

## ALBANIA

### **CERD A/58/18 (2003)**

295. The Committee considered the initial to fourth periodic reports of Albania, due in 1995, 1997, 1999 and 2001, respectively, submitted as a single document (CERD/C/397/Add.1), at its 1584th and 1585th meetings (CERD/C/SR.1584 and 1585), held on 4 and 5 August 2003. At its 1607th and 1608th meetings (CERD/C/SR.1607 and 1608), on 20 August 2003, it adopted the following concluding observations.

#### A. Introduction

296. The Committee welcomes with satisfaction the initial report of the State party and notes with gratification the meaningful dialogue that has been launched with Albania and the replies provided orally by its delegation. It nevertheless notes that the report, the overall presentation of which is in keeping with the Committee's general guidelines, does not contain sufficient information on the practical implementation of the Convention.

297. Noting that the initial report was submitted eight years after the ratification of the Convention, the Committee invites the State party to take due account, in the submission of its future reports, of the timetable provided for by the Convention.

#### B. Positive aspects

298. The Committee notes with great satisfaction that, in the past 10 years, Albania has made considerable progress in establishing the rule of law. It welcomes the ratification by Albania of many international and European human rights instruments.

299. The Committee notes with satisfaction the establishment of several institutions with competence in the field of combating racial discrimination and protecting minorities, such as the People's Advocate, the Office for Minorities within the Ministry for Foreign Affairs and the Division for National Minorities in the Department of Prefectures in the Ministry of Local Government.

300. The Committee commends the action taken by the Albanian authorities against organized crime and corruption, which are particularly harmful to the most vulnerable social groups.

301. The Committee welcomes with satisfaction the measures adopted to protect religious freedom and the considerable efforts made to promote the education and cultural rights of persons belonging to national minorities. It particularly commends the adoption of article 20 of the Constitution on education in the mother tongue.

302. The Committee welcomes the draft national strategy for the improvement of the living conditions

of the Roma.

303. The Committee welcomes the decision by the Albanian authorities to improve the legislative framework for traditional street names and other indications for the public in minority languages.

304. The Committee commends the Albanian authorities' decision to invite non-governmental organizations to help prepare reports to be submitted to the United Nations human rights treaty bodies within an inter-ministerial group coordinated by the Ministry for Foreign Affairs.

305. The Committee notes with satisfaction that the Ministry for Foreign Affairs is considering the possibility of making the declaration provided for in article 14 of the Convention.

### C. Concerns and recommendations

306. The Committee notes that the last census showing the ethnic composition of the population dates back to 1989 and that the census conducted in 2001 did not update this information. There are no recent statistics on minorities generally, and none at all on the Roma minority in particular.

Recalling that such information is necessary for the monitoring of policies in favour of minorities and for an assessment of the implementation of the Convention, the Committee recommends that the State party collect precise statistical data on persons belonging to minorities in Albania. In this connection, the Committee recalls that, according to its general recommendation VIII, such identification must, in principle, be based on self-identification by the individual concerned.

307. The Committee notes that the State party has a tendency not to regard the particularly unfavourable situation in which certain minority groups in Albania live as one involving racial or ethnic discrimination, believing that the social and economic problems encountered by persons belonging to these minorities are the same as those with which the rest of the population has to deal.

The Committee recommends that the State party reconsider that approach and carry out analyses to determine whether and to what extent the unfavourable situation of some minorities is the result of racial or ethnic discrimination.

308. The Committee takes note of the distinction made by the State party in internal law between national minorities (Greek, Macedonian-Slav and Montenegrin) and linguistic minorities (Roma and Aromanian or Vlach). It notes the statement by the State party that this distinction has no effect on the rights enjoyed by persons belonging to such minorities. It nevertheless points out that article 20 of the Constitution does not expressly grant rights only to national minorities and that the members of linguistic minorities do not, in practice, enjoy the same cultural rights. Furthermore, persons belonging to the Roma and Aromanian minorities are reportedly not satisfied that their communities are classified as linguistic minorities alone, since the main components of their identity go beyond the question of language.

The Committee recommends that the State party reconsider the criteria on the basis of which the distinction between national minorities and linguistic minorities is based, in consultation with the groups concerned, and ensure that persons belonging to these communities enjoy the same rights, especially in the cultural field.

309. The Committee notes the existence of a community which describes itself as "Egyptian" but is not recognized as a minority on the grounds that, according to the State party, it is fully integrated into the Albanian population.

Additional information about this community should be provided by the State party in its next report.

310. The Committee takes note of the State party's explanations that "minority areas" no longer exist in Albania, as the persons belonging to minorities have the same rights, whatever their geographical location. The periodic report nevertheless refers primarily to measures adopted to implement cultural rights in districts where the Greek and Macedonian-Slav minorities are traditionally concentrated. These minorities complain about the lack of mother-tongue education system outside these regions and about the refusal by the Albanian authorities to respond to their requests for such education.

The Committee understands that the exercise of the right to study and to be taught in the mother tongue means that a specific number of members of a minority must be present in a particular geographical area. It also recognizes the efforts being made by the State party to ensure that mother-tongue classes and schools are maintained, despite the drop in the number of students. It nevertheless recommends that the State party ensure that the rights of members of minorities are not unduly restricted outside areas where these minorities are concentrated. It requests information on this question to be included in the next periodic report, with regard to all minorities.

311. The Committee notes that, although efforts have been made to implement article 4 of the Convention, Albanian legislation still does not meet all the requirements of that provision.

The Committee recommends that the State party, declare as offences punishable by law any assistance to racist activities and the financing thereof, participation in racist organizations, acts of racial violence and incitement to such acts, and any refusal to provide goods or services on racist grounds. It also suggests that an aggravating circumstance of racism should be introduced in the Penal Code so that any offence based on racist grounds can be punished more severely.

312. The Committee is concerned about information that members of the Roma minority, especially the young, are generally regarded with suspicion and subjected to ill-treatment and the improper use of force by police officers.

The Committee recommends that the State party take measures to halt such practices and to

increase law enforcement officials' sensitivity to and training in matters involving racial discrimination.

313. The Committee notes that the information submitted by the State party on participation in political life and access to the public service by persons belonging to minorities is insufficient.

The Committee recommends that an analysis should be made of the participation of members of minorities in government service and political institutions in the State party.

314. The Committee points out that the State party has not provided adequate information about the gender-related dimensions of racial discrimination.

The Committee draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination and recommends that it assess the extent of and prevent racial discrimination against women in general. It requests information on this question in the next periodic report.

315. The Committee is concerned about information relating to discrimination against the Roma in respect of access to education, health, hygiene, housing, employment, and sufficient and adequate food and water.

The Committee recommends that the State party intensify its efforts on behalf of the Roma minority, in accordance with general recommendation XXVII. Special efforts should be made, in consultation with the communities concerned, to integrate Roma children into the Albanian educational system, while allowing for the possibility of bilingual or mother-tongue instruction and respecting the communities' cultural identity and way of life. Information on the results achieved by the national strategy on behalf of the Roma should be communicated in the next periodic report.

316. The Committee is concerned about the difficulties encountered by certain national minorities, in particular, the Greek and Aromanian minorities, in recovering and obtaining compensation for their religious properties.

The Committee encourages the State party to ensure the swift entry into force of the bill on property restitution and compensation, so as to settle this issue once and for all.

317. The Committee notes that persons belonging to minorities in Albania have very little access to radio and television in minority languages.

The Committee welcomes the Albanian authorities' decision to take measures to increase broadcast time in minority languages on public radio and television and urges the State party to ensure that these measures are intended for all minorities, in particular, the Montenegrin, Roma and Aromanian minorities. It also suggests that the State party facilitate broadcasting

designed especially for minorities, including the Greek minority.

318. The Committee is concerned at reports of the problems encountered by Roma and members of the community who call themselves Egyptians in having access to places and services intended for public use.

The Committee invites the State party to adopt appropriate measures to guarantee that access to all places and services intended for public use is not denied to anyone on the grounds of race, colour, ancestry, or national or ethnic origin.

319. The Committee regrets the lack of information provided by the State party on the possible impact on the application of the Convention of the changes made to its domestic legislation to combat terrorism.

The Committee invites the State party, in its next periodic report, to provide information on its law and practice in this regard, particularly on identity, entry and residence checks of foreigners, the right of asylum and extradition.

320. The Committee notes that very few complaints of racial discrimination have been dealt with by the People's Advocate and that no court decision has been issued on any complaint.

The Committee recommends that the State party verify that the lack of any such complaints is not the result of victims' lack of awareness of their rights, individuals' lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The next periodic report should contain statistics on complaints, prosecutions and judgements relating to acts of racial or ethnic discrimination, and examples of actual cases illustrating these statistical data.

321. The Committee recommends that additional information should be transmitted to it on:

(a) The activities of the People's Advocate, the Office for National Minorities in the Ministry for Foreign Affairs and the Division for National Minorities in the Department of Prefectures in the Ministry of Local Government;

(b) The measures adopted by the State party to implement article 7 of the Convention. In particular, the next periodic report should include information on human rights education and training to promote understanding among racial and ethnic groups and for teachers and pupils, law enforcement officials, members of political parties and media professionals.

322. The Committee recommends that, in giving effect in its internal legal system to the provisions of the Convention, particularly those of articles 2-7, the State party should take account of the relevant parts of the Durban Declaration and Programme of Action and include information in its next periodic report on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

323. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 15 December 1992. In this connection, the Committee draws the State party's attention to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

324. The Committee takes note of the procedure set in motion with a view to the formulation of the optional declaration provided for in article 14 of the Convention and encourages the State party to complete this process.

325. The Committee urges the State party to improve the dissemination of the Convention, of its periodic reports as soon as they are submitted to the Committee and of these concluding observations, particularly by strengthening cooperation with non-governmental organizations, civil society and the print media.

326. The Committee recommends that the State party submit its fifth, sixth and seventh periodic reports by 10 June 2007 in a single document updating the initial report and dealing with all the questions raised in these concluding observations.