



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Fourth periodic reports of States parties due in 2001**

**Addendum**

**ALBANIA\***

[11 December 2002]

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\* This document contains the initial, second, third and fourth periodic reports of Albania, due on 10 June 1995, 1997, 1999 and 2001 respectively, submitted in one document.

## CONTENTS

		<i>Paragraphs</i>	<i>Page</i>
I.	INTRODUCTION .....	1 - 49	3
	A. Land, people and economy .....	1 - 19	3
	B. History, politics and administration .....	20 - 49	5
II.	LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS .....	50 - 54	10
III.	LEGAL FRAMEWORK WHICH GUARANTEES PROTECTION FROM RACIAL DISCRIMINATION .....	55 - 68	11
IV.	IMPLEMENTATION OF THE PROVISIONS OF ARTICLES 2-7 OF THE CONVENTION .....	69 - 286	13
	Article 2 .....	69 - 128	13
	Article 3 .....	129 - 131	25
	Article 4 .....	132 - 140	25
	Article 5 .....	141 - 248	27
	Article 6 .....	249 - 263	45
	Article 7 .....	264 - 286	47

## I. INTRODUCTION

### A. Land, people and economy

#### 1. The land

1. The Republic of Albania is located in the Balkan Peninsula, bordering Greece on the south, The former Yugoslav Republic of Macedonia on the east, Montenegro and Kosovo on the north and the Adriatic and Ionic seas to the west and south-west. The national territory covers 28,748 km<sup>2</sup>, of which nearly 30 per cent lies more than 1,000 metres above sea level. Two thirds of the territory is made up of hills and mountains, whereas the plains, with an altitude of up to 300 m above sea level, comprise the remainder. The total length of the border is 1,094 m, of which 316 km are sea coast, 657 km are terrestrial, 48 km are fluvial and 73 km are lacustrine.

2. Albania has in total 2,875,000 ha of land, of which 24 per cent (699,000 ha) is arable land, 36 per cent (1,027,000 ha) is forest, 1 per cent (446,000 ha) is pasture and 25 per cent (703,000 ha) is of different types.

3. On the coastal plains, the climate is Mediterranean with dry and hot summers and moderately cold and wet winters. The annual rainfall varies from about 1,000 mm in the lowlands to 3,000 mm in the uplands. About 90 per cent of the rains fall between October and April. As a result droughts are frequent in summer while mountain areas are often cut off in the winter.

#### 2. The people

4. The Albanian population is 3,182,417 (1989 census), with a density of 115.8 inhabitants per km<sup>2</sup>. There are 1,638,074 males (51.5 per cent) and 1,544,343 females (48.5 per cent); 1,137,562 people (35.7 per cent) live in the urban areas and 2,044,855 (64.3 per cent) live in rural areas.

5. The Albanian population is ethnically homogeneous: only 2 per cent of the population (64,816 persons) were of different nationalities: Greek, Macedonian and Montenegrin.

6. In Albania two religions live together peacefully: Islam and Christianity, with four main religious communities: Muslims, Bektashians, Orthodox Christians and Catholics. From 1967 till 1991 religion was prohibited.

7. Albanian is the official language.

8. During the period 1950 to 1980, the Albanian population grew at a rate of 2.4 per cent annually due to a pro-natal policy and to the absence of emigration. Between 1950 and 1990 the number of inhabitants almost tripled, moving from 1,215,000 to 3,356,000. Since 1991 the natural growth rate decreased to 1.9 per cent as a result of a sharp reduction in the birth rate, resulting from new economic uncertainties, the availability of contraceptives and to emigration flows.

9. The population is predominantly rural. In 1998 people living in rural areas represented 64.5 per cent of the population but by 1996 the rate had lowered to 56 per cent. Up to 1979 the average yearly rate of population growth was slightly higher for men, 2.35 per cent, as compared to 2.25 per cent for women, while the years 1990-1998 saw an annual population growth of 6.51 per cent for women and a negative growth rate for men of -2.11 per cent.

10. The age pyramid reflects a young population: in 1997 young people under 20 years of age represented 41.7 per cent of the population as compared to 20-25 per cent in neighbouring countries.

11. Life expectancy at birth is estimated to be over 74 years for women and over 68 years for men. There is some indication that life expectancy for both men and women has fallen slightly, after reaching its historic peak in the 1980s.

12. The total fertility rate lowered from 7 children per woman in 1960 to less than 2.6 children per woman in 1995 and 2.5 in 1997. Fertility is about 25 per cent higher in rural than in urban areas.

13. The infant mortality rate (per 1,000 births) decreased in 1998 (20.5/1,000 live births) as compared to the period 1987-1997. In 1996 the number of male live births was 35,000 or 51.4 per cent of total live births, while female live births were 33,000 or 48.6 per cent of total live births.

14. Women still marry rather young, even though the mean marriage age is increasing, from 21.8 years of age in 1950 to 23 years of age in 1990, while it has remained stable for men (27 years of age). Arranged marriages are still common and upon marriage the wife moves to the husband's family.

15. Under the previous regime, emigration was almost entirely prohibited. During the last 10 years there has been a lot of emigration - mainly undocumented - to Greece, Italy, Germany, the United States of America and Canada. However, estimates of the Ministry of Labour, Emigration and Social Affairs put the number of emigrants at about 600,000 in the period 1990-1997. Albanian emigrants in Greece are estimated to number roughly 400,000, of whom 160,000 are women, while 150,000 persons have emigrated to Italy, of whom 30 per cent are women.

### **3. The economy**

16. Albania showed an impressive record in the early years of its transition. The recovery of economic growth started in 1993, after a steep decline in 1989-1992, and continued through 1996 (please refer to statistical annex table 1). The annual average inflation rate was reduced from 226 per cent to single digits (6 per cent) in 1995. Economic growth was initially driven mainly by the recovery in agriculture and services, as well as by remittances from abroad, as industry did not recover until 1996. Albania inherited from its communist period an industrial sector that was obsolete and inefficient. By 1994 its contribution to gross domestic product (GDP) had fallen to 12.4 per cent compared with 37.2 per cent in 1990 (when GDP was 25 per cent bigger than 1994). In real terms industrial output in 1996 was only 26.5 per cent of

that in 1989. The decline bottomed out in 1995 and growth would have continued but for the disorders of the first half of 1997. These structural changes in GDP brought changes in the structure of the labour force and employment. Industrial employment fell drastically from 22 per cent in 1991 to about 8 per cent in 1996; the agricultural and services sectors experienced an increase but not sufficient to compensate for the fall in industry. As a result, emigration and unemployment appeared, the latter reaching its peak in 1993, with 22 per cent of the active labour force unemployed.

17. In 1997 Albania descended into near anarchy following the collapse of the pyramid scheme. Total liabilities are estimated at almost 50 per cent of GDP. The pyramid scheme can be attributed to a variety of factors. First of all, the financial sector was rudimentary and unable to satisfy private sector demand for credit and, as a consequence, an informal credit market based on family ties and financed by remittances grew. Secondly, the regulatory framework was inadequate to guarantee savings and it was not clear who had the responsibility for supervising the informal market.

18. The return of relative stability in 1998 permitted output to recover; output is estimated to have grown by 8 per cent led by strong growth rates of about 20 per cent in the construction and transport sectors. The percentage of agriculture in economy remained at 54 per cent in 1998 but the average farm size of 1.5 ha severely limits the scope for further efficiency gains.

19. The Government is constrained in its pursuit of macroeconomic stabilization by the need to provide for a population that has been reduced to considerable poverty, defined in terms of low income and/or consumption due to limited job opportunities and low incomes, particularly in rural areas. Poverty in Albania manifests itself also in limited access to and poor quality of basic services like education, health care, water and sewerage. Access levels for electricity are high, but there are also frequent disruptions in the service during the winter months.

## **B. History, politics and administration**

### **1. History**

20. The Albanian people are believed to be autochthonous to the Balkan Peninsula. The ancient ancestors of the Albanian people were the Illyrians, who can be traced back through the second millennium BC. The Illyrians came under Roman domination for a period of five and a half centuries. Following the Roman period, regions of Albania came at various times under the domination of the Byzantine Empire, the Normans, the Serbs and the Venetians.

21. In the Middle Ages, a high point of national unity and identity came during the period of Albania's national hero, Prince Gjergj Kastrioti Skanderbeg. In the fourteenth century, for about 25 years Skanderbeg unified the Albanian nation and successfully resisted the attacks of the Ottoman Empire. By the beginning of the fifteenth century, all of Albania had come under Ottoman rule and remained there for the following five centuries. Albania won its national independence in 1912 and new borders were drawn (in which Albania lost Kosovo and some southern areas).

22. A parliamentary government was established until 1928 when it became a monarchy under King Zog I. The king reigned with Italian support till 1939 when Italian military forces invaded the country. Italy's occupation ended in 1943 and Albania came under German occupation till the end of 1944. The victory of anti-fascist front at the end of the Second World War found Albania on the winner's side. The communist regime was established and held power for the next four decades.

23. During the years 1945-1948, Yugoslavia was the foreign power that exercised the greatest influence on Albania, replaced by the USSR until 1960 and then by China until 1978. From 1978 until the late 1980s the country was almost entirely isolated from the international community. Throughout this period, the Government maintained total and direct control over all aspects of economic, social and intellectual life.

24. From the time that the communist regime was established in 1945, Enver Hoxha, First Secretary of the Albanian Labour Party until his death in 1985, held the political authority. Ramiz Alia, member of the party since the early 1940s, succeeded him.

25. From the mid-1980s economic conditions deteriorated and from the late 1980s the Government began a gradual process of liberalization and contact with other countries. By 1989/90 further deterioration in the economic conditions gave rise to public protests and to undocumented emigration flows to Greece and Italy.

26. The first multiparty elections were held in March 1991. The Government party, the Socialist Party of Albania, won with the support of the rural population, while the urban population voted for the Democratic Party. Albania adopted new constitutional provisions and a process of liberalization and opening up to other countries. A new wave of strikes in May/June 1991 led to the formation of a new government of stability with the participation of the opposition parties. The coalition government functioned till November 1991 when the Democratic Party withdrew its support and a technical Government was created. New elections were held in March 1992 with the victory of the Democratic Party. The Democratic Party also won the elections of 1996, but its life was short as a result of the pyramid scheme crisis at the beginning of 1997. A National Reconciliation Government led the country to new elections in June 1997, won by the left coalition led by the Social Party.

## **2. Politics**

27. Although a large number of political organizations are active in Albania, many of them have fallen short of the 4 per cent threshold for party representation in the Parliament. The 1998 Constitution lowers the threshold to 2.5 per cent for parties and 4 per cent for coalitions. The Parliament has been dominated since the fall of communism by a split between the Socialist Party of Albania and the Democratic Party, each of which heads a group of minor parties: the Alliance for the State comprises the Socialist Party, the Democratic Alliance, the Socialist Democratic Party, the Agrarian Party, the Union for Human Rights and the National Unity Party. The Union for Victory includes the Democratic Party, the Monarchist Party (LM), the Republican Party, the National Front Party (NFP), the Legalist Movement Party, the Social Democrat Union, etc.

### 3. The State

28. Albania is a parliamentary republic. The Republic of Albania is a unitary State (article 1 of the Constitution). The system of Government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers (ibid., art. 7).

#### (a) The legislative branch

29. Legislative power belongs to the People's Assembly. The Assembly has one chamber and comprises 140 members elected every four years. One hundred MPs are elected directly by the people in single-member electoral zones and 40 are elected from the multi-name list of parties or party coalitions (ibid., art. 64).

30. Elections for the People's Assembly are held 60 to 30 days before the end of the mandate and not later than 45 days after its dissolution. The mandate of the Albanian People's Assembly continues until the first meeting of the new Assembly. In this interval the People's Assembly may not issue laws or take decisions, except when extraordinary measures have been established (ibid., art. 65).

31. Every citizen who has reached the age of 18, even on the date of the elections, has the right to elect and to be elected as a deputy (ibid., art. 45). Without resigning from duty, the following categories of person may not run as candidates nor be elected as MPs: (a) judges and prosecutors; (b) military servicemen on active duty; (c) staff of the police and National Security; (d) chairpersons of municipalities and communes as well as prefects in the places where they carry out their duties; (e) chairpersons and members of the electoral commissions; (f) the President of the Republic and the high officials of the State administration as stipulated by law (ibid., art. 65). An MP may not be criminally prosecuted without the authorization of the Assembly (ibid., art. 73).

32. The Council of Ministers, every deputy or 20,000 electors have the right to propose draft laws to be discussed in the Assembly. Important laws, like the Election Law, need to be approved by three fifths of all the members of the Assembly. The law enters into force after the President signs it and its publication in the Official Gazette (ibid., art. 81).

#### (b) The President of the Republic of Albania

33. The Head of State is the President of the Republic, who is elected by the Assembly by a majority of three fifths of all its members for a five-year mandate. When this majority is not reached even after five rounds of voting, the Assembly is dissolved. The new Assembly elects the President by the same majority. If even the new Assembly does not reach this majority, the Assembly is again dissolved and the President will be elected from the subsequent Assembly by a simple majority of all its members.

34. When the President of the Republic is temporarily unable to exercise his/her functions or the office remains vacant, the Chairman of the Assembly takes his/her place and exercises his/her powers (ibid., art. 87).

35. The President exercises the main functions of the Head of State: sets the date of the general parliamentary elections; exercises the right of pardon according to the law; nominates the Prime Minister and ministers; nominates and confirms the judges; accepts letters of credentials of the diplomatic representatives; signs international agreements (ibid., art. 92), exercises the right of legislative initiative and grants political asylum. The President of the Republic has the right to return a law for review only once (ibid., art. 85/1).

**(c) The executive branch**

**(i) The Council of Ministers**

36. The Council of Ministers is the highest body of the executive branch and it consists of the Prime Minister, the Deputy Prime Minister and ministers. The Prime Minister is the Head of the Council of Ministers. He is appointed by the President of the Republic at the beginning of a legislature on the proposal of the party or coalition of parties that has the majority of seats in the Assembly. The ministers are appointed and dismissed by the President of the Republic on the proposal of the Prime Minister. The Council of Ministers defines the principal directions of the general State policy. It takes decisions upon the proposal of the Prime Minister or the respective minister. The Council of Ministers, in cases of necessity and emergency, may issue acts having the force of law for taking temporary measures. These acts are immediately submitted to the Assembly and, if the Assembly does not approve them within 45 days, they lose force retroactively.

**(ii) Local government**

37. The units of local government are communes, municipalities and regions (Law No. 8652, of 31 July 2000 “Organization and functions of local government”). The Republic of Albania is divided into 12 regions, 65 municipalities and 309 communes. Each commune, municipality or region has its own local governmental bodies. The executive organ of a municipality or commune is the chairman, who is elected directly by the people by secret ballot. The council, which is the representative body of the unit of local government, is elected in the same way. The prefect is the representative of the Government in the region.

38. Article 13 of the Constitution provides for decentralization and the autonomy of the local government. Articles 108-115 of the Constitution provide for the right of the local government to administer in an independent manner the income created and to issue orders and decisions with general obligatory force for the unit.

**(iii) The judicial branch**

39. The judicial power resolves the disputes relating to the interpretation and implementation of the laws. The High Court, the courts of appeal and courts of first instance, exercise the judicial power. The courts exercise three types of jurisdiction: civil jurisdiction, penal jurisdiction and administrative jurisdiction.



40. **The Supreme Court** has original and review jurisdiction. It has original jurisdiction when adjudicating criminal charges against the President of the Republic, the Prime Minister, members of the Council of Ministers, MPs, judges of the High Court and judges of the Constitutional Court (ibid., art. 141). It has review jurisdiction in those cases when it examines complaints against the decisions of the first instance and appeal courts. The High Court consists of civil, penal and military benches and has 17 judges appointed by the President of the Republic, with the consent of the Assembly, for a nine-year mandate without the right of reappointment.

41. **The courts of appeal** examine at second instance all the issues judged by the courts of first instance which are appealed by the parties. In these cases three judges compose the court. The court of appeal judges the issue in general and is not limited to the reasons presented in the complaint. Courts of appeal are established in the regions by the President of the Republic on the proposal of the Minister of Justice and with the consent of the High Council of Justice. At present there are six appeal courts established in the following districts: Tirana, Shkodra, Durres, Korçe, Gjirokaster and Vlore. The total number of judges in these courts is 52. The judges of the appeal courts are appointed to their position by the President of the Republic on the proposal of the High Council of Justice.

42. **Courts of first instance** are established in every judicial district (their total number is 29 and at present there are 293 judges working there). Their competence extends all over the district to which they belong. Only one judge is present at the trials, but trials of three judges can take place in certain cases.

43. **Military courts** consist of the military courts of first instance and of the appeal courts. Courts in the judicial districts exercise the functions of military courts of first instance while the military court of appeal exercises its functions on its own (the headquarters is in Tirana city).

44. **The High Council of Justice** consists of the President of the Republic, the Chairman of the High Court, the Minister of Justice, three members elected by the Assembly and nine judges of all levels elected by the National Judicial Conference. Its term of office is five years. The Council decides on the transfer of judges as well as their disciplinary responsibility pursuant to the law.

45. **The Office of the Prosecutor** conducts criminal prosecutions and represents the State in court. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly (ibid., arts. 148 and 149), and may be dismissed by him upon the proposal of the Assembly. In the exercise of their powers, the prosecutors are independent and subject only to the Constitution and the laws.

46. **The High State Control** supervises the economic activity of State institutions, the use and preservation of State funds by the organs of central and local government and the economic activities of legal persons in which the State owns more than half the quotas or shares (ibid., arts. 162-165). The Head of High State Control is appointed for seven years and dismissed by the Assembly on the proposal of the President of the Republic.

47. **The Constitutional Court** is subject only to the Constitution. It has full organizational, administrative and financial independence to carry out the duties appointed by the Constitution and the law. It is composed of nine members (lawyers with high qualifications and with at least 15 years' work experience), who are appointed by the President of the Republic, with the consent of the Assembly, for nine years without the possibility of reappointment.

48. The Constitutional Court is put into motion only at the request of the President of the Republic, the Prime Minister, not less than one fifth of the deputies as well as the Head of High State Control. It may also be put into motion by the People's Advocate, organs of local government, organs of religious communities, political parties and other organizations who argue that an issue is related to their interests, as well as any judge who, during the examination of an issue, finds that a law is in conflict with the Constitution or an international agreement ratified from the Republic of Albania.

49. The main functions of the Constitutional Court are to interpret the Constitution and the laws and to decide whether acts and provisions of Albanian law are incompatible laws with the agreements to which the Republic of Albania is a party.

## **II. LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS**

50. Article 3 of the Constitution states that "... human rights and freedoms ... are the bases of this State, which has the duty of respecting and protecting them", while Part II (arts. 15 to 63) provides for the protection of civil, political, economic, social and cultural rights in the Republic of Albania.

51. Article 116 provides that international ratified instruments are second only to the Constitution and prevail over incompatible national laws (art. 122 (2)). Albania acceded in the 1990s to the six main United Nations human rights instruments and regional human rights conventions. According to article 180 (1), international agreements ratified before the 1998 Constitution came into force are considered ratified according to it.

52. Moreover, articles 60 to 63 of the Constitution establish the People's Advocate (Ombudsman) to defend individuals' rights and freedoms from unlawful or improper actions or failure to act on the part of organs of the public administration. Each person, group or non-governmental organization representing those who claim to have had their human rights violated have, according to law, the right to forward a complaint and to request intervention for redress, after having pursued every possible legal avenue. After investigation, the People's Advocate may: dismiss the case; present recommendations to the bodies to rectify the violated rights; recommend an investigation by the public prosecutor; or recommend the dismissal of the guilty officials.

53. The Office of the People's Advocate was established in late spring 2000 and complaints forwarded to date relate to the enforcement of judgements, ownership, freedom of the press and alleged police brutality.

54. The authority and functions of the People's Advocate are determined in the constitutional provisions, in the Law on the People's Advocate and in the internal regulations of the Code of Ethics of the institution; international experts also assist.

### **III. LEGAL FRAMEWORK WHICH GUARANTEES PROTECTION FROM RACIAL DISCRIMINATION**

55. The Republic of Albania is dedicated to fully implementing fundamental human rights and freedoms, including minority rights.

56. The Constitution and the other legal provisions of the Albanian laws guarantee to all the individuals, not only to Albanian citizens, but also to foreign individuals regardless of their resident status in the Republic of Albania, the right to be protected from discrimination, the right to inherit property, the right to a name, the right of residence, the right to life, the right to be heard before the administrative and judicial institutions, the right to work, the rights of opinion, conscience, religious belief, information, association and health care, and the rights and facilities in the criminal sphere provided by the Criminal Code and the Code of Criminal Procedure.

57. All interested individuals may undertake legal actions for the protection of their own rights guaranteed by law when specific rights are violated or limited by any means.

58. Article 18 of the Constitution states:

“1. All are equal before the law.

“2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

“3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist.”

59. Pursuant to the Code of Criminal Procedure of the Republic of Albania (art. 9) “individuals who are prosecuted against the law or who are convicted unfairly shall have their rights reinstated and shall be compensated for the injury undergone”.

60. According to article 407 of the same code:

- The law provides the cases in which complaints can be lodged against the decisions and writs of the court, as well as the means of doing so;
- Complaints against writs issued by the court, unless the law provides otherwise, may be made along with complaints against decisions;

- The means of complaining are: appeal, recourse to the Court of Cassation and request for review;
- The right to appeal belongs to the one whom the law acknowledges expressly. When the law does not make any difference amongst the parties, this right belongs to each of them.

61. Pursuant to the provisions of the Code of Civil Procedure the means of complaining are: appeal, recourse to the High Court, request for review and opposition of the third party.

62. In case of violation of constitutional rights, a complaint has to be lodged with the Constitutional Court, which anticipates a complaint before the European Court of Human Rights.

63. Albania has been a Member of the United Nations since 14 December 1955 and has ratified almost all the important conventions of the Organization relating to the protection of human rights. Some of these documents are:

The Universal Declaration on Human Rights, 1948 (adhered to in 1955);

The International Convention on the Elimination of All Forms of Racial Discrimination, 1969 (adhered to in 1994);

The International Covenant on Civil and Political Rights, 1966 (adhered to in 1991);

The International Covenant on Economic, Social and Cultural Rights, 1966 (adhered to in 1991);

The Convention on the Elimination of All Forms of Discrimination against Women, 1980 (adhered to in 1996);

The Convention on the Rights of the Child, 1989 (adhered to in 1992);

The Convention against Discrimination in Education, 1960 (adhered to in 1963).

64. Since June 1991, Albania has also been a member of the Organization for Security and Cooperation in Europe (OSCE) and has signed its documents including:

The Helsinki Final Act, 1975;

The Documents of the Copenhagen Meeting of the Conference on the Human Dimension, 1990;

The Charter of Paris for a New Europe, 1990;

The Document of the Moscow Meeting of the Conference on the Human Dimension, 1991.

65. Furthermore, since 13 July 1995, Albania has been a member of the Council of Europe and has established close cooperation with it. Albania has signed and ratified a great number of important documents adopted by the Council of Europe, among which are:

The Convention for the Protection of Human Rights and Fundamental Freedoms, 1951 (ratified by Law 8137, dated 31 July 1996), and Protocols Nos. 1, 2, 4, 6, 7, 11 to the Convention;

The Framework Convention for the Protection of National Minorities, 1995 (ratified by Law 8496, dated 3 June 1999, without any reservations);

The European Convention on Transfrontier Television 1999 (ratified by Law 8525, dated 9 September 1999);

Enlarged Partial Agreement establishing the European Centre for Modern Languages in Gratz, Austria (ratified by Law 8706, dated 1 December 2000).

66. The Constitution of Albania confers special status on the international instruments to which the Republic of Albania is a party. Articles 121 and 122 of the Constitution stipulate that any ratified international convention constitutes part of the domestic legal system. They are directly applicable, except when they are not self-executing and their application requires the adoption of a law. International agreements have priority, in case of conflict, over the laws of the country when the direct application of the norms contained in an international organization is expressly stipulated in the agreement.

67. From this point of view, by accepting the above-mentioned international documents, Albania is committed to respecting and protecting, with no discrimination, the human rights of all Albanian nationals, including the national minority people as well.

68. Albania has accepted the right of the individual to file complaints at all levels of Albanian courts, the Constitutional Court, the People's Advocate (Ombudsman), as well as before the European Court of Human Rights.

#### **IV. IMPLEMENTATION OF THE PROVISIONS OF ARTICLES 2-7 OF THE CONVENTION**

##### **Article 2**

69. The Republic of Albania condemns racial discrimination and is undertaking all necessary legislative, judicial and executive measures in order to eliminate practices of racial discrimination.

70. All laws have to comply with constitutional provisions regulating the fundamental rights and freedoms of a person and of a citizen. The law constitutes the basis and the boundaries of the activity of the State. The Constitution is the highest law in the Republic of Albania. The provisions of the Constitution are directly applicable, except when the Constitution provides otherwise (art. 4).

71. According to article 18 of the Constitution, paragraph 2, “No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.”

72. The Albanian laws prohibit as well all policies and practices which could create disadvantages for the members of minority and racial groups in all spheres of life.

73. The Constitution (art. 3) also stipulates the principal and universal values of human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding between Albanians and the minorities.

74. Article 15 of the Constitution refers to the human rights and freedoms as “indivisible, inalienable, and inviolable and [they] stand at the basis of the entire juridical order”, guaranteeing the equality of all the individuals living in the Republic of Albania, such as Albanians, members of the minority groups, foreigners and stateless persons, without discrimination. The principles relating to the human freedoms and political, economic, social and cultural rights which are envisaged in different international acts, have become constituent parts of Albanian legislation.

75. National minorities are considered an integral part of Albanian society. The provisions of the Constitution guarantee to persons who belong to national minorities and other ethnic and racial groups the right to exercise in full equality before the law their human rights and freedoms. Furthermore, according to the Constitution, “they have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as unite in organizations and societies for the protection of their interests and identity” (art. 20).

76. The right to establish and maintain free and peaceful contacts across frontiers with people who are lawfully staying in other States or with people with whom they share ethnic, cultural, linguistic or religious identity or a common cultural heritage is guaranteed. The second paragraph of article 38 of the Constitution provides that: “No one may be hindered from leaving the State freely.” In this context, the persons belonging to a national minority, like all other citizens, are free not only to maintain contacts with people who are legally staying in other States, but also to go freely and meet them, their relatives, friends or personalities of the political, economic, cultural and educational life and administrative authorities of those countries. Additionally, they maintain free contacts with the media, with various radio and TV stations not only in their motherlands but also in other countries. They have freely aired their problems and any other problem which they deem necessary to inform about in press interviews or in talks on the radio and television channels in their motherland, or in the international media.

77. The right of the people belonging to national minorities to participate in activities of non-governmental national or international organizations is not contained in any legal act.

However, the Albanian legislation does not restrain or prohibit persons belonging to national minorities or their associations or organizations from the right to participate in the activities of non-governmental organizations at national or international level. As for all Albanian citizens, the national minorities have the right under Albanian legislation to freedom of movement without any obstacle to other States, freedom of expression and organization, freedom and secrecy of correspondence, etc.

78. All these create the necessary scope for the establishment and extension of their contacts and free participation in the activities of non-governmental national or international organizations. The numerous joint activities held in Albania by non-governmental organizations in cooperation with one another, with analogous organizations of different countries, with international organizations, and with the broad participation of the representatives of these organizations is clear testimony to this. The participation of the people belonging to different national minorities in conferences, seminars or various activities in other States, including conferences and seminars organized by the Council of Europe, or their participation and expression of their opinions on a variety of issues in forums such as the European Parliament is clear proof of the fact that the members of the national minorities in Albania are enjoying and exercising this right.

79. The principle of non-discrimination is incorporated in the provisions of the Law on Administrative Procedures which guarantees to all the individuals belonging to the ethnic and racial minorities that “in relation to private persons, the public administration is guided by the equity principle, i.e. no one shall be either privileged or discriminated against on grounds of gender, race, religion, ethnicity, language, political, religious or philosophical views, economic, academic, social situation or parental affiliation”.

80. The national minority people living in Albania are protected from discriminatory acts also in the field of labour and social insurance. Hence, article 9 of the Labour Code No. 7961, of 12 July 1995, amended by Law No. 8085, of 13 March 1996, which covers labour relations in both the public and in private sectors, prohibits any sort of discrimination in employment or in professional life. The legislation on social insurance, such as health insurance or insurance for all kinds of pensions (invalidity or old age pension) offers equal rights to all, regardless of their nationality or race. An Appeals Commission, whose decisions are obligatory, resolves the infringements in this field.

81. Under article 5 of Law No. 8328 of 6 April 1998, “On the rights and treatment of convicts”, “the treatment of convicts should be non-discriminatory on the grounds of gender, nationality, race, economic and social situation, political viewpoints and religious beliefs”.

82. Moreover, the Regulation of the Prisons in the Republic of Albania, adopted by the Decision of the Council of Ministers, No. 96 of 9 March 2000, stipulates in its articles 13, 45, 53 and 63 that convicts must be informed in the language they understand about the rules of the prison, the modalities of serving their sentence, the rights and obligations of prisoners, etc.

83. The principle of non-discrimination is also contained in the provisions of the law “On asylum”, No. 8432 of 14 December 1998. In compliance with this law, the Republic of Albania respects and recognizes the right of individuals who have been entitled to the asylum “not to be expelled from Albanian soil” to a country where their life or freedom are threatened because of their race, belief, nationality, belonging to a particular social group, or political convictions.

84. The Albanian legislation is an outcome of Albanian lawyers and the experience gained primarily from the member countries of the European Union. The goal of Albania to join EU creates the need for the administration and juridical system to establish the standards of effective governance and stick to them, so they would be in accordance with the EU legal system in case of full membership.

85. According to Law No. 8454, of 4 February 1999, “On the People’s Advocate”, the role of this institution is to “safeguard the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration or third parties acting on their behalf”.

86. The People’s Advocate shall exercise its activity for the protection of human rights and freedoms as defined by the constitutional provisions and by the laws. The provisions of Law No. 8454 shall also apply to protect the rights of foreigners, whether they are residing lawfully in Albania or not, refugees, as well as stateless persons within the territory of the Republic of Albania, pursuant to the terms set forth by law.

87. Article 12 of the Law provides that “every individual, group of individuals or non-governmental organization that claims that his/their rights, freedoms or lawful interests have been violated by the unlawful or improper actions or failures to act of the organs of the public administration shall have the right to complain or notify the People’s Advocate and to request his intervention to remedy the violation of the right or freedom. The People’s Advocate shall maintain confidentiality if he deems it reasonable as well as when the person submitting the complaint, request or notification so requests”. Pursuant to article 29, “the People’s Advocate may assist, give opinions and make recommendations in the drafting of reports and other documents by the Albanian State on human rights and freedoms in the Republic of Albania”.

88. Monitoring the functions of the entire public administration, the institution of the People’s Advocate guarantees equal treatment of individuals in their relations with the public administration. This is achieved primarily through discussions, impartiality and broad legal standards.

89. The characteristics of the People’s Advocate institution are its independence from the Government and the political parties, its flexibility, accessibility, effectiveness, promptness, and the strength of its recommendations. The last must be emphasized, because pursuant to the law the People’s Advocate cannot act with obligatory measures.



90. The public administration takes account of the functioning of the People's Advocate institution and this fact has a very positive impact on the relations between individuals and the public administration, being that the parties are conscious that a third party is observing these relations.

91. On the other hand, the People's Advocate institution makes every effort to make people aware of their rights, especially the right to file complaints with the People's Advocate, through a very simple process and without any payments.

92. Pursuant to article 17 of the Albanian Constitution, "the limitation of the rights and freedoms provided for in this Constitution may be established only by law for the public interest or for the protection of the rights of others. A limitation shall be in proportion with the situation that has dictated it. These limitations may not infringe the essence of the rights and freedoms of citizens."

93. The limitation of human rights and freedoms due to the activity of the public administration are provided by article 11, second paragraph, of the Code of Administrative Procedures. According to this paragraph, "Public administration actions which limit the fundamental human rights recognized by the Constitution, international agreements, laws and by-laws in view of protecting the public interest and others' rights, shall, however, respect the proportionality principle and never violate the core of freedoms and rights. This means that public administration actions shall be such as to demand: the fulfilment of public legal interests; and the application of appropriate means and in proportion to the objective to be achieved." In any case, public administration bodies shall determine whether it is possible that the objective will be fulfilled through the least repressive measures without compromising their effectiveness.

### **Brief overview of national and cultural minorities living in Albania**

#### **Greek national minority**

94. In the south of Albania, bordering Greece, lives a Greek population, which comprises the largest national minority. According to the data from the 1989 Population and Housing Census, the number of this population was 58,758 inhabitants, geographically spread as follows:

**Geographic distribution and number of the Greek national minority compared to the total population**

District	Greek minority	Total population
Saranda and Delvina	36 531	87 768
Gjirokastra	19 921	66 373
Berati and Kuçova	49	179 398
Fieri and Mallakstra	123	245 062
Gramshi	13	43 565
Kolonja	20	24 781
Korça and Devolli	158	215 221
Lushnja	51	134 280
Permeti	442	39 775
Pogradeci	19	71 446
Skrapari	16	46 503
Tepelena	57	49 850
Vlora	202	176 788
Dibra	17	149 650
Elbasani and Peqini	131	241 950
Durresi and Kavaja	192	245 499
Kruja and Laçi	17	106 852
Kukesi and Hasi	17	101 302
Lezha	15	62 001
Librazhdi	33	71 982
Mati	22	76 674
Mirdita	16	50 447
Puka	17	48 969
Shkodra and Malesia e Madhe	53	236 289
Tirana	610	368 213
Tropoja	16	44 779
<b>Total</b>	<b>58 758</b>	<b>3 182 417</b>

Source: 1989 Population and Housing Census, publication of the Statistics Department.

95. As can be seen in the above table, the majority of the Greek national minority in Albania lives in the southern districts of Saranda, Delvina and Gjirokastra.

**Macedonian national minority**

96. The Macedonian national minority is concentrated in the area of Prespa. This area extends to the south-eastern corner of Albania, bordering the former Yugoslav Republic of Macedonia and Greece. The area of Prespa is 213.9 km<sup>2</sup>. The population of this zone is 4,878, which means 240 inhabitants per km<sup>2</sup>. The Albanian border of Lake Prespa is 35 km long. Along this line, there are nine villages in the Prespa area, namely: Lajthiza, Pusteci, Zaroshka,

Cerja, Shulini, Gollomboqi, Gorica e Vogel, Bezmishti and Gorica e Madhe, and a village in Devoll. From the administrative viewpoint, the nine villages in which Macedonian national minority people are living make up a commune called the Commune of Prespa. The centre of this commune is the village of Pustec. The inhabitants of the Prespa area are engaged mainly in agriculture, livestock raising and fishing.

97. After the 1990s, no great movements of population have occurred in the area of Prespa, unlike other regions in Albania inhabited by national minorities. Given the close distance with Macedonian population centres, many people from this minority go to work there during the day and return to their villages in the evening.

98. Albania has pursued an open, correct and friendly policy towards the former Yugoslav Republic of Macedonia, being the first country to recognize it after the disintegration of the former Yugoslavia. The relations between the two countries have recorded vigorous development, which is reflected in the political, economic and trade aspects.

### **Montenegrin national minority**

99. The Montenegrin national minority lives mostly in small villages in the area of Vraka (villages of Gril, Omaraj, Borici i Vogel) north of the city of Shkodra (in the north-western part of Albania) near the lake of the same name and the border with Montenegro. The statistical data on the number of this minority are not specifically and accurately defined in the 1989 census. However, from the data produced in last year's survey held by the Albanian Helsinki Committee, this minority consists of about 2,000 people and has retained its compactness as a national minority, its native language, culture, religion, traditions, etc.

100. With the beginning of the democratic processes in Albania, in 1990, almost all of the Montenegrin minority left for Montenegro. The economic difficulties and the tensions created in the former Yugoslavia incited some of those who had left to return to their homes in Albania. We may say that about 600 of the 2,000 people who moved to Montenegro have returned to their homes. The rest either continue to live in Montenegro (the majority) or have moved to other countries of Western Europe, the United States or Canada. Nevertheless, in most of the cases, they keep regular contact with their family members and continue to possess and maintain their houses and properties in Albania.

### **Cultural and linguistic minorities**

#### *Roma*

101. The Roma minority is considered a linguistic minority. Statistical data with regard to the number of Roma living in Albania do not exist because until now no census has been conducted for them.

102. The arrival of Roma people in Albania is assumed to date back to nearly the fifteenth century with the Ottoman occupation. The Roma people have settled mostly in central and southern Albania, because of the mild climate of these regions. They consist of four main tribes: Kallbuxhinj (Tirana, Elbasani, Pogradeci, Korça, Bilishti, Gjirokastra, Saranda); Meçkare

(Lushnja, Fieri, Vlora); Kurtofet - scattered; Cergaret - nomads. In general they have large families. The average number of children born in a family is 5-6, but there are also families with 12-17 children.

103. Until the 1960s, the Roma of Albania led a nomadic life. According to the season, they moved from one region to another. This way of living created problems for the regime in power, because it could leave these people beyond its control. For these reasons, beginning from the 1960s, the authorities started to concentrate the Roma people in agricultural enterprises, forcing them to be employed, while in the cities they worked mostly in parks, maintaining enterprises or in public services.

104. With the demographic changes, many Roma families have moved from other cities and districts of Albania and settled basically in the suburbs of Tirana city. As the epicentre of Albania, Tirana offers them greater chances, especially for trading, which has been and remains the main occupation of the Roma people. A very large part of the Roma have again started to lead a nomadic life. Whole families emigrate to Greece or the former Yugoslav Republic of Macedonia for 6-7 months a year.

105. The Roma in Albania have succeeded in preserving their traditional language, which they use in their environment, but they also write it in very rare cases, because Albania has had no Roma schools functioning.

106. The Roma of Albania, like the Roma across the world, are involved mostly in handicrafts and are farriers, basket makers, horse breeders, blacksmiths, cart-drivers, peddlers, animal tamers, musicians and dancers.

107. As for the position of the Roma, we may say that they are not subject to any discrimination in their treatment as a separate community. However, the Roma problem lies in the fact that they are a community with a very low living standard. In a sense, the question of the Roma people presents similar problems to those existing at the regional level.

108. We may say that though the Roma people in Albania are not subject to discriminatory treatment as a separate community, cases of some racial prejudice towards them have sometimes occurred.

#### *Aromanians*

109. Another linguistic minority in Albania are also the Aromanians (mostly known as Vlachs). The Albanian territories at certain times and in certain places have seen the growth of the Aromanian nomad population. The Aromanians are considered an ancient population dating from perhaps around the sixth century, with a later migration at the start of the past century.

110. The Aromanians began as pastoralist nomads who later gradually engaged in other economic activities, in agriculture and, in the cities, in crafts.

111. The ancient Aromanian (Vlachs) population settled in the rural areas of Myzeqe in Fier and Vlora, in Frasher in Permet, in Moker in Pogradec, in Kolonja, etc. as well as in cities such as in Korça, Berat, Tirana, Elbasan and Durrës. They also settled in the city of Voskopojë and in

the village of Shipcke, which lies in the mountainous area of Voskopoja. With the destruction of the city of Voskopoja, the Aromanian people left and settled in Monaster and other cities of Albania.

112. People coming from the high plateaux of Pindus in Greece mingled with later Aromanians. This group of people is known in Albania under the name “kucovlachs” or “sarakaçane”. Until 1950, this population retained its nomadic pastoralist character and their settlement is linked with the so-called “completion of the socialist cooperation of agriculture” under the communist dictatorship in Albania.

113. Data on the number of the Aromanian minority in Albania appeared for the first time in the 1950 census. In that census, the Aromanian population numbered 2,381 inhabitants. In the 1955 census, the number of the Aromanian population was put at 4,249. In the later censuses no data were produced regarding the number of the Aromanians in Albania.

#### *Albanian State policy towards national minorities*

114. Albania attaches special importance to good relations, tolerance, cooperation, cohabitation and understanding between the Albanians and the national minorities living in its territory. During all its past and present history, the Albanian society has not encountered any ethnic, racial or religious problem or conflict. This is a fact acknowledged by international organizations as well.

115. Generally speaking, in Albania there are no cases of intolerance, hatred or ethnic discord. On the contrary, there is a good tradition of understanding and tolerance between the majority of the population and the minorities. This tradition is reflected in the mutual respect, the relations of cooperation and the peaceful coexistence between them not only in the areas and villages with ethnically mixed population, but also nationally.

116. With the democratic changes in Albania, the treatment of the national minorities assumed a new dimension, which is clearly expressed in Albania’s membership in international organizations, such as OSCE, the Council of Europe, etc., in the ratification of or adherence to almost all international conventions on human rights and, in particular, in the ratification without reservations of the Framework Convention for the Protection of National Minorities.

117. The Albanian Government considers the principle of non-discrimination as an obligation stemming from the fundamental orientation of the Republic of Albania to protect and respect the fundamental rights and freedoms of individuals. These rights and freedoms are guaranteed by the Constitution and the legislation in force, which are drafted in full compliance with the recognized international standards.

118. Along with the work to draft the legislation and the efforts towards correct practical implementation of the legislation to prevent discrimination and intolerance, the State has adopted a number of measures aiming to promote mutual respect, understanding and cooperation between all the people living in Albania.

119. One of the focal points regarding the non-discrimination policy of the Albanian Government is the respect and protection of different minorities living in Albania, as an essential element serving to build bridges of friendship between neighbouring peoples and countries. In this context, the policy of Albania rests on two fundamental pillars determined by the international instruments for the protection of minorities:

(a) The legal guarantee and the exercise in practice of the right to non-discriminating treatment of the people belonging to national and linguistic minorities regarding respect for all the human rights, civil rights and political freedoms contained in the Constitution and the legislation for all Albanian citizens;

(b) The legal guarantee and the adoption of concrete measures to protect and respect the rights of minority members, such as: the right to freely express their affiliation, to preserve and develop their identity through the free exercise without restraint of those special elements that characterize the life of their community as a minority, the learning of the native language, cultural activity, the exercise of religion, etc.

120. Along with its efforts to adopt appropriate measures to encourage complete and effective equality between the national minorities and the other part of the population in all the fields of economic, social, political and cultural life, Albania is working to improve and complete its legislation in accordance with the new Constitution.

121. In this framework a Division for National Minorities has been established and has functioned since 1998 in the Department of Prefectures in the Ministry of Local Government, having the duty to deal with issues related to the effective participation of the national minorities in the decision-making process, both at the level of local government and the public administration. One of the inspectors in the Elementary Education Department in the Ministry of Education and Science covers the problems of education of the children belonging to different minorities. One of the Prime Minister's advisers follows and deals with social questions and those of the national minorities.

122. Lastly, in 2000, the Office of National Minorities was established at the Ministry of Foreign Affairs. In line with the domestic legislation, the Office has the duty to follow the fulfilment of international obligations and commitments of Albania in the area of national and linguistic minority rights. It establishes and conducts the official dialogue with the minority communities, their organizations and representatives and presents their concrete problems and complaints to the Government. In addition, the Office encourages and backs up their legitimate activities aiming to preserve and further develop their linguistic, cultural, religious and national identities and assists in providing a proper climate for better inter-ethnic understanding. At present the Office is leading a working group with the final objective of preparing the "National strategy for the improvement of the Roma living conditions".

123. The main objectives of the strategy are:

(a) The elimination of all forms of discrimination towards Roma and the encouragement of this community to take an active part in the economic, cultural, social and political life of the country, like all Albanian citizens;

(b) The establishment of an intellectual segment of the Roma population who will be able to better represent the community, and to create a positive image of it to public opinion;

(c) The establishment of an acceptable identity for this community.

124. The strategy should be implemented in the areas of education; arts and culture; media and participation in the civil life; employment, housing and social issues; public order; central and local administration; health; justice; the economy.

125. The main principles to be followed in its elaboration are:

(a) Active cooperation between the representatives of the Government and the representatives of Roma community. Consequently, the requests of the Roma community, and the real possibilities and capacities of the State and the NGOs will be included in the strategy;

(b) The establishment and implementation of the strategy will be in complete harmony with the Albanian and international legislation implemented in the country;

(c) The strategy will be implemented on the basis of the principle of decentralization.

126. The strategy will target the following social groups:

(a) Albanian citizens, temporary residents in Albania, members of the Roma community;

(b) The leading political class;

(c) Civil officials in the central or local administration;

(d) The electronic and print media.

127. The most important measures to be taken for each area are:

(a) Education:

(i) Preparation of a programme to encourage Roma children to go to school, which will be implemented primarily by trained social workers' persuading parents;

(ii) To include in the textbooks subjects which condemn all forms of discrimination;

(iii) Scholarships for Roma youth who want to complete university studies;

(iv) The possibility of enrolment in the artisan branches familiar to the Roma community in the existing professional schools;

(v) The possibility for the Roma community to study in schools in order to be considered for employment in the public administration such as: Social Sciences, Academy of Public Order, Military Academy, etc.;

- (b) Art and culture:
  - (i) Organization of cultural activities in order to make their identity, as well as the positive aspects of Roma culture known;
  - (ii) Support of cultural activities of Roma folklore;
  - (iii) Production and broadcasting on the national television of cultural and informative programmes on the Roma people;
- (c) Economy:
  - (i) Financial projects aiming to encourage the production of craft items in a traditional way by Roma people;
  - (ii) Support to small and medium enterprises owned by Roma through granting of medium- and long-term loans;
  - (iii) Encouragement of projects aiming at creating new jobs for the members of Roma community, especially women;
  - (iv) Fiscal advantages for the companies that employ members of the Roma community, intending to increase their employment;
- (d) Public order:
  - (i) Recruitment of Roma people in the police forces, especially in those regions where there is a considerable number of them;
  - (ii) Organization of seminars with human rights subjects, especially minority rights, targeting police forces, etc.;
  - (iii) The application of disciplinary measures against members of the police forces in cases of discrimination and maltreatment of individual members of the Roma community;
- (e) Justice:
  - (i) Amendment of legal acts with a view to eliminating all forms of discrimination;
  - (ii) Respect for human rights and minority rights in particular, in conformity with international conventions to which Albania is party;
  - (iii) Employment, housing and social issues;
  - (iv) Conception of new social policies, which aim at decreasing Roma poverty, according to existing possibilities;



- (v) Support to Roma youth for employment opportunities, after the completion of school;
- (vi) Precedence in the distribution of social assistance for Roma families.

128. Along these lines, it is decided to establish a working group, headed by the Deputy Minister of Labour and Social Affairs. Two or three representatives of the Roma community will be participating in launching this strategy. The Office for Minorities within the Ministry for Foreign Affairs will provide support to the head of the working group, coordinating the objectives with the real possibilities.

### **Article 3**

129. Following the provisions of article 18 of the Constitution regarding the equality of all citizens before the law, article 73 of the Criminal Code of the Republic of Albania provides that:

“The execution of a premeditated plan aiming at the total or partial destruction of a national, ethnic, racial or religious group directed towards its members, and combined with the following acts, such as: intentionally killing a group’s members, serious physical and psychological harm, placement in difficult living conditions which cause physical destruction, applying birth prevention measures, as well as the obligatory transfer of children from one group to another, is punished by no less than ten years of imprisonment, or with life imprisonment.”

130. Article 75 of the Criminal Code states:

“Killing, massacres, slavery, internal exile and deportation, as well as every act of torture or other inhuman violence committed for political, ideological, racial, ethnic and religious reasons are punished by no less than fifteen years of imprisonment, or with life imprisonment.”

131. Article 253 of the same Code states:

“Discrimination by a worker holding a state function or public service in the course of the exercise of his official duties, when the discrimination is based upon origin, sex, health status, religious or political beliefs, trade union activity, or because of belonging to a particular ethnic group, nation, race or religion, which consists in creating unfair privileges or in refusing a right or benefit deriving by law, is punished by a fine or up to five years of imprisonment.”

### **Article 4**

132. Article 46 of the Constitution provides that:

- Everyone has the right to organize collectively for any lawful purpose;

- The registration of organizations or associations in court is done according to the procedure provided by law;
- Organizations or associations that pursue unconstitutional purposes are prohibited pursuant to the law.

133. Pursuant to article 30 of Civil Code of the Republic of Albania, a legal person may carry out every legal activity permitted by law, article of memoranda, or in the articles of association. Article 42 of the Code provides that “the Court controls the reconciliation of the articles of association with the law”. According to article 52/ç, the association may be dissolved by the decision of the competent court when the association departs from the goal of the statute, or when it has begun to commit an illegal act. Article 38 of the Civil Code provides that “when the legal person terminates because of the commission of an illegal act, the property remaining after the dissolution reverts to the State”.

134. The Code of Administrative Procedures includes in an explicit way the principles of good administration because the right of the people to have good governance is considered as one of the human rights. This Code includes principles such as: the correct procedures and the right to a defence; elimination of discrimination; the reserving of all the considerations relating to the issue and the exclusion of those that do not deal with it; the keeping and maintenance of the documents; the elimination of unnecessary delay; the assurance that the information is understandable and clear; giving the correct advice; the implementation of the determined rules and decisions; dissemination of the information with regard to the right of appeal in cases of an unfavourable decision to a citizen; acknowledgement of the letters and responses to them; transmittal of letters (complaints) to the competent organ or service; apology for mistakes; the functioning of an adequate system to deal with complaints, etc.

135. Article 11 of the Code of Administrative Procedures provides that:

(a) In relation to private persons, the public administration is guided by the equity principle, i.e. no one shall be either privileged or discriminated against because of gender, race, religion, ethnicity, language, political, religious or philosophical views, economic, academic, social situation or parental affiliation;

(b) The public administration’s actions which limit the fundamental human rights recognized by the Constitution, international agreements, laws and by-laws with a view to protecting the public interest and others’ rights shall, however, respect the proportionality principle and never violate the core freedoms and rights. This means that the public administration’s actions shall be such as to require:

- (i) The fulfilment of public legal interests;
- (ii) The application of appropriate means and in proportion to the objective to be achieved.

136. In any case, public administration bodies shall determine whether it is possible that the objective can be achieved through the least repressive measures without compromising their effectiveness.

137. According to the article 14 of the Code of Administrative Procedures, the organs of the public administration and their officials are responsible for the damages that they may cause to private persons through illegal decisions, illegal refusal to take decisions, and giving incorrect information to private persons, with respect to the Status of their case, for any reason or as provided by law.

138. Article 20 of the Code provides that “all the participants in an administrative procedure have the right to receive the information and to scrutinize the documents used in this procedure, except for the cases when the law has placed some restrictions. The right mentioned in paragraph 1 of this article may be exercised personally or through an authorized person. The administrative organ that develops the administrative procedure is obliged to disseminate information to the participants in the procedure even regarding their rights and duties”.

139. According to the article 45 of the same Code:

(a) The persons that maintain the rights and the legal interests that may be affected by the decisions taken during the administrative proceeding have the right to start the administrative proceeding, and also to participate in it;

(b) To defend the extended interests which may be affected by the administrative proceeding, the following have the right to start an administrative proceeding and/or to participate in it:

- (i) The persons to whom the administrative procedure causes or may cause damages in respect of the common rights such as public health, education, cultural heritage, environment, quality of life, etc.;
- (ii) The persons who live in or next to a public property which may be damaged by the administrative procedure;
- (iii) The People’s Advocate;

(c) The organizations that defend the extended interests of the public have the right to start or to participate in the administrative procedure.

140. Article 51 of the Code provides that “everybody has the right to be notified by the administration about the development of the procedures in which that person is directly interested”.

## **Article 5**

### **Paragraph (a)**

141. According to article 31 of the Constitution “during a criminal proceeding, everybody has the right:

- “(a) to be notified immediately and in detail of the accusation made against him, of his rights, as well as to have the possibility created to notify his family or those close to him;

“(b) to have the time and sufficient facilities to prepare the defence;

“(c) to have the assistance without payment of a translator, when he does not speak or understand the Albanian language;

“(d) to be defended by himself or with the assistance of a legal defender chosen by him; to communicate freely and privately with him, as well as to be assured of free defence when he does not have the sufficient means;

“(e) to question witnesses who are present and to seek the presentation of witnesses, experts and other persons who can clarify the facts.”

142. According to article 43 of the Constitution everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.

### **Paragraph (b)**

143. According to article 21 of the Constitution, “The life of a person is protected by law.”

144. Article 25 of the Constitution provides that: “no one may be subjected to cruel, inhuman or degrading torture, punishment or treatment”.

### **Paragraph (c)**

145. According to article 46 of the Constitution, “Everyone has the right to organise collectively for any lawful purpose.” Law No. 8580, of 17 February 2000, “Law on political parties”, based on this constitutional right of citizens, permits the creation of political parties on an ethnic basis. Article 7 of this law forbids the registration of the parties when their internal organization is in opposition to democratic principles, when their creation violates constitutional provisions, when they promote and support racial, religious, regional or ethnic discrimination, when they are based on totalitarian methods, etc. Another condition of the “Law on political parties” is that the application for registration has to be signed by no less than 500 Albanian citizens, who are the founding members of the party. The registration of the political parties must be done in the first instance court of the Tirana District, which keeps the Register of the Political Parties.

146. National minorities, especially the Greek minority, through the party “The Union for Human Rights”, in the elections of June 1997 won four seats in the Parliament, while in the elections of 2001, it won three seats and received 2.61 per cent of the votes. But the national minorities have other seats in the Parliament because of their participation in other political parties in Albania; this fact means that the tendency of the minorities is to increase their number in the Parliament and also to enhance their role in Albanian politics.

147. Members of national minorities have been represented even in the Government and some of them have been ministers. Many others have important posts in different ministries or other important State institutions. There are, however, not statistical data concerning their number, functions, etc.

148. The active participation of members of the national minorities in the decision-making process may be realized through their participation in the organs of local government.

149. Members of national minorities participated normally in the local elections of 1 October 2000, standing as candidates and freely electing their representatives. According to recent data from the Ministry of Local Government, in the regions where the Greek, Macedonian or Montenegrin minorities live, their representatives have been elected to the organs of local government, i.e. eight heads of commune and a great number of district advisers.

**Paragraph (d) (i) and (d) (ii)**

150. According to article 38 of the Constitution:

- Everyone has the right to choose his place of residence and to move freely to any part of the territory of the State;
- No one may be hindered from freely leaving the State.

151. According to articles 39 and 40 of the Constitution:

- No Albanian citizen may be expelled from the territory of the State;
- Extradition may be permitted only when it is expressly provided in international agreements to which the Republic of Albania is a party, and only by judicial decision;
- The collective expulsion of foreigners is prohibited. The expulsion of individuals is permitted under the conditions specified by law.

Article 40 of the Constitution further provides that: “foreigners have the right of refuge in the Republic of Albania according to the law”.

**Paragraph (d) (iii)**

152. Article 19 of the Constitution of the Republic of Albania provides that:

- Every person born of at least one parent with Albanian citizenship automatically gains Albanian citizenship. Albanian citizenship can also be acquired for other reasons provided by law;
- An Albanian citizen cannot lose his citizenship, except when he relinquishes it.

153. Law No. 8389 of 5 August 1998 “On Albanian citizenship” provides for cases when minors can acquire Albanian citizenship or can relinquish it. According to article 5, minors can acquire and re-acquire Albanian citizenship, and relinquish it, with the approval of their parents. Any change in the citizenship of minors 14 to 18 years old shall be made with the child’s consent. According to the above-mentioned law, Albanian citizenship is acquired by birth, naturalization or adoption.

154. The acquisition of Albanian citizenship by birth has been amended by Law No. 8442, of 21 January 1999, which provides that “everyone born of at least one parent with Albanian citizenship automatically gains Albanian citizenship”. The Law “On Albanian citizenship”, also provides for the acquisition of nationality if a child risks becoming stateless. According to this law, a child born or found within the territory of the Republic of Albania acquires Albanian citizenship if he is born of unknown parents and would consequently become stateless (art. 8). If the child’s parents become known before the child reaches the age of 14, and they hold foreign citizenship, Albanian citizenship can be relinquished at the request of the lawful parents, provided that the child does not become stateless as a consequence of this action. The Law also provides that a child born within the territory of the Republic of Albania of parents holding another citizenship who are lawful residents in the territory of the Republic of Albania can acquire Albanian citizenship with the consent of both parents.

155. According to article 9 of the same Law, a foreigner who has submitted an application for acquisition of Albanian citizenship by naturalization shall acquire it if he fulfils the following requirements:

- He has reached the age of 18;
- He has lawfully resided in the territory of the Republic of Albania for not less than five consecutive years;
- He has a dwelling and sufficient income;
- He has never been sentenced in his State or in the Republic of Albania or in any third State for a criminal offence for which the law provides for a prison sentence of not less than three years.

156. If both parents acquire Albanian citizenship by naturalization, their children who have not reached the age of 18 and live with their parents become Albanian citizens at the request of the parents and with the consent of the child, if he is 14-18 years old.

157. Applications for the acquisition of Albanian citizenship, together with documents required by the Law, shall be filed with the organs of the Ministry of Public Order of the person’s place of residence or, if the person resides abroad, with the diplomatic or consular missions of the Republic of Albania.

158. The Ministry of Public Order, within six months from the filing date of the individual’s application, and in accordance with the requirements provided for in the Law for the acquisition, re-acquisition or loss of Albanian citizenship, shall decide whether to forward the application to acquire, re-acquire or relinquish citizenship to the President of the Republic, who shall issue the respective decree.

**Paragraph (d) (iv)**

159. According to article 53 of the Constitution:

- Everyone has the right to marry and have a family;

- Marriage and family enjoy special protection of the State;
- Marriage and divorce are regulated by law.

**Paragraph (d) (v) and (d) (vi)**

160. According to article 41 of the Constitution:

- The right of private property is guaranteed;
- Property may be acquired by gift, inheritance, purchase, or any other classical means provided by the Civil Code;
- The law may provide for expropriations or limitations in the exercise of a property right only in the public interest;
- Expropriations, or limitations of a property right that amount to expropriation, are permitted only against fair compensation;
- In the case of disagreements related to the amount of compensation, a complaint may be filed in court.

**Paragraph (d) (vii)**

161. There is no official religion in the Republic of Albania. The State is neutral in questions of belief and conscience and guarantees the freedom of their expression in public life. The State and the religious communities mutually respect the independence of one another and work together for the good of each and all.

162. Religious communities are legal entities. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that the interests of third parties are not infringed.

163. Everyone is free to choose or to change his religion or beliefs, as well as to express them individually or collectively, in public or private life, through education, practices, or the performance of rituals. No one may be compelled or prohibited to take part in a religious community or its practices or to make his beliefs or faith public (article 24 of the Constitution).

164. Discrimination based upon origin, sex, health situation, religious or political beliefs, trade union activity, or belonging to a particular ethnic group, nation, race or religion, is illegal (article 18 of the Constitution; article 253 of the Criminal Code).

165. Inciting national, racial or religious hatred or conflict, as well as preparing, propagating, or preserving with the intent of propagating, writings with that content, is punished with a fine or up to 10 years of imprisonment (Criminal Code, art. 265).

166. Obstructing the activities of religious organizations, ruining or damaging places of worship, or obstructing religious ceremonies constitute criminal contravention and is punished with a fine or up to one to three years imprisonment (Criminal Code, arts. 131-133).

167. The provisions of the Criminal Code also provide that “the prohibition of the activities of a person who desires to participate in religious ceremonies, or to express freely religious belief, constitutes penal infringement and is punished with a fine or up to one year’s imprisonment”.

168. Because public education is secular the Law for Education does not permit religious propaganda of any kind. In Albania the matter of religious faith does not present a problem because it was prohibited for more than 20 years during the communist regime.

169. The State Committee for Cults is established based on the decision of the Council of the Ministers No. 459 of 23 September 1999. The Committee presents to the Ministry of Education and Science its opinions regarding the education plan, subjects, and the non-secular books.

170. The Family Code provides the rights and the duties of parents or tutors in the education of their children. This code does not prohibit the child from freely choosing his religious belief.

171. It has to be stressed that religious belief in Albania, including of minorities, have been always characterized by a strong and a sincere feeling of harmony, which is reflected in the relations between people of different religious beliefs or between religious people and atheists.

#### **Paragraph (d) (viii)**

172. Article 22 of the Constitution provides that:

- Freedom of expression is guaranteed;
- Freedom of the press, radio and television is guaranteed;
- Prior censorship of the media is prohibited;
- The law may require the granting of authorization for the operation of radio or television stations.

173. According to articles 56, 57 and 58 of the Constitution, everyone has the right to be informed about the environment and its protection; everyone has the right to education and to freedom of artistic creation and scientific research and its application, and the benefits from those achievements are guaranteed for all.

174. The Law “On the right to information in official documents” No. 8503 of 1999 does not have specific provisions with regard to minorities or other groups, but stipulates that physical and legal persons, as well as citizens or foreigners, have the right on information. Article 2 of the Law defines the word “person”, as every physical and legal person, Albanian citizen or foreigner. The Law provides even the right of administrative and judicial complaint in cases when the right to information in official documents is violated.

175. According to article 17 of the Constitution, limitations of the rights and freedoms provided for in the Constitution may be established only by law, in the public interest, or for the protection of others’ rights. The limitation shall be in proportion to the situation that has dictated it.



**Paragraph (d) (ix)**

176. According to article 15 of the Constitution, “the fundamental human rights and freedoms are indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order”. Moreover, “fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship” (art. 16). Article 17 of the Constitution provides that:

- Limitations of the rights and freedoms provided for in the Constitution may be established only by law, in the public interest or for the protection of the rights of others. A limitation shall be in proportion to the situation that has dictated it;
- These limitations may not infringe the essence of the rights and freedoms and in no case may exceed the limitations provided for in the European Convention on Human Rights.

177. Article 47 of the Constitution provides that “the freedom of peaceful meetings and without arms, as well as the participation in them, is guaranteed”. Article 1 of Law “On the right to hold meetings” provides that “the citizens of the Republic of Albania, without any distinction because of sex, race, language, religious faith, ethnic group, economic and financial, educational or social condition, political creed, parents affiliation etc; have the right to hold public meetings”.

**Paragraph (e) (i)**

178. Pursuant to article 49 of the Constitution:

- Everyone has the right to earn a living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification;
- Employees have the right to the social protection of labour.

**Paragraph (e) (ii)**

179. Pursuant to article 50 of the Constitution, “employees have the right to unite freely in labour organizations for defending their work-related interests”.

180. Article 51 of the Constitution provides that:

- The right of an employee to strike in connection with labour relations is guaranteed;
- The law on ensuring essential social services may establish limitations on particular categories of employees.

181. The intent of the Law “On the promotion of employment” No. 7995, of 20 September 1995 is the promotion and the follow-up of the active policies with regard to full, productive and freely chosen employment as well as the fulfilment of the right of Albanian citizens, without distinction, to profitable employment, professional advice and income.

182. The Law No. 7961, of 12 July 1995, “Labour Code of the Republic of Albania”, amended by Law No. 8085, of 13 March 1996, provides that: “every kind of discrimination with regard to employment and profession is prohibited” (art. 9). Articles 10 and 176-187 guarantee freedom and non-discrimination for the trade unions. Article 201 provides that the violation of the above provisions is subject to sanctions. Article 52 of the Constitution guarantees the right to social security.

183. Article 53 of the Labour Code guarantees the right to social insurance for the elderly, for work-related disability, or unemployment, as well as the right to assistance in case of insufficient living conditions.

184. The Law “On social insurance in the Republic of Albania” guarantees protection of the right to an income, without distinction, to:

- Employed persons in cases of temporary disability, pregnancy, old age, physical disability, the loss of the head of the family, unemployment, etc.;
- Other economically active persons in cases of pregnancy, physical disability, death of the head of the family and old age.

185. The Law “On assistance and social care” No. 7710, of 18 May 2000, guarantees assistance, without any distinction, to the families of Albanian citizens that have insufficient incomes and living conditions and offers economic assistance and social services to disabled persons.

186. Based on data from the Employment Office, there has been a decrease in the number of persons employed, in both the public and private sectors, in comparison with one year ago. The process of privatization, especially in telecommunications, mineral mining, water supply, the oil sector and administration, has created social problems that have to do with the reduction of a considerable number of employees in the public sector.

187. In general, all the branches of the economy have seen a reduction in manpower in comparison with one year ago, but this is especially relevant in the mining and processing industry, in transportation, in education, etc.; 8,163 local companies, 648 foreign, 704 joint ventures and 36,000 self-employed persons represent the private non-agricultural sector at the end of 2001.

188. Businesses in the processing industry, mainly the existing ones, have experienced remarkable developments, increasing the number of employees, while in trade, transportation and the hotel industry the number of employees is lower than one year ago. There has been an increase of about 1,000 employees in agriculture and fisheries.

189. In the districts of Saranda, Gjirokastra, Vlora and Korca, where there is a bigger concentration of minorities, the level of unemployment is relatively low in comparison with the average unemployment countrywide. The level of unemployment in these districts is:

- Saranda - 4.9 per cent unemployed
- Gjirokastra - 8.4 per cent unemployed
- Vlora - 13.4 per cent unemployed
- Korca - 9.7 per cent unemployed.

190. There are no data on the number of unemployment among members of minority or racial groups.

**Paragraph (e) (iii)**

191. Policies which aim at changing the composition of a population through premeditated plans to totally or partially destroy a national, ethnic, racial or religious group, directed against the members of the group through killing, physical and psychological damage, placing in grave conditions, measures that aim at obstructing births, obligatory transfer of children from one group to another, or deportation and expulsion, according to articles 73 and 74 of the Criminal Code of the Republic of Albania, constitute grave criminal acts punished with up to life imprisonment.

192. The right to choose one's residence and free movement in any part of the Albanian territory or abroad, provided by article 38 of the Constitution, is equally enjoyed by the Albanians and by members of national minorities and different racial groups.

193. The Albanian Government, pursuant to Law No. 7652, of 23 December 1992, "On the privatization of State-owned houses", provides housing for a special category of homeless individual. Also, the Government implements a special housing policy for the orphans, blind individuals, invalids, etc.

194. The provisions of Law No. 8030 of 15 November 1995 "On the contribution of the State for the homeless families", establishes the ways the State provides special treatment for homeless families. Every Albanian citizen is eligible to benefit from the conveniences provided by this law when the requirements are met, regardless of their racial, ethnic or other differences.

195. According to the decision of the Council of Ministers No. 14 of 24 January 1994, "On the change of residence by Albanian Citizens", they "are free to chose their residence within the territory of the Republic of Albania". In order to transfer the evidence of civil status, the citizen presents at the respective office of the new residence (municipality, commune) a written request and, occasionally, a document of home ownership, copy of a lease to a house, or any other document which certifies residence in a house, constructed in a legal way and certified by the burgomaster, the quarter administrator, or the mayor of the municipalities or communes, which

do not have quarters. The civil status office of the new residence requests the civil status office of the previous residence to strike off the resident from the register and to send the respective documents to the new residence.

196. The free movement of people accompanied by the economic difficulties of the transition and by the current general developments, such as industrialization, the general tendency towards migration to big cities, etc. in some way touch all rural areas in Albania.

197. During the 1990s there was an internal migration of the population from rural to urban areas. In this context, a small number of individual members of national minorities of their free will have moved to urban areas, while a certain number of them have emigrated to their mother countries. It seems that this phenomenon will be temporary, as almost none of those who have left have sold their house or their property. On the contrary, the majority have come back time and again for holidays, have built new houses, have opened important businesses, etc.

198. Another aspect of this question is the policy governing the division of electoral districts in Albania. In order to maintain the unity of residence areas, both for Albanians and the members of national minorities, article 71 of Law No. 8609, of 8 May 2002, "Election Law of the Republic of Albania", defines the criteria for the boundaries between constituencies; it is foreseen that the minority areas will be kept together not divided into parts.

#### **Paragraph (e) (iv)**

199. Article 55 of the Constitution provides the right of all citizens to equally enjoy public health care. The health service in Albania is regulated by Law No. 3766, of 17 December 1963, "On health care", amended by Law No. 7718 of 3 June 1993 and by Law No. 7738 of 21 July 1993.

200. The above-mentioned laws provide the organization of health services in different public and private institutions. According to this law, public health care is provided through health education, control, and general and specific prophylactic measures through diagnosis, medical treatment and rehabilitation of the sick person by the respective institutions.

201. Law No. 8167 of 21 November 1996, "On the dental health service", with the respective amendments, provides dental services from State budget. Dental health services are set up in the education institutions, with equipment provided by the Ministry of Health.

202. Health care is continuously provided before, during and after the birth of the child. This has also to do with the care for the mother's health. The Labour Law foresees prenatal post-natal leave (article 104 of the Labour Law) and decision of the Council of Ministers No. 397 of 20 May 1996, "On special care of the pregnant women and motherhood".

203. The State provides free of charge medicines for all children up to 1 year old. The vaccination of children from 0 to 15 years old is obligatory to protect them from infectious diseases (Law No. 7761 of 19 October 1993, "On the prevention and fight against infectious diseases"). The vaccinations are free of charge for all citizens.

204. The draft law “On reproductive health” provides services for the education of children, adolescents, etc. Article 7 of this draft law foresees secure motherhood as the right of all women to have the necessary care to ensure good health throughout pregnancy.

205. Infant mortality (0-12 months) and child mortality (0 to 5 years) have been continually reduced during the last 10 years. Actually it has decreased twice in comparison with 1980-1990. Nevertheless, the infant mortality rate remains one of the highest in Europe. It is believed that infant mortality is higher among the Roma in comparison with the other parts of the population.

206. Each child entering school for the first time is obliged to have a document issued by the health institutions which proves that he has been vaccinated according to a certain schedule.

207. No discrimination against minorities or different racial groups has been noticed in the provision of health services.

208. The Constitution of the Republic of Albania guarantees the right of everyone to social insurance for old age or disability, according to a system defined by law. The Constitution also guaranties the right to assistance in conditions envisaged by the law for everyone who is out of work for reasons independent of his will and who has no other means of earning a living.

209. Economic assistance can be given, without any discrimination, to the families of Albanian citizens who are blind, mentally disabled, have a grave developmental disability, prevented from taking care of themselves due to disability on the condition that these disabled persons have no or insufficient income and don't live in a public institution of social care.

210. The decision of the Council of Ministers No. 311 of 11 July 1994, amended by decision No. 457 of 21 August 1995 and instruction No. 12 of 16 June 1998, defines those eligible for disability assistance as follows:

(a) All persons born disabled or who become so before the age of 21 (24 if they pursue higher studies), certified by the Disabled Status Commission. The payment of disability benefit is made once a month, beginning from the month after the date that the Commission certifies the disability. The amount of disability benefit is 70 per cent of the value of the minimum wage and it changes when this wage changes. All those disabled persons who live in public rehabilitation centres, as well as disabled persons who begin to work, lose the right of disability benefit;

(b) Disabled persons who continue high school receive twice the disability benefit as mentioned above, and when they continue higher education they receive three times the amount;

(c) When there is a lack of daily services or special education in the areas where disabled persons live and the Disabled Status Commission certifies that those persons need continuous assistance, then one member of the family receives care benefit if he has no personal income, the amount of which is 60 per cent of the value of the minimum wage. This benefit cannot be received in daily care centres or special schools for disabled persons.

211. Law No. 7710, of 18 May 2000, “On assistance and social care”, and decision No. 307 of 24 May 1994 of the Council of Ministers define the services of social care. These include the institutions for elderly persons, physically and mentally disabled persons and orphans and other similar institutions, which depend on central or local governments. Those services include:

- Out-patient services, such as daily centres (for physically and mentally disabled children, street children), services at home, emergency assistance;
- In-patient services for orphans and abandoned children, physically and mentally disabled children, those unable to take care of themselves, etc.

212. Orphans and disabled persons without an income are accepted free of charge in the public institutions of social care. The State covers the costs of maintaining those institutions, as well as some personal expenses. The parents who for different reasons request to send their children to the orphanage participate in the expenses according to their income.

### **Paragraph (e) (v)**

#### *The principle of non-discrimination and fundamental human rights in the pre-university education legislation in the Republic of Albania*

213. The respect for the fundamental human rights and the elimination of all forms of discrimination are reflected in the Constitution of the Republic of Albania and in the Albanian education legislation.

214. Article 57 of the Constitution provides the right to education and defines by law the compulsory character of a certain level of education and the open character of all public general higher education, conditioned only on the ability of the student.

215. The Albanian Constitution especially guarantees the respect for the rights of minorities, eliminating the possibility of any form of discrimination. Article 20 of the Constitution guarantees education in the mother tongue of the minorities.

216. The Constitution and the Albanian legislation in general and Law No. 7952 of 21 June 1995, “On the pre-university education system”, guarantee the respect for the international norms on human rights and the elimination of discrimination. The Law stresses that “education in the Republic of Albania is a national priority”, that it is conducted “in accordance with the international agreements and treaties ratified by the Republic of Albania” and that it “respects the rights of children and adults” (art. 1). This law broadly reflects the integrity of the non-discrimination principle and the protection of the person from discrimination, treating them in the context of respecting the provisions, principles and standards of international agreements on basic human rights and freedoms in the field of education.

217. This law guarantees:

- (a) The equal right of the citizens of the Republic of Albania to all levels of pre-university education, regardless of social situation, nationality, language, sex, religion, political views, health status and economic level (art. 3);

- (b) The right of national minorities to education in the mother tongue and to study their national history and culture (art. 10);
- (c) The right of children from 3 to 6 years old to public pre-school education (arts. 17-19);
- (d) Compulsory public education, unified and general throughout the territory of the Republic (primary 8-year cycle, two 4-year cycles) (arts. 20, 22);
- (e) Parents obligation to send children from 6 to 16 years old to attend compulsory education (art. 24) and the punishment of parents with a fine for administrative infringement, if their children abandon compulsory education without any reason (art. 59);
- (f) Prohibition of work by children of compulsory school age and the punishment with a fine of any employer who violates this prohibition (art. 60);
- (g) The right of citizens to education in general and to professional public high schools, after the completion of compulsory education (arts. 26-28 and 33-37);
- (h) The right of students to education through courses in selected subjects in the general public high school education (art. 31);
- (i) The right of children with special needs to special, free, public education and the State's obligation to gradually provide the necessary conditions to this end (art. 40);
- (j) The right of children who constitute special cases to compulsory education near their families (art. 49);
- (k) The right of educational staff to obtain professional qualification (arts. 14, 41);
- (l) The right of Albanian and foreign citizens to private, secular and religious education (arts. 43-48) and to transfer from private to public schools (art. 45);
- (m) The right of citizens to follow additional educational structures (art. 50);
- (n) The State's obligation to guarantee the right to life, safety and free activity of teachers and students and the inviolability of educational institutions and their premises (art. 66);
- (o) The aim and the mission of Albanian pre-university education: spiritual emancipation, material progress and the social development of individuals (art. 2); development of intellectual, creative, practical and physical abilities and the personality of the students in compulsory public education (art. 21); full and harmonious development of the students' personality in higher public education (art. 26).

218. The above-mentioned aspects of the Law "On the pre-university education system in Albania" reflect the provisions of the international conventions ratified by Albania, including those of the International Convention on the Elimination of All Forms of Racial Discrimination (art. 7), the Convention against Discrimination in Education (arts. 2-5) and the Convention on the Elimination of All Forms of Discrimination against Women (art. 10).

*The principle of non-discrimination and fundamental human rights in the field of education and training in the higher education and science legislation in the Republic of Albania*

219. The Law “On higher education in the Republic of Albania”, No. 8461 of 25 February 1999, provides respect for the principles of non-discrimination and fundamental human rights in higher education, according to the relevant international conventions, including the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

220. The Law guarantees:

(a) The right of the Albanian and foreign citizens to public and non-public higher education in Albania (arts. 31 and 1) and to graduate in more than one field of study (art. 42); equivalency of knowledge and diplomas, certificates and grades obtained in higher schools abroad (art. 43); post-graduate education in scientific training and qualifications (arts. 37-39);

(b) The right of admission by competition to higher public education (according to ability) (art. 31);

(c) The right of students to make use of school equipment to study and for scientific purposes, to be elected to school councils, to profit from scholarships (art. 32), to be organized in non-political students’ associations (art. 33), to information (art. 34);

(d) The right to academic freedom in teaching and in scientific research in higher education (art. 6);

(e) The right to autonomous institutions of higher education (art. 7);

(f) The right to elect leading organs and authorities in higher education (art. 17).

221. In the above-mentioned articles of the Law “On Higher Education” the main provisions for the respect of human rights are included in higher education and training, excluding any form of discrimination in this area.

222. The Law “On Science and Technological Development”, No. 7893 of 22 December 1994, includes important aspects of human rights in education, training and participation in scientific research, eliminating the possibility of discrimination. This Law guarantees:

(a) The right to freedom of scientific research guaranteed by law (art. 5);

(b) The freedom of scientific personnel to choose the methods of research and development (art. 41);

(c) The right to scientific and technological activity for the harmonious and democratic progress of the society, the economy and the culture (art. 6);

(d) The right to respect the scientific and intellectual property (art. 6);



- (e) The right to international scientific and technological cooperation (arts. 6, 25);
- (f) The right to set up private scientific institutions (art. 51) and the privatization of scientific activity and technological development (art. 7);
- (g) The right of scientific institution personnel to organize in associations (art. 40);
- (h) The right to qualification and training at home and abroad of scientific personnel, especially young employees (art. 42);
- (i) The right to public evaluation and financial reward for scientific and technological activity (art. 47);
- (j) The right of the public opinion to information about scientific and technological activity (art. 49) and to publish its results (art. 50).

*The elimination of all forms of discrimination and respect for human rights in teaching and training practice*

223. The Ministry of Education and Science and its dependent organs take care to include as many students as possible in all categories of school, not allowing any manifestation of discrimination towards different areas of the country, or social categories. In this context, during the academic year 2000/01, 85,443 children are included in pre-school education in 2002 pre-school institutions (kindergartens) with 3,749 teachers in comparison with 80,337 children during the academic year 1999/2000, an increase of 5,000 children.

224. During the academic year 2000-01 in the eight-year compulsory education there were 535,238 students (259,931 girls) in 1,820 eight-year schools and 1,395 elementary schools, with 28,321 teachers.

225. During the academic year 2000/01 63 per cent of the students who finished compulsory education went on to secondary school, 2 per cent more than during the academic year 1999/2000, 102,971 students in 388 schools, an increase of 4,500 students.

226. The Ministry of Education and Science is engaged in continuous efforts to attract to school the street children who have abandoned school. In 2001 their number has been reduced by 1.8 per cent, compared with 2.5 per cent one year previously. Meanwhile, special programmes of teaching at home have been compiled and implemented for children who have fled from home because of blood feuds or revenge, mainly in northern Albania.

227. An interesting figure with regard to non-discrimination in education and the respect for the right to education is the ratio of males to females in pre-university education. There are 725,046 pre-university students, 345,384 female (48 per cent). The percentage of female teachers is higher: out of 36,939 teachers in pre-university education, 23,333, or 63 per cent, are female.

228. Students are admitted to higher education without discrimination, on the basis of their abilities determined through competition. Every year the number of new admissions increases by more than 1,000 students.

229. The training of teachers and pedagogues respects their rights, avoiding discrimination in different aspects. Every year there is an increased number of academic staff with scientific degrees. In 2001 in higher education there were 1,716 pedagogical staff, 689 of them female. Half of this academic staff are qualified and have scientific degrees.

*Elimination of all forms of discrimination and the respect of minority rights in education*

230. Albania takes special and continuous care to avoid any form of discrimination in the education of national minorities, guaranteeing them education rights in their mother tongue. This is provided by the legislation and it is implemented in the practice of Albanian education.

231. The Constitution of the Republic of Albania, in article 20, paragraphs 1 and 2, regarding minorities, provides that: "Persons who belong to national minorities exercise in full equality before the law the human rights and freedoms. They have the right to preserve and develop them, to study and to be taught in their mother tongue."

232. Article 10, point 1, of Law No. 7952 of 21 June 1995 "On the system of pre-university education" provides that: "The persons belonging to national minorities have the right to study and to be taught in their mother tongue, to study their history and culture within the framework of education programmes in Albania."

233. The education of national minorities, as for the Albanians, is composed of three levels: pre-elementary school, eight-year basic school and general high school.

234. Education of the Greek minority: in the district of Gjirokastra there are 18 eight-year schools, 14 elementary schools and 2 general high schools; in the district of Saranda there are 17 eight-year schools and 4 elementary schools; in the district of Delvina there are 7 eight-year schools and 7 elementary ones; in the district of Permet there are only 2 elementary schools.

235. Education of the Macedonian minority: in the district of Korca there are two eight-year schools and seven elementary schools; in the district of Devoll there is only one elementary school. Those schools function in areas traditionally inhabited by national minorities.

236. Under the care of the Albanian Government and based on the above-mentioned legislation, since September 1996 classes have been opened for minority children within the Albanian eight-year schools in the cities of Gjirokastra, Saranda and Delvina, where Greek minority inhabitants live. Those classes have the same education programmes as all the other schools of the national minorities.

237. The pedagogical high school in the city of Gjirokastra has the only department of minority teachers in Albania, where teachers for the Greek minority are prepared. In the University of Gjirokastra there is also a department of Greek language. Since 1995 in the Faculty of Foreign Languages of Tirana University there is a Greek language department. Many students of Greek and Macedonian origin study in high schools and universities around Albania, including post-university studies.

238. During the academic year 2000-01, 1,845 students studied in the eight-year schools of Greek and Macedonian minorities. This figure represents 0.37 per cent of the total number of students in Albania. In the minority schools there are 297 teachers, 267 of them of minority origin; 35 kindergartens with 628 children and 43 educators function in the areas of Greek and Macedonian minorities.

239. Detailed numbers of schools, students and teachers in the minority areas are shown in the tables below:

#### **Compulsory primary education of the Greek minority in Albania**

District	Eight-year schools	Elementary schools	Special classes	Collective classes	Number of students	Minority teachers	Albanian teachers
Gjirokastra	18	14	14	62	586	110	9
Saranda	16	7	13	56	609	88	9
Delvina	7	9	6	41	355	51	12
Permet	-	2	-	2	14	2	-
Total	41	32	33	161	1 564	251	30

#### **Pre-school education of the Greek minority in Albania**

District	Number of kindergartens	Number of children	Number of educators
Gjirokastra	15	213	18
Saranda	6	119	6
Delvina	5	81	7
Permet	-	-	-
Total	26	413	31

#### **Compulsory primary education of the Macedonian minority in Albania**

District	Eight-year schools	Elementary schools	Special classes	Collective classes	Number of students	Minority teachers
Korca	2	7	15	11	511	42
Devoll	-	1	-	1	11	1
Total	2	8	15	12	522	43

#### **Secondary education of Greek and Macedonian minorities in Albania**

District	General high schools	Number of students	Minority teachers	Albanian teachers
Gjirokastra	2	81	110	9
Saranda	2	95	88	9
Delvina	-	-	51	12
Korca	1	182	2	-
Total	5	358	251	30
High Pedagogical School (teachers for minority branch)		81	8	2

240. The student-teacher ratio for both minorities is six students for one teacher while this ratio for Albanian elementary schools (eight-year schools) is 19:1. The Local Education Directories in the regions where the minority schools operate take great care to maintain the number of students in those schools in order to keep the schools open. In Albania, there is at present no non-public education institution for minority children. The non-public education institute “ARSAKEIO” teaches subjects in the Greek language such as: Greek Language, Environment Studies, Geography, Health Education, Mythology-History, Theatre, and People’s Traditions.

241. The Ministry of Education and Science and Local Education Directories in the regions where minority schools function have paid and continue to pay full attention to the issue of supplying the minority education institutions with an education staff that is properly qualified. Special attention has been given to the scientific and pedagogical training for teachers and school principals of the minority schools. Their qualification has been one of the priority tasks for the Local Education Directories in the regions with minority areas and under the auspices of the Ministry of Education and Science and the Institute of Pedagogical Studies several local training workshops are organized with the participation of all minority teachers.

242. Some training activities are organized in cooperation with Greek and Macedonian counterpart education institutions. Those activities have taken place in neighbouring countries and in Albanian regions with minority schools. In addition, the education specialists and trainers from Greek and Macedonian education institutions paid visits to our country and fully cooperated with their Albanian counterparts regarding the organization and management of training workshops.

243. Significant help for the organization of training activities and for furnishing schools with teaching equipment and other material has been provided by foundations, NGOs and other local and international institutions that are interested in the improvement of the quality of education in minority schools.

244. The Ministry of Education and Science pays significant attention to the issue of permanently increasing the quality of the level of education and effectiveness in minority schools by emphasizing the importance of improving the curricula, textbooks, teacher training and school equipment.

#### **Paragraph (e) (vi)**

245. Albania, for various historical reasons, is a country with an admirable cultural diversity. The dialects and speech, costumes and ceremonies, music and mystics, architecture and cuisine make a precious mixture that continues to be a solid base for the development of cultural activities.

246. Part of the Albanian cultural diversity is the culture of the minorities as well. But up to now we do not have arts programmes that specifically address the cultural minorities that exist in Albania. Meanwhile, the Constitution guarantees them the right to publish literature in their mother tongue.

247. In general, support schemes lack for all artists and culture specialists, not only minorities. Often they find themselves in difficult living conditions and, despite the fact that they feel saved from the earlier political dictatorship, they are facing economic pressure. There is a specific financial scheme that supports artists. The experts of the Ministry of Culture establish the list of artists that profit from this financial scheme. The support for artists is also evident through funds donated by cultural foundations, but they lack specific programmes as well.

#### **Paragraph (f)**

248. There is no restriction on the right of each Albanian citizen and/or foreigner to have access to public places such as hotels, restaurants, cafeterias, theatres and parks, despite restrictions in specific places envisaged by legal and sublegal acts.

#### **Article 6**

249. According to article 43 of the Constitution: “Everyone has the right to appeal a judicial decision to a higher court, except when the Constitution provides otherwise.”

250. Every individual who is a victim of ethnic or racial discrimination, hidden or open, can apply to the court for judicial protection. Also, everyone has the right to be rehabilitated and/or to be remunerated according to the law, if he/she is victimized by an illegal or legal action taken against him by State institutions (article 44 of the Constitution).

251. Nevertheless, Albania is not adhering to the European Charter for Regional or Minority Languages. Its Constitution, article 28, point 1, provides that: “Everyone whose liberty has been taken away has the right to be notified immediately, in a language that he understands, of the reasons for this measure, as well as the accusation made against him. The person whose liberty has been taken away shall be informed that he has no obligation to make a declaration and has the right to communicate immediately with a lawyer, and he shall also be given the possibility to realize his rights.” Meanwhile, in article 31 of the Constitution, point c, it is foreseen that during criminal proceedings everyone has the right “to have the assistance without payment of a translator, when he does not speak or understand the Albanian language”.

252. Legal protection in Albania, which is guaranteed by domestic legislation and adopted international instruments as well, protects every individual from acts of discrimination, violence and hostility and foresees heavy penal sanctions for people who perform such acts.

253. In order to protect individuals faced with threats or acts of discrimination, violence and hostility because of their ethnic, cultural, linguistic and religious identity, the Criminal Law of the Republic of Albania, in its Special Part, in article 73, provides for imprisonment for at least 10 years, life in prison or the death penalty for the “implementation of an intentional plan that seeks the total or partial destruction of a national, ethnic, racial or religious group and, accompanied by severe physical or psychological damage, places them in hard living conditions that can cause physical destruction, implementation of actions that aim at obstructing births, and obligatory transfer of children of one group to another”.

254. Article 74 of the Criminal Law provides that “Killing, massacres, slavery, internal exile and deportation, as well as every act of torture or other inhuman violence committed for political, ideological, racial, ethnic and religious reasons are punished by no less than fifteen years of imprisonment, or with life imprisonment, or the death penalty.” (Note that with the signature of Protocol No. 6 to the European Convention on Human Rights, Albania has abolished the death penalty.)

255. The second paragraph of article 2 of the Code of Criminal Procedures provides that during all phases of judicial proceedings individuals who do not know the Albanian language are allowed to express themselves in their mother tongue and through a translator concerning evidence, acts, facts, as well as developments in the proceedings. Also, article 2, paragraph 2, relating to the compilation of the records of criminal proceeding, foresees that “A person who cannot speak the Albanian language must be questioned in his mother tongue and the written records must be kept in that language as well. Procedural records must be given to the person, upon his request, in the same language.” The right to express themselves in their mother tongue is recognized for witnesses as well.

256. The right to use the mother tongue or to compiling records in that language has been recognized for persons who do not know the Albanian language, even during judicial civil trials. Article 2, second paragraph, of the Code of Civil Procedures provides that “Persons who do not know the Albanian language can use their own mother tongue. They must be advised of evidence and proceedings through a translator.” Article 116, second paragraph, of the same Code provides that: courts must call in interpreters and translators when questioning or providing documents to persons who do not understand the Albanian language.

257. For guaranteeing the rights of persons who do not know the Albanian language during criminal and civil trials, the Albanian legislation foresees well-elaborated and firm rules regarding making available a translator free of charge; his appointment even in cases when the judge, prosecutor or judicial police officer knows the language to be translated into; his obligation to provide accurate translations and respect confidentiality; cases of incapability and conflict of interest in the exercise of his duties; exclusion, resignation and replacement of translators, time limits for written translation; his compulsory appearance before the court (should he not appear without reasonable reasons, he may be liable for criminal and civil responsibility at the same level as for an expert).

258. The Albanian Ombudsman has introduced two reports on his activities (2000 and 2001) before the Albanian Parliament. The reports illustrate the work of public bodies and authorities (including local and central ones) regarding the observance of human rights and show means of solving problems that could serve as guidelines for actions to be taken by the responsible bodies of the Albanian administration in similar situations. Reports also contain recommendations and proposals for the eradication of deficiencies and “injustices” that are identified during deliberations of claims made before the Ombudsman.

259. Now that this institution has been established fully operating since June 2000, the public administration must work with the same spirit of responsibility. This means that this administration should be open to changes and must know that the Ombudsman has the task to enter into dialogues, make criticisms and give advice to it. In the same way, the legislative body

has to accept recommendations coming from the Ombudsman for legal changes or new legal initiatives. This requires an understanding and acceptance of the role of the Ombudsman from the public administration side as well as from the Albanian Parliament.

260. It is evident that the number of citizens that have asked for help from the Ombudsman has grown during 2001. Positive practices and good messages disseminated among the people have created the needed atmosphere and awareness that Albanian citizens should use the Ombudsman mechanism for protecting their human rights from violations committed by the public administration.

261. During 2001, 49 claims in total were submitted to the Ombudsman concerning maltreatment of citizens by the Albanian Police. None of those claims has been based on racial discrimination. There was also not a single case raised in court by members of minority groups linked to acts of discrimination, violence and hostility that occurred because of their ethnic, cultural, linguistic or religious affiliation.

262. To be more concrete, claims have been submitted to the Ombudsman's Office that some girls in secondary schools in Tirana and Fieri have not been allowed to attend school while they were wearing headscarves. Such restrictions must not be allowed to be determined by school head teachers based on school regulations, not even by the Minister of Education, but such restrictions should be settled on by law, which in this case must be replaced with agreements that should be reached in accordance with paragraph 5 of article 10 of the Albanian Constitution.

263. According to the Albanian daily press, during 2001 the Ombudsman was ready to start investigation of one case concerning the Macedonian minority for a non-governmental organization called "Druzha Prespa" which belongs to this minority. After the request had been sent twice to this organization (according to the Albanian legislation, the deliberation of a case begins after the approval of the interested side) and no answer was received, the case was filed without being examined.

## **Article 7**

### **Inclusion of human rights in the education programmes**

264. The Ministry of Education and Science in cooperation with the Albanian Human Rights Centre, the Institute of Pedagogical Studies and the Dutch and Norwegian Committee, launched in 1993 the project "Human rights education at eight-year school". The goal of this cooperation has been the extension of this project at the eight-year school level. At present there are 43 pilot schools, which aim training and teaching on human rights at three levels: teachers, pupils and parents.

265. The Albanian Human Rights Centre has worked on preparing several training materials distributed at the pilot schools in Albania. During this project, from 1993 till 2001 7,702 trainees, teachers and specialists were trained. In addition, in January 2000 the project: "Education on human rights at the Faculty of Pedagogy" was launched. Five faculties of pedagogy, in Korça, Elbasan, Shkodra, Vlora and Gjirokastra, are included in the project. The main objective of this project was the integration of human rights into official university subject matters.

266. An important element to this project is also the establishment of resource centres at the five above-mentioned faculties. There are human rights libraries in every resource centre, which help in the development of human rights subjects. These centres also offer computer services and electronic networks between faculties of pedagogy. Within this framework are also various publications like manuals, evaluation reports, brochures and folders on human rights.

267. Of particular importance to the accomplishment in practice of human rights and of minority rights in particular and different racial groups' rights are the professional training programmes of public order officials, providing them with sufficient knowledge with regard to the recognition and protection of human rights, including those of national minorities and different racial groups. The subject of human rights is already included in the syllabuses of the Public Order Academy in Tirana. In order to provide police officers with the necessary knowledge in these fields, there has been organized, in cooperation with the Council of Europe and other international bodies, short-term training courses, varying from 15 days to one month. These courses, in which all public order officials have to participate, offer special programmes on the international standards for the protection of human rights. Part of these programmes is the Albanian legislation concerning the protection of individuals from ethnic or racial discrimination. The Ministry of Public Order has issued several publications such as parts of the Law on the Police, parts of the European Convention on Human Rights, etc.

268. Freedom of expression constitutes a fundamental constitutional right in Albania. Article 22 of the Constitution guarantees freedom of expression and of the press, radio and television, for all citizens, including national minorities, and prohibits censorship of communication media. Albanian legislation provides full access to Albanian citizens to written and electronic media, in Albanian as well as in minority languages.

269. The Law No. 8410 of 30 September 1998 "On public and private radio and television in the Albanian Republic" guarantees access to electronic media for national minorities. The law guarantees freedom of radio and television activity and their editorial independence (arts. 4, 5). Under article 39 of this law, "The broadcasting of programmes that encourage violence, aggression, national and racial hatred, etc. is prohibited", while article 36 provides that "radio and TV programmes must respect the individual's personal dignity and fundamental rights, impartiality, comprehensiveness and pluralism of information, children's and adolescents' rights, public order and national security, Albanian language and culture, constitutional and human rights of citizens and national minorities in conformity with international conventions ratified by the Republic of Albania, and Albanian religious diversity".

270. Article 37 of this law provides that "the use of the Albanian language is compulsory for all programmes, apart from musical works with their text in a foreign language, programmes of teaching foreign languages, broadcasts that are particularly directed to national minorities and those of local radio and television entities which are licensed for broadcasting in national minorities languages". On this basis, the installation of local radiotelephonic or TV stations by the members of national minorities in their mother tongues is guaranteed. The National Radio and Television Board grants their licensing and the requests for licensing are based on law, which is based upon international standards.



271. According to article 26 of the Law No. 8410, licences cannot be issued to persons who are barred from exercising legal capacity by a final decision of a court, political parties, political and religious organizations or State authorities of any rank, public entities of an economic character as well as credit institutions. Within this framework some licensed operators broadcast in the communities of national minorities such as “Prespa Radio”, which broadcasts in the Macedonian language. Furthermore, a TV channel which will broadcast news especially in the Greek language is to be licensed, in order to meet the interests of the Greek minority in Albania. A number of relay facilities are in the process of being licensed in border zones for satisfying the demands of minority citizens.

272. The activities of national minorities in all areas, their achievements and problems have been widely reflected in the main programmes of Albanian radio and television, either through its informative programmes or through other programmes of a cultural, economic or social character.

273. Currently, “Radio Gjirokastra”, which broadcasts every day 45 minutes in the Greek language (from 17.00 till 17.45 hours), operates for the Greek minority in Albania, apart from the programme in the Greek language which Tirana Radio broadcasts 30 minutes twice a day.

274. Local authorities have installed, with State funds, TV relay facilities throughout the Albanian territory, through which the Greek minority can watch Greek TV channels such as NET, ANTI, MEGA, ETI, etc. In Tirana, by a decision of the National Radio and Television Board, through such facilities on Dajti mountain, the Greek TV station ETI can be freely watched.

275. With regard to the Macedonian minority, the local Radio of Korça city (Radio Korça) broadcasts, three times a week, news in the Macedonian language. Also, the respective local TV station broadcasts special programmes about that zone, whereas the public or private Macedonian TV and radio stations are easily captured without the need for relay.

276. The same can be said for the small Montenegrin ethnic group, as regards the public or private TV or radio stations of Montenegro. The local radio of Shkodra city (Radio Shkodra) broadcasts for this ethnic group.

277. In 2000 there was broad coverage in the written and electronic media of the lives, activities and problems of linguistic minorities such as the Romany and Romanian minorities. This was achieved thanks to some activities of certain NGOs, in particular seminars, supported by the Open Civil Society Foundation (Soros) in cooperation with the Ministry of Education and Science.

278. The Law “On public and private radio and television in the Republic of Albania” provides for the main principles of radio and TV stations. Article 4 stipulates that “the activities of radio and television stations impartially respect the right to information, political trends and religious belief, personality, dignity, the private life of the individual, as well as his fundamental rights and freedoms”.

279. Radio and TV programmes must respect the limits of article 10 of the European Convention on Human Rights. Article 38 of the above-mentioned law provides that public and private radio and TV stations are forbidden to broadcast programmes, which incite religious and racial hatred, and information which violates the private life of citizens.

280. In Albania, the right to reply and disapprove when the citizen's interests are encroached by mass media is already a normal practice. Generally, the operators have correctly responded to complaints submitted to the National Radio and Television Board, permitting parties to reply. Nevertheless, professional standards are not yet respected: unfortunately, journalists still use insults and swear words.

281. Public or private electronic mass media in Albania have an important influence in the struggle against racial prejudices and to protect human rights.

282. The chronicles and activities of Roma associations and those of the Roma community in Albania are part of the news on RTV, as well as the activities of the associations of other minority communities. The Albanian public TV has broadcast a number of programmes on the life, traditions and organization of the Roma community, its particularities and problems.

283. Law No. 7756 of 11 October 1993 "On the media", amended by Law No. 8239 of 3 September 1997, guarantees the right of all citizens belonging to national minorities, like all other Albanian citizens, to establish written media in their mother tongue without any discrimination. The media of national minorities, as well as other media, are not subject to prior censorship.

284. At present the Greek minority, which lives in Gjirokastra, Saranda, Delvina, etc., has these newspapers: Lajko Vima (published since 1945); I Foni tis Omonias (Omonia's Voice), weekly newspaper; 2000, published in Greek, English and Albanian; Oaz and Progres, illustrated magazines. These newspapers and magazines are distributed free of charge in every village of this area. Furthermore, 15 other newspapers and magazines from Greece in the Greek language are distributed in the area.

285. The Macedonian and Montenegrin press is also distributed free of charge in the respective Macedonian and Montenegrin minority areas in Albania.

286. The Aromanians have their newspaper Fratia - Vlazerimi, which is published monthly in the Albanian and Romanian languages.

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