



REPUBLIC OF ALBANIA

PEOPLE'S ADVOCATE

**INFORMATION CONCERNING ALBANIA AND THE
INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION**

PEOPLE'S ADVOCATE OF ALBANIA SUBMISSION

Tirana, March 2015

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1. Data on minorities and other communities in Albania

Two types of minorities are officially recognized in Albania, national ethnic minorities and ethno-linguistic minorities. This process has evolved over time because collection of data on the existence of minorities and their collection methodology has had the same evolving character. According to data collected by the Albanian State in different periods on the number of minority population, it is observed that censuses on population and households are conducted by specific State institutions such as the Statistics Institute (INSTAT).

According to some censuses applied in different periods of time, the number of population belonging only to national minorities within the country proves to be:

<i>Year 1960</i>	<i>44.570 (individuals)</i>	<i>2.7% (of total population, in Albania)</i>
<i>Year 1979</i>	<i>54.687</i>	<i>2.1%</i>
<i>Year 1989</i>	<i>64.816</i>	<i>2.0%¹</i>

Therefore, according to statistics the reporting does not include the number of population of Roma and Vlach community during that period.

A new census was conducted in April 2001 on population and households in the country, which did not include the declaration of nationality and religious belief.²

In the meantime, the census applied in 2011 has also included the qualification for Roma and Vlach ethno-linguistic minorities and according to that census, minorities amount to 52.700 individuals in Albania or 1.9% of the national population number.

According to data obtained from that census on the resident population as per the cultural and ethnic identity, the following results are reported:

<i>Greek minority</i>	<i>24.243 (individuals)</i>
<i>Macedonian minority</i>	<i>5.512</i>
<i>Montenegrin minority</i>	<i>366</i>
<i>Aromanian (Vlach) minority</i>	<i>8.266</i>
<i>Roma minority</i>	<i>8.301³</i>

The population registration form implemented in 2011 included also the question on ethnic identity, implying the self-declaration as a criterion for the identification of ethnic population identity.

A jurisprudential development sparking debate, in particular among the representative groups or local minority associations during the period of arrangements for the census of 2011 has been the Constitutional Court Decision no. 52, dated 01.12.2011, ruling on “full revocation as inconsistent with the Constitution, of the term “nationality” under articles 6/1, 8, 42/2, letter “e” and of article 58 of Law no. 10129, dated 11.05.2009, “On civil status”.

Notwithstanding the figures declared on minority population under this census, representatives of political parties or associations exclusively protecting minority rights have manifestly and publicly contested them. We have also reported this fact in meetings with residents or civil society representatives protecting minority rights in all main areas of the country, with notable presence of minorities or of other communities.

¹ Report submitted by Albania pursuant to article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, 26 July 2001, page 8.

² Ibid, page 9.

³ These data are available in the website: www.instat.gov.al/al/census/census-2011/te-dhenat-e-census-2011.aspx

2. Concerns identified by inspections of the People's Advocate in main settlements of minorities and other communities

Based on the experience gained from the daily work of the institution and especially on the findings and perception of civil society representatives protecting the rights of minorities and other communities within the country, this section of the report will deal with concerns basically related to the recognition and respect of minority rights.

Based on this scheme, identified issues highlight the implementation and observance of rights related to non-discrimination; preservation of minority identity, including measures for the preservation and development of culture, religious belief, language, traditions and cultural heritage; participation in the State educational system; print press and local audio-visual media in minority language; exercise of the freedom of assembly, affiliation in organizations, expression of consciousness and religious belief; free use of minority or community language; free contacts with persons beyond the borders of the same nationality as the members of minorities or other nationalities; specifically children's rights connected with access to State education, school textbooks and their content, potential bilingual system of education and discrimination against them in the educational system.

Data collected through questionnaires formulated for that purpose and contacts with residents of mostly minority areas or of other communities, have shown the following results:

Greek minority:

- As regards the discrimination issue, it is confirmed that current situation has been improved. However, in some individual cases there are elements of discrimination from the majority population against the minority community members.
- As for the recognition of main legal acts affirming and protecting minority rights, the answers show a number of shortcomings and inadequate knowledge.
- Concerning measures to be taken by the State to preserve the minority identity, including measures for preservation and development of culture, religious belief, language, traditions and cultural heritage, the answers given show that appropriate measures are taken by the State authorities but they are not sufficient.
- No problems are reported in terms of the participation in the public education system.
- As for the existence of print press and audiovisual local media in minority language, it is admitted that in the framework of print press, shortcomings are mainly caused due to the lack of funding by the State and limited real capacities available for its financing by private individuals. There are weekly programs broadcasted in Greek language in private regional TV stations, as well as a specific timing broadcasted in that language in Radio Gjirokastra (Albanian Radio Television).
- Regarding the exercise of freedom of assembly, affiliation in organizations, expression of consciousness and religious belief, the answers provide that there are no obstacles and these freedoms are generally freely exercised by the minority community members.
- Reportedly, the minority language is freely used.
- As for the free public use of minority language, name, surname, signs, inscriptions or other information of personal character, answers show a free exercise of those rights.
- Regarding the maintenance of free contacts with persons out of borders of the same nationality with the minority community members or of other nationalities, continuous and very good links are reported.
- Regarding the inclusion in the textbooks of knowledge about culture, history, language and religious belief of the minority, and the possibility to learn in minority language within the public educational system, it is established that teaching at the

public nine-year schools also takes place in minority language. Meanwhile, it is admitted that textbooks provided by the Ministry of Education and Sports lack knowledge of the above cited subjects.

- Regarding the access of minority children to the public educational system, answers show unrestricted exercise of the unhindered right to education.
- As far as the textbooks in native language are concerned, they are available and have been provided by the Ministry of Education and Sports. The nine-year school textbooks are furnished free of charge and high schools have no books in native language.
- As regards the prospective bilingual system of public education and potential discrimination in the educational process, reportedly there are bilingual schools and there are no grounds of discrimination.

Macedonian minority:

- Regarding the discrimination issue, we confirm there are elements of everyday life that give the perception of inequality between the current state of Macedonian minority and the rest of majority population (representation in public and local administration).
- As for the recognition of main legal acts on affirmation and protection of minority rights, the answers given confirm their satisfactory recognition.
- Concerning measures to be taken by the State to preserve the minority identity, including measures for preservation and development of culture, religion, language, traditions and cultural heritage, the opinion expressed is that no appropriate measures are taken. Although the Sector of Minorities and Diaspora Culture was established within the Ministry of Culture in 2010, in these years that unit has not supported projects for the Macedonian minority.
- No difficulties are reported in terms of the participation in public educational system. As for the print and audiovisual media in minority language, it is established that the newspaper in Macedonian language "PRESPA", organ of the Union of Macedonians of Albania is periodically published every two-three months in a run of 1000 copies, as well as the on-line newspaper "Makedonium", organ of the Macedonian Association "SONCE", issued in two languages, Macedonian and Albanian. Reportedly, these newspapers are not supported by any Albanian institutions.
- Regarding the freedom of assembly, affiliation in organizations, expression of consciousness and religious belief, the replies given show that no obstacles are identified.
- It is admitted that the language of the Macedonian minority is freely used in private life. In the regions of Prespa, Gora and Gollobërda, Macedonian is the language used in everyday private and public life. Additionally, it is admitted that children from these areas of up to seven years old do not speak Albanian language and they start to learn it at school. No problems are reported in this regard.
- As for the free public use of minority language, name, surname, signs, inscriptions or other information of personal character, it is established that the situation has been improving notwithstanding the limitations.
- Regarding the maintenance of free contacts with persons out of borders of the same nationality with the minority community members or of other nationalities, continuous and very good links are reported.
- Regarding the inclusion in the textbooks of knowledge about culture, history, language and religious belief of the minority, and the possibility to learn in minority language within the public educational system, it is established that in the region of

Prespa, where children from Macedonian minority have the right to learn Macedonian language, the subject "History of Macedonia" has been introduced in recent years.

- Regarding the access of minority children to the public educational system, answers show unrestricted exercise of the unhindered right to education.
- Regarding the textbooks in native language, answers given in the region of Prespa, Pustec commune, report a lack of textbooks for teaching subjects in Macedonian language. In schools of that region, children from Macedonian minority have the right to learn in Macedonian language and based on the Decision of Council of Ministers no. 396, dated 22.08.1994 "On eight-year Education in Native Language of Minority Members", the entire teaching process in this area should be 60% in Macedonian and 40% in Albanian language. However, this decision has been never applied due to absence of textbooks for the subjects supposed to be taught in Macedonian language. In the region of Prespa, children possess textbooks in Macedonian language and these books are approved by the Ministry of Education and Sports. Textbooks for minority children are free of charge.
- As regards the prospective bilingual system of public education and potential discrimination in the educational process, in the region of Prespa, Pustec commune, all elementary schools and two nine-year schools have reportedly a bilingual system. According to Decision of Council of Ministers no. 396, dated 22.08.1994 "On eight-year education in Native Language of Minority Members", the entire teaching process in that area should be 60% in Macedonian language and 40% in Albanian and there is no discrimination.

Serbian-Montenegrin minority:

- Regarding the discrimination issue, we confirm that a partly discriminatory perception is present especially in areas such as education and sports.
- As for the recognition of main legal acts on protection of minority rights, the answers given confirm their satisfactory recognition.
- As concerns the measures to be adopted by the State for preserving the minority identity, including those for preservation and development of culture, religious belief, language, traditions and cultural heritage, the opinion is that no proper measures are taken and problems are reported in recent years but hopefully the situation is currently improved.
- In the context of participation in the public educational system, there are difficulties for access to education and there is no print and audio-visual media in minority language.
- Regarding the exercise of freedom of assembly, affiliation in organizations, expression of consciousness and religious belief, the replies given show that no obstacles are reported in the formal process but they have appeared in individual specific cases for their free exercise.
- Regarding the free use of minority language, the latter has proven to be freely used notwithstanding the isolated incidents that may occur.
- As for the free public use of minority language, name, surname, signs, inscriptions or other information of personal character, it is established there are limitations and the situation has been improving in recent years.
- Regarding the maintenance of free contacts with persons out of borders of the same nationality with the minority community members or of other nationalities, continuous and very good links are reported.
- Regarding the inclusion in the textbooks of knowledge about culture, history, language and religious belief of the minority, and the possibility to learn in minority

language within the public educational system, it is established that there are no similar elements in the textbooks (but it is lately promised it will be accomplished by the Ministry of Education and Sports and the Ministry of Foreign Affairs) for the areas of Serbian-Montenegrin minorities.

- As regards the access of minority children to the public educational system, replies given report an unrestricted exercise of the unhindered right to education.
- As far as the textbooks in native language are concerned, they are available and provided free of charge for the minority children by associations established by the Serbian-Montenegrin minority. They are not applied in the public educational process but in private courses conducted by the relevant associations for teaching native language. It is admitted that there are no bilingual public schools in the area of Vrakë, Shkodër.
- As regards the prospective bilingual system, public education and potential discrimination in the educational process, it is admitted that there are no bilingual public schools in the area of Vraka, Shkodër (this also applies to the area of Libofshë, Fier) and generally there are no grounds of discrimination.

Roma minority:

- Regarding the discrimination issues, confirmations are for a general perception of equality but there are also exclusion and discrimination cases on access to equal rights in daily life.
- As for the awareness of the main legal acts confirming and protecting minority rights, it is observed that this knowledge is provided by key documents.
- Concerning measures to be taken by the State to preserve the minority identity, including measures for preservation and development of culture, religion, language, traditions and cultural heritage, it is observed that several actions are taken by the State but there is still room for improvement.
- With regard to participation in the public education system, it appears that there are problems associated with the subjective side of the issue, such as school dropout or non- attendance and the cultivation of an unprejudiced and accepting environment for Roma children at school.
- As for the existence of a print and audiovisual local media in minority language, there is a television show broadcasting in Roma language by Albanian Radio Television of Korça area, with a specific time schedule but there is a demand for extension of such programs in other Roma- inhabited areas.
- Regarding the exercise of freedom of assembly, association, expression of conscience and religion, answers show that no such obstacles are identified to limit these freedoms, which are freely exercised by the members of minority.
- Concerning the free use of minority languages, conclusions are that minority language is freely used.
- Regarding the free use of minority language in public manifestations, name, surname, signs and symbols, inscriptions, or other information of personal nature, the answer is that there are no obstacles.
- As regards the establishment of free contacts with persons beyond the borders of the same nationality with minority members or other nationalities, it is affirmed that connections are normal and very good.
- Regarding the inclusion in textbooks of knowledge about culture, history, language and religious belief of the minority, as well as the opportunity to learn in a minority language in the public education system, it is confirmed that some efforts are being made but they are still considered of low quality and inadequate. To date, no

possibility is in place to teach in Roma language at any institution of State education system.

- With regard to access of minority children to the public education system, answers confirm an unlimited exercise of the right to education and no limitation to this right.
- Concerning the textbooks in their native language, the answers are that these textbooks do not exist so far.
- Regarding the potential existence of a bilingual public education system and potential discrimination in the educational process, conclusions are that there are no schools with bilingual system and there is no discrimination.

Vlach minority:

- Regarding the discrimination issues, there are confirmations about elements of everyday life that give the perception of inequality between the current state of Vlach minority and the rest of majority population (such as representation in public administration or political representation).
- As for the awareness of the main legal acts supporting and protecting the rights of minorities, answers confirm little knowledge.
- Concerning the measures to be taken by the State to preserve the minority identity, including measures for the preservation and development of culture, religion, language, traditions and cultural heritage, the prevailing opinion is that no appropriate measures are taken. According to declarations, State authorities have not adopted necessary measures with direct positive impact in this regard, as most of the engagements have been channeled as private commitments of minority members, as for example, learning minority language.
- With regard to the participation in the public education system, results show no difficulties. As for the print and audiovisual media in minority language, it is confirmed that Vlach minority is privately publishing "Fratia" newspaper and the magazine named "Aromanians of Durrës".
- As for the exercise of freedom of assembly, association, expression of conscience and religion, answers show that there are no obstacles and these freedoms and rights are freely exercised.
- Regarding the free use of minority language, conclusions are that minority language is freely used and there are no problems.
- Concerning the free public manifestation of minority language, name, surname, signs and symbols, inscriptions, or other information of personal nature, results show no problems in this area.
- Regarding the establishment and maintenance of free contacts with persons beyond the borders of the same minority nationality or other nationalities, answers are that connections are normal and very good.
- As for the inclusion in textbooks of knowledge about culture, history, language and religion of minorities, as well as the opportunity to learn in a minority language within the public education system, observations are that no such elements are included in textbooks. Also, no Vlach minority language teaching is currently being conducted in the public education system.
- Concerning the access of minority children to the public education system, the answers provide full exercise of the right to education and no obstacles are identified.
- Regarding the native language textbooks, the answers are that no such textbooks are offered by the State. Only few private language summer courses are conducted.

- As for the potential existence of a bilingual system of the public education and potential discrimination in the educational process, it is established that there are no such schools and no discrimination is present.

Other communities:

Bosnian community (Boraka):

- Regarding the discrimination issues, observations are that there are no discriminatory aspects compared to the rest of population.
- As for the awareness of the main legal acts supporting and protecting minority rights, the results show a good knowledge of the above acts.
- Regarding the measures to be taken to preserve the minority identity, including measures for preservation and development of culture, religion, language, traditions and cultural heritage, the answers confirm that satisfactory measures are taken.
- Concerning the participation in the public education system, results show no problems in this area.
- Regarding the existence of local print and audiovisual media in minority language, the fact is that there is no print media in the language of this community but a television channel named "Hayat TV" is privately provided through the cable system.
- As for the exercise of freedom of assembly, association, expression of conscience and religion, answers provide that there are no obstacles and that these freedoms are freely exercised by the community members.
- Regarding the free use of minority language, it is concluded that the language is freely used and without any interference.
- Concerning free public manifestation of minority language, name, surname, signs and symbols, inscriptions or other information of personal nature, results show that there is no obstacle of this freedom and no interference by the State.
- Regarding the establishment and maintenance of free contacts with persons beyond the borders of the same minority nationality or other nationalities, the observations show that connections are normal and very good.
- As for the inclusion in textbooks of knowledge about culture, history, language and religion of the community, and the opportunity to learn the language community within the public education system, the conclusion is that such knowledge does not apply. However, it is worth mentioning the fact that children of this community can learn Bosnian language at the nine-year school of Shijak "Adem Sabli".
- Regarding the access of minority children to the public education system, answers provide unlimited exercise of the right to education and no obstacles are identified.
- Concerning the native language textbooks, these textbooks are available at the nine-year school "Adem Sabli", Shijak, provided free of charge by the Ministry of Education of Bosnia and Herzegovina.
- With regard to the potential existence of a bilingual system of public education and discrimination in the educational process, it is established that there is a bilingual school, and no discrimination on this issue.

Egyptian community:

- Regarding the discrimination issues, the results of questionnaires report the formal equality of community, but there are cases of exclusion in daily life and discrimination cases from access to equal rights.
- As for the awareness of the main legal acts supporting and protecting the minority rights, the conclusion is that community has basic knowledge on the main acts.

- Regarding the measures to be taken by the State to preserve the minority identity, which includes measures for preservation and development of culture, religion, language, traditions and cultural heritage, it is identified that no appropriate measures are taken by the State in this regard, and this is linked with the lack of knowledge on minority status.
- Concerning the participation in the public education system, there are no concerns over this issue, and there is no written press and local audiovisual media of the community language because there is no such language to the Egyptian community.
- As for the exercise of freedom of assembly, association, expression of conscience and religion, answers show that there are no obstacles on this issue and these freedoms are freely exercised by community members.
- Regarding the establishment and maintenance of free contacts with persons beyond the borders of the same minority nationality or other nationalities, it is confirmed that connections are normal and very good.
- Concerning the inclusion in textbooks of knowledge about culture, history, language and religion of minorities, no textbooks have made any description of this knowledge.
- Regarding the access of children to the public education system, answers provide an unlimited exercise of the right to education, and no obstacles are present up to university level.
- As for the possible existence of discrimination in the educational process, there are in certain cases some discrimination aspects by some "irresponsible" teachers.

Goran community:

- Regarding the discrimination issues, the results of general perception are that there is no equality in everyday life.
- As for the awareness of the main legal acts supporting and protecting minority rights, the conclusion is that this knowledge is available in main documents.
- Regarding the measures to be taken to preserve the minority identity, including measures of preservation and development of culture, religion, language, traditions and cultural heritage, it is confirmed that the State has not taken such necessary measures.
- As for the participation in the public education system, the conclusion is that there are no matters of concern in this area.
- Regarding the existence of print and audiovisual local media in the minority language, there is no press and audiovisual media in the language of this community.
- With regard to the exercise of freedom of assembly, association, expression of conscience and religion, there are no obstacles in this area and these freedoms are freely exercised by community members.
- Regarding the free use of community language, the conclusion is that language is freely used in everyday life of the community but not in public life.
- Concerning the establishment and maintenance of free contacts with persons beyond borders of the same minority nationality or other nationalities, the answers are that such connections are very good.
- Regarding the inclusion in textbooks of knowledge about culture, history, language and religion of minorities, as well as the opportunity to learn in a minority language within the public education system, the results show that there is no such knowledge in textbooks.
- As for the access of children to the public education system, answers show an unlimited exercise of the right to education and no obstacles are present.
- Regarding the native language textbooks, such textbooks do not exist.

- Concerning the possible existence of a bilingual system of the public education and potential discrimination in the educational process, the conclusion is that there are no schools with bilingual system and there is no discrimination in the educational process.

In addition to this overview adopted in the meetings held with the respective communities during inspections conducted for the preparation of this report, some other issues of concern are presented related to:

- Lack of population registration (Census), uncontested and accepted by minorities and other communities, which would provide real figures of the minority population or other communities.
- Real integration of minorities and other communities in everyday life, especially in local and central government units.
- Lack of a real consultation and consideration of the requirements of minority representatives and other communities during the process, regarding the territorial reform in the country.
- Promotion of better conditions for the growth of welfare in areas where minorities and other communities live, including a more adequate financial funding for local government units, where minority communities and other communities have a considerable representation compared with the rest of majority population.

3. Information on proposals and other recommendations on minority issues

Within the framework of activities related to the respect of minority rights in Albania, in addition to treatment and examination of individual complaints, the People's Advocate Institution has articulated and submitted the main recommendations as follows:

- I. Improvement and amendment of the legal framework for protection of minorities:**
 - a) Recommendation on some legal improvements for inclusion as grounds for discrimination of the following issues: nationality, declared intention for discrimination, support of discrimination, and instigation and encouragement of discrimination.**

One of the basic rights and freedoms guaranteed by Article 18 of the Constitution of the Republic of Albania is equality before law and prohibition of discrimination, which provision, in the spirit of equality before law, prohibits unfair discrimination because of race, religion, ethnicity, language, political opinions, religious or philosophical beliefs, education, economic or social status, or family origin.

The hierarchy of normative acts in place that guarantee equality before the law has recognized adequate details with the entry into force of Law no. 10221 dated 04.02.2010 "On protection from discrimination". This law, in addition to definitions attributed to the concept of equality, specifies also the elements leading to discrimination, either be disregarded or deliberately avoided.

In this context, we can admit that the legislative basis for support of fundamental rights and freedoms is currently in place. This includes the Constitution of the Republic of Albania, International Conventions signed and ratified by our country, which are basically related to equal treatment, non-discrimination, protection and respect of human rights and fundamental freedoms, such as the European Convention on Human Rights, Protocol no. 12, Convention for the Protection of Human Rights and Fundamental Freedoms "On a general prohibition of discrimination", signed and ratified in 2010, Law no. 10221, dated 04.02.2010 "On protection against discrimination" as a framework law governing the application and respect of the principle of equality, which defines the principles, rules and general measures for protection from discrimination, while other legal acts in force are specifically governing non-discrimination related to the exercise of other specific rights.

Based on this approach, it should be noted that from 2012 up to now the People's Advocate Institution has registered and addressed a large number of complaints from individuals of vulnerable communities, such as members of Roma minority and disabled persons, proven to be the most vulnerable groups subject to discrimination. Despite the fact that these individuals claim the violation of a specific right, after elaboration of these cases, results show elements of violation of equality or negative discrimination, which have served as a cause in breach of other rights claimed by the applicants.

There are also complaints from other individuals outside these groups, having the same concern.

Under an analytical approach to the issue, we find that Article 1 of the Law "On protection against discrimination" provides a wider range of grounds leading to discrimination than the Constitution, (seen this as a positive progress for the development of minimum standards protecting and promoting human rights and fundamental freedoms) but again the grounds leading to certain forms of discrimination are not expressly provided by this law.

The complaints elaborated along with the cases made public in media, especially in the last few years, have led to conclusions of the need for accurate legal provisions for protection from all forms of discrimination, and specifically discrimination based on nationality, declared intention for discrimination, support of discrimination, and instigation and encouragement of discrimination. As a matter of fact, the grounds cited above are not provided for in the Law "On protection against discrimination".

For this purpose, the People's Advocate Institution has recommended the amendment of Law "On protection against discrimination", and introduction of some other grounds of prohibition of discrimination, such as nationality, declared intention for discrimination, support of discrimination as well as instigation and encouragement of discrimination.

In view of the above, this recommendation is submitted to the Minister of Justice and the Minister of Labor, Social Affairs and Equal Opportunities for initiation of the legislative initiative for some amendments to Article 1 of law no. 10221, dated 04.02.2010 "On protection against discrimination ", including in this article as other grounds for discrimination the nationality, declared intention for discrimination, support of discrimination, and instigation and encouragement of discrimination.

After the re-submission of this recommendation on 23.12.2013, a reply was sent only by the Ministry of Justice (dated 30.01.2014), expressing readiness for cooperation and assistance for drafting the required amendments, in cooperation with other responsible institutions. The response by the Ministry of Social Welfare and Youth is still absent.

b) Completion of the legal framework for the recognition and protection of minorities in Albania, in accordance with provisions of the Framework Convention of Council of Europe for the Protection of National Minorities".

Vital reality of the Albanian society is based on ethnic, cultural, religious or linguistic minorities, whose treatment has taken a new dimension after 1990. This is a clear fact reflected in commitments of the Albanian State authorities undertaken for this purpose.

Based on this spirit, in order to guarantee minority rights, the Constitution of the Republic of Albania has emphasized the principle of equality before law and non-discrimination, regardless of the individual affiliation in a national minority.

In addition to other applicable legal basis, the primary role in this respect is clearly stipulated in the Framework Convention of Council of Europe for the Protection of Minorities, ratified without any reservations by Albania with the Law no. 8496 dated 03.06.1999.

Notwithstanding these institutional commitments and national and international legal provisions in force, we are all aware that there is much to do ahead in order to practically ensure the respect for the rights, integration and social inclusion of minorities living in Albania.

With regard to national minorities, it is noted that despite the normative legal basis in force, an acceptable definition of the term “national minority” is still absent.

The process of recognition of these minorities in the country is commonly based on the criteria established by international conventions, such as the specific and sustainable objective criteria related to the existence of ethnic, cultural, religious, and linguistic characteristics of minority groups, compared with the rest of majority population, as well as the manifestation of will to preserve the culture, traditions, religion, and their language, and the criteria implying personal choice to be part of the minority.

To date, Albania has not taken the "necessary legislative measure" or issued any internal normative acts, specifying the “definition” of minority or criteria for recognition of minorities, which "de jure" are indirectly recognized as such by the Albanian State referring to the selection criteria of membership of the National Minorities Committee.

In these circumstances, it is necessary to initiate introduction of a specific law, which will provide an explicit definition in this regard⁴.

As mentioned above, in order to better guarantee the rights of minorities, in early 2013 we recommended to the former Prime Minister, and by the end of 2013 to the current Prime Minister, the need for a new legislative initiative for the adoption of a law specifying "de jure" definition and recognition criteria for the minority.

The Prime Minister’s Office replied by letter no. 2389 dated 16.06.2014, stating that the analysis of this recommendation will be subject to the interagency working group, set up by virtue of the Prime Minister's Order no. 117, dated 10.03.2014 "On establishment of the interagency working group charged with the assessment of legal framework and policies for minorities". This group has been working for several months and it is now in due time to submit the relevant recommendations to the Prime Minister's Office.

I. Improvement of the living conditions of Roma minority:

a) Recommendation for improving the Roma minority living conditions in Albania.

Fulfillment of obligations arising from the National Strategy for Improving Living Conditions of the Roma Community, so that this minority lives within the standards of the rest of local population, is the focus of the People’s Advocate activity.

Despite Roma rights are guaranteed by the Constitution of the Republic of Albania and national legislation in force, a sensitive aspect of the current situation of Roma minority

⁴ The resolution of the Parliamentary Assembly of Council of Europe, respectively the resolution 2019 (2014), in paragraph 13.1 states that the Assembly “recommends to the Parliament of Albania the adoption of more flexible and adequate system for the recognition of national and ethnic minorities”.

in Albania is related to the living conditions of Roma communities in the centers presently known as residential centers of the community in various areas of the country. It should be noted that the People's Advocate Institution has and is constantly following this issue, which includes a number of fundamental rights resulting in an integrated term as "life quality", a term directly affecting the fundamental human rights, known as the "right to life" guaranteed by Article 21 of the Constitution.

Following the visits and inspections conducted by the People's Advocate Institution in some of these centers and complaints submitted by individual members of this minority, living conditions in these centers are difficult because they have no connections with the power distribution system of the area, drinking water distribution system of the area, sewage service and they lack internal road system.

According to the People's Advocate Institution, the lack of minimum living conditions of this minority observed in these households, which does not exclude other settlements of this community, is a serious concern not only for these communities but also for the level of service offered by the State and our society to the full integration of Roma in society. This situation makes this minority feel discriminated and unequal with the rest of population and gives no hope for the future.

Strategic documents formulated for this purpose such as the National Action Plan 2010-2015, and "Roma Integration Decade" give some recommendations for a sustainable improvement of housing conditions of Roma population, where it is worth to mention priority funding with water and sanitation services in areas inhabited by Roma; priority of financial support for the secondary road infrastructure in areas inhabited by Roma, measures which are in line with the fulfillment of political criteria that the European Union has imposed to Albania as a requirement for the EU integration process.

However, the present reality shows a low level of promises kept or no accomplishment of these responsibilities, which require effective coordination of work between the public administration, at central and local level, not excluding the irreplaceable role of the interested Roma people.

As above, in order to ensure a better quality of life for the Roma minority in Albania, specifically in the areas of centers known as Roma settlements, we have recommended to the Minister of Public Works and Transport "to take concrete action, as provided by the National Strategy for Improving the Living Conditions of Roma Community and the National Action Plan 2010-2015, Roma Inclusion Decade", in order to improve the living conditions of Roma minority at the most appropriate time possible".

Now answer is given so far regarding this recommendation, which was submitted again on 23.12.2013.

b) Recommendation for some legal amendments in support of the integration of Roma children in education, from pre-school to higher levels of education.

The People's Advocate, following the exercise of its constitutional mission for the protection of human rights and freedoms, has attached a special priority in his work, particularly in the case of the Roma minority in Albania, to the exercise and respect for the right to education, especially the access of children of this community to the education system.

This issue is strongly emphasized because legal equality is enshrined by the Constitution. Indeed, this issue is not in harmony with the basic legal provisions due to a number of objective and subjective circumstances impacting the effective accomplishment of formal equality. These circumstances may lead to indirect discrimination of members of this community.

Based on complaints filed to our institution by the members of Roma community, we have reported that most of them were illiterate or only with primary education, and observed that Roma children did not attend school.

Due to lack of education, it is hard for Roma population to be integrated in the labor market, while its numerical size will increase in the future compared with the rest of majority population. Currently, Roma minority is the poorest and the most marginalized ethnic group in Albania. This has created a vicious cycle producing high level of illiteracy and low education among Roma, which further deepens their marginalization in society.

In the opinion of People's Advocate, the education of members of this minority should be considered not only as a constitutional obligation but also as one of the most effective ways for their full integration in society. Poor education is a serious concern that impedes the integration of this community in society. Most Roma children are illiterate and this is because of language difficulties of first grade children, the extremely difficult economic situation of their families, long distance of their settlements from educational institutions, as well as the wrong mentality of parents.

Living characteristics of Roma families have a significant impact on children. Because of their inappropriate education, they cannot meet the requirements of labor market and their chances are much more limited than the rest of population. This leads to an economic hardship for survival associated with a number of social problems. Their frequent movement from one place to another has also made them lose the benefit of State social insurance system. Moreover, the children of community have abandoned their schools, and misused begging in streets and doing ordinary jobs.

The best way to ensure constant tracking of the education system for children in general and Roma children in particular, is the attendance of pre-school classes and promotion of these children to follow-up the education system in the country.

In this regard, the legislative framework is recently completed with the enactment of law no. 69, dated 21.06.2012 "On pre-university education system in the Republic of Albania", which covers the area of preschool and school education until the transition to the university education system. Despite formal equality provided by this law, there is no practical equality. In these circumstances, it is essential that the government takes positive measures to ensure formal and effective equality of Roma community members in order they have full access to the education system, ranging from pre-school to university level.

As above, in order to guarantee the right to education and continuous access to members of Roma minority in the educational system of Republic of Albania, we have recommended to the Minister of Education and Science to launch the legislative initiative for some amendments and additions to Law no. 69 dated 21.06.2012 "On pre-university education system in the Republic of Albania", which will provide and ensure the integration of Roma children in education, from pre-school to higher education levels.

No answer is given so far regarding this recommendation.

c) Recommendation to the Council of Ministers for amendment of Decision 787/2005 "On specification of criteria, procedures and the amount of economic aid" (as amended) - (addressed to the Minister of Social Welfare and Youth).

Legal basis of the recommendation: Paragraph 2 of Article 52 of the Constitution provides that anyone who becomes unemployed for reasons independent of his will and has no other living means, is subject to assistance under the conditions laid down by law. Law no. 9355, dated 10.03.2005 "On assistance and social services" (as amended), and other bylaws following its implementation, provide more details on economic schemes and social services.

Rationale: From January 2012 to present, Roma community members have filed their complaints to the People's Advocate Institution, raising among others the issue of their

benefit from social protection programs. Roma minority is in constant movement from one area to another. In these conditions, based on the provisions of legislation in force, it becomes difficult for their members to benefit from economic assistance, according to the criteria set out in the relevant legislation related to change of settlement and consequential procedures to be followed.

Recommended solution: Initiation of a legislative initiative to amend the Decision of Council of Ministers 787/2005 "On specification of criteria, procedures and size of economic assistance" (as amended), regarding the criteria of economic assistance, which will help for a transitional period, absorption to the system of social protection of Roma families and their social integration. These temporary special measures, combined with other measures of social protection system and employment policies for the community, will gradually improve the situation of this community and solve their problems.

So far, we do not have any official reply to this recommendation, notwithstanding the process being currently undertaken for that purpose by the Ministry of Social Welfare and Youth.

d) Recommendation on registration of Roma minority members in the civil registry of local administrative units, where they have actual residence (addressed to the Minister of Interior).

Basis of recommendation: Article 15 of the Constitution, law no. 10129, dated 11.05.2009 "On civil status" (as amended).

Rationale: The People's Advocate Institution has addressed issues of Roma community members involved in the collection of recyclable waste. They have raised their concerns over the seizure and detention of personal instruments and equipment of the community members by the Municipal Police of Tirana. Constant change of their settlement, lack of evidentiary documentation to prove their living settlement in a given territory, lack of housing in the literal sense, are in most cases obstacles for registration, which lead to further deprivation from benefits of social protection programs, employment opportunities, housing etc. According to the complaints filed to the People's Advocate Institution by some of Roma community members, they do not have any real houses, in the real sense of the word, in the territories where they are located. Also, we have found that because of lack of information, and lack of financial resources to pursue legal proceedings described above, these citizens do not appear in many cases registered in the civil registry at their area, or have changed it after moving from the previous area of settlement.

Recommended solution: Adoption of the initiative to amend law no. 10129, dated 11.05.2009 "On civil status", so that within a limited period of time (at least until 31.12.2015), to ease the terms provided by law and provide the possibility of registration or change of residence in the Civil Registry where they are currently located even when the relevant documentation is not completed.

No official reply is given so far to this recommendation.

e) Legislative recommendation to amend the Law 9232/2004 "On social programs regarding the housing of urban residents" (as amended) - (addressed to the Minister of Urban Development and Tourism).

Legal basis of the recommendation: The right to housing, Article 15 of the Constitution, Law 9232/2004 "On social programs regarding the housing of urban residents" (as amended).

Rationale: From January 2012 to present, Roma community members have filed their complaints to the People's Advocate Institution, raising among others the issue of their housing and benefit from social housing programs. They write that they live in very difficult

economic conditions, having none of the minimum basic needs of daily life. Most of them live in barracks while others have no shelter. Legal defined criteria for housing benefits are unattainable by Roma community members, so they cannot meet the legal criteria to practically guarantee housing of their families.

Recommended solution: According to the legal provisions in force, members of Roma community have no practical possibilities to benefit from housing programs, so we recommend the Law 9232/2004 "On social programs regarding the housing of urban residents" (as amended) should be amended with some transitional provisions for a limited period, which are considered as special temporary measures for the community until their integration in the system or their social integration, and namely:

- Further details and clarification of paragraph 2 of Article 4, paragraph 1 of Article 6, and paragraph 1 of article 19 of the Law 9232/2004, or delegating the regulation of the issue of income limits with a specific bylaw.
- In article 39/1, "Transitory Provisions" of the Law 9232/2004 "On social programs regarding the housing of urban residents" (as amended), we recommend to add definitions that would regulate the housing of Roma citizens within a period of around 4 years. With the end of this period, this term should be reassessed in line with governmental policies on Roma integration.

Additional points recommended to be added are as follows:

- Local government units plan for each year until 31.12.2017 to include in their social housing programs not less than 5% of slots of each program to be allocated to families declaring to belong to Roma minority. Determination of quota over 5% is made by local governments based on the number of families who declare to belong to Roma minority, have filed an application, and meet the criteria to benefit from social housing programs.
- Families which declare to belong to Roma minority are considered as high priority categories for social housing treatment, related to all criteria set out in Article 5 of the Law, as well as for advantages or scoring system imposed by local government units pursuant to this law, until 31.12.2017.
- Families which declare to belong to Roma minority, with an income below the level envisaged in Articles 6 and 19 of the law, are subject to benefits from the program of social housing for rent, within the quota provided for in paragraph 6 of this Article up to 31.12.2017.
- Families which declare to belong to Roma minority receive a subsidy under Article 24 of the Law, at 100% of the rent. This subsidy is decreased for the beneficiary family, depending on the engagement of family members in working age, active employment promotion programs. The amount of decreased subsidy is specified by the Council of local government unit, subject to family income after the engagement of its members in active employment promotion programs.
- The Council of Ministers decides on the documentation to be submitted by Roma families to benefit from social housing and housing bonus."

There is an official response to this recommendation by the Ministry of Urban Development and Tourism by letter no. 2872, dated 11.06.2014, which after a long revision draws the conclusion that issues of Roma minority are not linked with the Law 9232/2004, as amended,

since it guarantees the right to housing even for Roma individuals but it is a much more complex issue.

4. Conclusions and recommendations

I. Conclusions:

1. The existence of minorities in Albania is a historical and present reality. Special attention has been paid to establish good relationship, tolerance, coexistence and understanding among the respective minority members and the rest of population. With the establishment of democracy in the country, treatment of minorities has acquired a new dimension. The Albanian State has taken on a number of engagements and remarkable progress is made in this area.
2. Presently, there are two types of minorities in Albania, ethnic national minorities which includes Greek minority, Macedonian minority and Serbian-Montenegrin minority, and ethno linguistic minorities, including the Vlach minority and Roma minority. There are also some other communities different from the ethnic Albanian population, such as Bosnian community, Egyptian community or Gorani community. Other communities appear to be at a stage when they have already had some rights belonging effectively to the recognized minorities in Albania, while they are not currently enjoying this status. Further, when they claim to acquire their minority status, they are not provided proper legal guidance.
3. A general definition on minorities is currently missing in international acts. However, lack of this definition has not prevented various States, including Albania, to recognize certain categories of minorities based on objective and subjective indicators of specific local communities.
4. Recognition of minorities leads to the need for their protection through the affirmation of a group of rights granted to minorities in particular. In Albania, these rights are guaranteed by the Constitution, and a series of other international acts signed or ratified by the State, and the current applicable legal framework.
5. Challenges of the implementation of minority rights are numerous. They range from the real possibility of the People's Advocate Institution to be constantly and significantly in touch with them, where they are located; building mutual trust between the actors operating in this field; change of mentality of acceptance of new realities and respecting the rights of their representatives; creation of an appropriate institutional environment that enables real equality of individual members of various minorities with the rest of the population in the country, and their integration in society.
6. The most important components for resolving the concerns of the Albanian society should be based on an ongoing and constructive dialogue and intercultural cooperation between State institutions, civil society and citizens, in order that the solution of issues is addressed under a comprehensive process and all accepted approach.
7. The People's Advocate Institution has considered as a priority the protection and promotion of minority rights, aiming a very good coexistence between the majority population and minorities.

8. Despite positive steps of approval of a normative framework on affirmation of minority rights, there is still a need for improvement and enrichment of this legislation.
9. Currently, notwithstanding the Census process undertaken by the State, (including the Census of 2011), we are confronting a dispute between the official declaration of figures of minority population in the country, and on the other side, the rejection and non-acceptance of figures by the minorities. This controversial issue leads to a lack of accurate statistical data on minority population.
10. The information collected for this report shows that:
 - General perception of the minorities and other communities living in the country is that formal equality exists but there are elements of everyday life identifying the lack of essential equality.
 - Knowledge of normative acts guaranteeing the rights of minorities appears to be at an unsatisfactory level.
 - As for the measures to be taken by the State to preserve the identity of minorities (such as measures for preservation and development of culture, religion, language, traditions and cultural heritage), conclusions are that State institutions have generally taken several measures but they are still considered insufficient by minorities.
 - Participation in the public education system is free and there are no obstacles. The same situation applies to the exercise of freedom of assembly, association, or expression of conscience and religion. Also, free use of minority languages or personal information in everyday life is observed. Contacts with other people of the same nationality, or other nationalities outside the borders are free to be established and maintained.
 - Local print and audiovisual media in minority language is associated with shortcomings, mainly due to lack of State institution funding and limited capacities of private individual financing.
 - As regards the inclusion in the textbook of knowledge on local minorities, it follows that inclusion is low and insufficient and not all minority children in the public education system are taught in their native language. Schools with bilingual system exist but not for all minorities, and those are applied till nine-year education cycle.
 - The rights that children in minorities and other communities should specifically enjoy due to their origin and affiliation of various cultural and linguistic diversity with the rest of the counterpart majority population, are respected but there are issues of concern on mistreatment of minority children to work, follow the educational process, and cases of trafficking.

II. Recommendations:

1. Improving the legal framework on protection of minorities is a key issue due to the shortcomings observed. In this context, it is necessary to adopt a law, specifying "de jure" definition and recognition criteria of the minority.
2. Initiating and completing the process of ratification of the European Charter for Regional or Minority Languages is necessary.
3. Improving the legal framework for protection against discrimination, with a focus on some amendments of Article 1 of the Law no. 10221, dated 04.02.2010 "On protection against discrimination", including in this article grounds for discrimination

such as nationality, declared intention for discrimination, support of discrimination; and instigation and encouragement of discrimination.

4. Taking appropriate measures and increased opportunities for minority education, including teaching of minority languages, promotion and development of cultural identity of the minority.
5. Taking concrete legal and administrative measures to improve access to housing, social services, educational services and participation in public life, especially of Roma minority together with other minorities and communities in the country. Real integration of minorities and other communities in everyday life, especially in governance units at local or central level.
6. Guaranteeing the rights of minorities, and appropriate measures to respect them in everyday life and protection of vulnerable population.
7. Development of a constructive and continuous dialogue and intercultural cooperation between State institutions, civil society and members of minorities, in order to address and solve the main concerns of minorities through an all accepted comprehensive process.
8. Conducting a census process (Census) for the registration of population, uncontested and accepted by minorities and other communities, which would provide real figures of the minority population, or even other communities.
9. Creating adequate conditions for the growth of welfare in areas where minorities and other communities live, including a more adequate budget for the local government units, where minority communities and other communities live in large settlements compared to the rest of population majority.
10. Increasing the role and activities of all State institutions in the context of respect for the rights of minorities, particularly the extension of the activity of independent institutions for the protection of human rights, support of their affirmation, recognition and respect for minority rights.