



**REPUBLIC OF ALBANIA
PARLIAMENT**

LAW

Nr. 96/2017

**ON THE PROTECTION OF NATIONAL MINORITIES
IN THE REPUBLIC OF ALBANIA**

Pursuant to articles 78 and 83, point 1 of the Constitution, upon the proposal of the Council of Ministers,

PARLIAMENT

OF THE REPUBLIC OF ALBANIA

DECIDED :

CHAPTER I

GENERAL PROVISIONS

Article 1

object

This law regulates the exercise of the rights of persons belonging to national minorities in the Republic of Albania, in accordance with the principles laid down in the Constitution of the Republic of Albania, the Council of Europe's Framework Convention for the Protection of National Minorities, ratified by law no. 8496, dated 3.6.1999, and international agreements in the field of human rights where the Republic of Albania is a party.

Article 2

Purpose

1. This law is intended to ensure the exercise of the specific rights of persons belonging to a national minority which are necessary for the protection of the distinctive identity of national minorities as an essential component of an integrated society and guaranteeing non-discrimination and full equality before the law.
2. In the exercise of these rights, persons belonging to national minorities shall respect the rule of law, territorial integrity and sovereignty of the Republic of Albania.

Article 3

Definitions

1. A national minority is a group of Albanian citizens residing in the territory of the Republic of Albania, having early and lasting links with the Albanian state, display distinctive cultural, ethnic, linguistic, religious or traditional characteristics and who are willing to express, preserved and developed together their distinctive cultural, ethnic, linguistic, religious or traditional identity.
2. For the purposes of this Law, national minorities in the Republic of Albania are the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarian minorities.

Article 4

Recognition of National Minorities

1. The formal recognition of national minorities in the Republic of Albania other than those provided for in Article 3, paragraph 2, shall be done by law in accordance with the criteria set forth in paragraph 1, Article 3, and Articles 6 and 7 of this Law.
2. A request for formal recognition shall be lodged with the Minister responsible for internal affairs by a group of nationals who claim to belong to a national minority.
3. The request is reviewed by an ad hoc commission, which is brought up to the Ministry responsible for internal affairs. The structure and functions of the committee, as well as the procedures for reviewing the request for the recognition of a national minority, are determined by a decision of the Council of Ministers.
4. Ad hoc Commission decisions may be appealed to the competent court for the settlement of administrative disputes.

CHAPTER II

RIGHTS AND FREEDOMS OF NATIONAL MINORITIES

Article 5

Exercising rights

1. Every person belonging to a national minority has the right to freely choose to be treated as such, without any disadvantage from this choice or exercise of the rights that are related to this election.
2. Persons belonging to national minorities exercise their rights and enjoy the freedoms guaranteed by this law, individually and in community with others, throughout the territory of the Republic of Albania.

Article 6

Right of self-identification

1. Everyone has the right to declare affiliation to a national minority, based on the right of self-identification, in accordance with the provisions of the legislation on the general census of the population of the Republic of Albania and in the cases provided for in this Law.
2. No one may be compelled to disclose or make public any information concerning his / her affiliation in a national minority or his / her ethnic, linguistic or religious background, unless such discovery data is necessary for the exercise of the rights provided for in articles 3, 7, 11, 12, 13, 14 and 15 of this law.

Article 7

Data collection

1. For the purpose of guaranteeing the rights of national minorities, public institutions at central and local level shall collect data concerning the identification of persons belonging to national minorities, based on the right of self-identification of such persons and in the Civil Status Documentation in accordance with point 2, Article 6, of this law and with the legislation on the protection of personal data.
2. The criteria, documentation, and the relevant data collection procedures provided for in paragraph 1 of this Article shall be adopted by a decision of the Council of Ministers, upon the proposal of the Minister responsible for internal affairs.

Article 8

Prohibition of Discrimination

1. Any discrimination against any person due to his or her affiliation in a national minority shall be prohibited.
2. Public, central and local institutions shall adopt and implement the necessary measures:
 - a) To guarantee full and effective equality in economic, social, political and cultural life between persons belonging to a national minority and those belonging to the majority;
 - b) to protect persons belonging to national minorities from threats, discrimination, hostility or violence due to their distinct cultural, ethnic, linguistic, religious or traditional identity;
 - c) to strengthen intercultural dialogue;
 - ç) to foster mutual respect, understanding and cooperation among all citizens of the Republic of Albania, regardless of their distinct cultural, ethnic, linguistic, religious or traditional identity.
3. Measures adopted in accordance with paragraph 2 of this article shall not constitute acts of discrimination.

Article 9

Freedom of association and right of representation

Persons belonging to national minorities are guaranteed and enjoy the following rights:

- a) the right to freedom of peaceful assembly and freedom of association;
- b) the right to create and participate in political parties, associations and other civil organizations, in accordance with the relevant legislation in force, in order to express and protect their interests;
- c) the right to be elected at the representative bodies at central and local level, in accordance with the provisions of the Electoral Code and the relevant legislation in force.

Article 10

Freedom of Conscience and Religion

1. Persons belonging to national minorities are guaranteed the right to freedom of conscience and religion and have the right to display, individually or in community with others, their religion or belief.
2. Persons belonging to a national minority have the right to establish their own religious organizations and associations in accordance with the relevant legislation in force.

Article 11

Participation in public, cultural, social and economic life

1. Persons belonging to national minorities shall have the right to equal and effective participation in the public, economic, social and cultural life of the country, in particular, in matters relating to the preservation, protection and promotion of the culture, traditions and identity of the minority they belong to.
2. Persons belonging to national minorities and organizations representing national minorities shall enjoy the right of application and financial support from cultural institutions with a view to the promotion, preservation and protection of their traditions, regardless of their cultural, ethnic, linguistic or traditional identity , in accordance with the applicable culture legislation.
3. The measures and policies necessary to ensure the participation of national minorities in public, cultural, social and economic life shall be adopted by a decision of the Council of Ministers, upon the proposal of the ministers responsible for the abovementioned areas.

Article 12

Preservation of the cultural identity of national minorities

1. Persons belonging to national minorities have the right to preserve and develop their linguistic, cultural, religious and cultural heritage throughout the territory of the Republic of Albania.
2. Persons belonging to national minorities enjoy, in accordance with the provisions of Article 2, of this Law, the right to celebrate events related to the promotion of their distinct cultural identity.
3. Strategies, programs and action plans to create the necessary conditions for national minorities to preserve and develop their distinct identity are adopted by a decision of the Council of Ministers, upon the proposal of ministers responsible for education and culture.

4. Without prejudice to measures taken in accordance with the general integration policy of national minorities, policies or practices aimed at the assimilation of persons belonging to national minorities against their will shall be prohibited.

Article 13

The Right to Education in the Language of the Minority

1. Persons belonging to a national minority enjoy the right to learn minority language.
2. Persons belonging to national minorities in local self-government units where they reside traditionally or in substantial numbers, if there is sufficient demand, are provided with the opportunity to learn or take minority language lessons in accordance with the legislation relevant in the field of education.
3. The criteria for defining the local self-government unit, the essential number and the sufficient demand are determined by a decision of the Council of Ministers, upon the proposal of ministers responsible for education and local affairs.
4. Appropriate measures in the field of education and research in order to promote the recognition of culture, history, language and religion of national minorities and the majority, in accordance with relevant legislation in the field of education, shall be adopted by decision of the Council Ministers, upon the proposal of the minister responsible for education, in accordance with the relevant legislation in the field of education.
5. Appropriate measures to create opportunities and conditions for provision of textbooks, initial training, further training and further development of teachers, and the establishment and operation of classes in the language of national minorities shall be approved by a decision of the Council of Ministers, upon the proposal of the minister responsible for education, in accordance with the relevant legislation in the field of education.
6. Persons belonging to national minorities have the right to open and run private institutions of the education system and vocational education institutions when they meet all the conditions provided for in the legislation in force in the field of education.
7. The provisions of this Article shall apply without prejudice to the teaching of the Albanian language.

Article 14

Freedom of expression, thought, and right to information

1. Persons belonging to national minorities are guaranteed and have the right to express their opinions and opinions and to receive and disseminate minority language information without discrimination and without the intervention of public authorities.
2. Persons belonging to national minorities shall have the right to have their own written and electronic media in accordance with the legislation in force in the Republic of Albania for print and electronic media.
3. Persons belonging to national minorities have the right to use the services of audio and audiovisual media without discrimination, in accordance with the conditions, criteria and procedures established by the legislation in force for audiovisual media in the Republic of Albania. Licensing of radio broadcasting and television services is done without discrimination and in accordance with the audiovisual media legislation requirements.
4. Persons belonging to national minorities enjoy the right to be informed in their mother tongue. Central Public Radio and Television broadcasts in one of its stations information programs and cultural programs in the language of national minorities.

Use of language

1. Persons belonging to national minorities shall have the right, in addition to the Albanian language, to use in the language of the national minority belonging to:
 - a) their name and surname, in accordance with the relevant legislation;
 - b) Signs, inscriptions and other personal information, visible to the public, in any activity of their social, economic and cultural life.
2. In local self-government units where persons belonging to national minorities reside traditionally or account for more than 20 percent of the total population of this unit, based on their request, local self-government bodies create the conditions, insofar as it is possible use of minority language in the relations between persons belonging to minorities and these organs.
3. By decision of the bodies of the local self-government units, where over 20 percent of the inhabitants belong to national minorities, when there is a sufficient demand from them, the names of respective administrative units, roads and other topographic indicators, in addition to

the language Albanian, and appear in the language of the respective minority, according to the legal provisions for local self-government.

4. In local self-government units where persons belonging to national minorities account for more than 20 percent of the total population of this unit, they are entitled to receive information, in addition to the Albanian and minority languages, over the development of the electoral process. Giving minority language information on the conduct of the electoral process is regulated by acts approved by the Central Election Commission.

5. Any person belonging to a national minority shall have the right to be immediately informed in the language he / she understands about the reasons for his / her arrest and the nature and cause of any charge against him / her and to protect himself / herself in this language, in accordance with the provisions of the Criminal Procedure Code.

6. The manner of use of minority languages, as provided in paragraphs 2 and 3 of this Article, shall be governed by a decision of the Council of Ministers, upon the proposal of the ministries responsible for domestic affairs and local affairs.

Article 16

Prohibition of Limitation of Rights

It is forbidden to take measures that change the composition of the population in local self-government units inhabited by persons belonging to national minorities, with a view to limiting the rights provided by this law.

Article 17

International Agreements

1. Persons belonging to national minorities shall have the right to establish and maintain free and peaceful contacts across the borders of the Republic of Albania with persons having the same ethnic, linguistic, religious or ethnic heritage cultural common.

2. The Republic of Albania may conclude international agreements with other States to ensure the protection of persons belonging to the relevant national minorities in accordance with the law on international agreements in the Republic of Albania.

3. The international agreements provided for in paragraph 2 of this article shall, prior to the approval in principle by the Council of Ministers, consult the Committee on National Minorities.

CHAPTER III

THE COMMITTEE ON NATIONAL MINORITIES

Article 18

Committee on National Minorities

1. In order to ensure the protection and promotion of the rights and interests of national minorities, according to the provisions of this law and relevant legislation in force, the Committee on National Minorities is established as a central institution under the Prime Minister.
2. The organization, functioning and level of salaries of members of the Committee on National Minorities and administrative staff shall be determined by a decision of the Council of Ministers, upon the proposal of the Prime Minister.
3. The structure of the Committee for National Minorities shall be approved by order of the Prime Minister.
4. The work relations of administrative personnel are regulated according to the provisions of the Civil Servant Legislation and the Labor Code.

Article 19

Competencies of the Committee on National Minorities

The Committee on National Minorities has the following competencies:

- a) recommends and gives its opinion on the drafting of legislation, policies and programs relating to the rights of national minorities;
- b) propose recommendations to the Council of Ministers, ministries and other central institutions, as well as local government bodies to address issues related to national minorities;

- c) prepare and submit periodic reports to the Assembly on the situation of national minorities in the Republic of Albania;
- d) Cooperate and coordinate with state institutions at central and local level reporting and monitoring the implementation of the legal framework and state policies related to national minorities;
- d) Organize activities to raise awareness on the protection and promotion of the rights of national minorities and strengthen the dialogue with national minority associations; f) Contributes to the preparation of the national report on the implementation of the Framework Convention for Protection of National Minorities;
- e) undertakes activities aimed at meeting international commitments and obligations;
- ë) gives opinions on international agreements related to the rights and freedoms of national minorities;
- f) Give opinion to the institution provided for in paragraph 3 of Article 3 of this law regarding the requests for recognition of minorities;
- g) finances, through the Fund for National Minorities, initiatives and projects aimed at protecting the rights of national minorities and maintaining and promoting the national, linguistic and cultural identity of national minorities.

Article 20

Composition of the Committee on National Minorities

1. The Committee on National Minorities shall be composed of representatives of national minorities in the Republic of Albania, provided for in paragraph 2 of Article 3 of this Law.
2. Each of the national minorities provided for in paragraph 2 of Article 3 of this Law shall have the right to have one representative in the capacity of a member of the Committee for National Minorities. Members of the Committee on National Minorities are appointed by order of the Prime Minister, based on nominations submitted by associations representing national minorities. The mandate of the committee member is four years , with the right to renew.
3. The Chairman of the Committee on National Minorities and the Vice-President shall be appointed by order of the Prime Minister every four years.
4. The election of the chairman, deputy chairman and members of the Committee for National Minorities is done through an independent, transparent and inclusive process. Procedures and

rules for the development of this process are regulated by a decision of the Council of Ministers, proposed by the Prime Minister.

Article 21

Fund for National Minorities

1. A fund for national minorities is established to support initiatives and projects aimed at protecting the rights of national minorities, preserving and promoting their distinct cultural, ethnic, linguistic, traditional and religious identities of national minorities.
2. The Fund is funded by the State Budget and administered by the National Minorities Committee.
3. Criteria for the support of initiatives and projects, according to point 1 of this article, the selection criteria for their funding and the administration of the fund for national minorities shall be determined by a decision of the Council of Ministers.

Article 22

Last Provision

1. Nothing in this Law shall be construed as limiting or derogating from the fundamental human rights and freedoms sanctioned in the legislation in force or in international agreements in which the Republic of Albania is a party.
2. The rights of national minorities provided for by international agreements ratified by the Republic of Albania shall not be affected by this Law.
3. The State Committee of Minorities, established by decision no. 127, dated 11 March 2004, of the Council of Ministers, as amended, exercises its functions until the establishment of the Committee for National Minorities, as provided for in Article 18 of this Law.

Article 23

By-laws

1. The Council of Ministers is hereby charged that within six months from the entry into force of this law, adopt sub-legal acts pursuant to articles 4, point 3; 7, point 2; 11, item 3; 12, item 3; 13, points 3, 4 and 5; 15, item 6; 18, item 2; 20 point 4 and 21 point 3 of this law.

2. The Central Election Commission is charged that, within six months from the entry into force of this law, adopt the acts provided for in Article 15, point 4 of this law.

Article 24

Entry into force

This law comes into force 15 days after its publication in the Official Gazette.

HEAD OF PARLIAMENT

Gramoz RUÇI

Approved on 13.10.2017