programmes available for the Albanian population as a whole⁴: several families had not been entered in the registers of the towns where they lived; they had difficulty gathering all the documents required in order to apply for assistance; and apparently they could not even pay the lower rent applicable to social housing tenants. ECRI acknowledges that many of the same problems affect a considerable section of the country's population⁵. Nevertheless, as the Ombudsman has noted in some of his recommendations to the competent authorities, these (mainly bureaucratic) problems would not be difficult to overcome with the requisite political will. Furthermore, ECRI considers that some of these problems take on a special dimension in the case of the Roma community; some of its members, for instance, have lived in makeshift camps for so long time that they cannot supply proof of their place of residence to the municipality to which they are applying for aid.

On the matter of connecting up Roma residential sites to the electricity, drinking water, sewer and road networks, ECRI has received some worrying information: according to a survey⁶ conducted by UNICEF for the Ministry of Labour and Social Affairs, 40% of all Roma homes have no water supplies. Other reports highlight problems in Korça, Tirana, Shkodra, Elbasan, Durrës, Levan, Berat and Fushë-Krujë.

In conclusion, ECRI must draw the requisite conclusions from the authorities' inertia vis-à-vis the serious situation faced by Roma families, which have been temporarily accommodated in the Ombudsman's offices.

Consequently, ECRI considers that its recommendation has not been fully implemented.

3. *In its report on Albania (fourth monitoring cycle), ECRI recommended that the Albanian authorities step up the creation of new nursery schools so that Roma children can improve their knowledge of the Albanian language before starting primary school, and support the functioning of such schools. It also invited the Albanian authorities to support the non-governmental initiatives which had produced useful results in this field.*

According to the authorities, an increasing number of Roma children are attending pre-school classes: 465 in 2009-10, 516 in 2010-11 and 560 in 2011-2012. UNICEF considers that the rate of attendance has increased from 15% of Roma children eligible for the pre-school system to 25%.

² Municipal Council Decision No. 29 of 28.12.2011.

³ For example, ECRI was informed that in April 2011, the municipality of Tirana granted subsidised loans to homeless persons. However, ECRI has received no information on how many Roma beneficiaries were involved.

⁴ The programmes apparently involve construction by the municipalities of low-rent housing, rent allowances and subsidised housing loans.

⁵ Particularly the registration problem, which concerns a large number of Albanian citizens who moved around the country after 1991.

⁶ Mapping of Services for Roma Children in Albania, published on 17 April 2012, sidalbania.org.

These results are linked to Order No. 23 of 31 August 2009 of the Minister for Education on preparations for beginning the 2009-2010 school year, in which he invited the school authorities to introduce preparatory classes for children who did not attend nursery school. 400 preparatory classes were subsequently introduced for 5- and 6-year-olds. According to the Ombudsman, 30% of the children in these classes belong to the Roma community.

ECRI has also been informed that on 21 June 2012 the Albanian Parliament adopted Law No. 69 on pre-university schooling, that is to say pre-school and school education. Under Article 21 of this Law, all children are entitled to one year's free (non-compulsory) pre-school education before starting elementary school.

Therefore, in connection with the first part of its recommendation, ECRI considers that the new Law No. 69 should further promote the integration of Roma children from the pre-school level onwards.

ECRI also attaches great importance to the survey conducted by UNICEF for the Ministry of Labour and Social Affairs between April and November 2011, which produced a detailed survey of all 108 Roma communities currently present in Albania⁷. For the purposes of the survey, UNICEF collected information on the number of members of each community, the number of children involved and their access to public services, including schools.

ECRI has also been informed of a number of initiatives launched by NGOs which have produced useful results in the field of pre-school education for Roma children. According to the information available to ECRI, the authorities are keen to co-operate with the non-governmental sector. In 2010, for instance, the Civil Society Support Agency supplied funds for a project developed by Roma civil society geared to integrating Roma youngsters into the pre-school programmes and the compulsory education system. However, ECRI was also told that the State sometimes supports ad hoc activities which prove not to be sustainable.

Accordingly, in connection with its recommendation as a whole, ECRI considers that the authorities' efforts on the legislative front must be followed up in practical terms with the creation of an adequate number of nursery schools and the recruitment of sufficient numbers of teachers.

ECRI therefore considers that its recommendation has only been partly implemented.

⁷ See above.

