



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2110th meeting

Held at the Palais Wilson, Geneva, on Monday, 22 August 2011, at 3 p.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 3.05 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** (*continued*)

Fifth to eighth periodic reports of Albania (CERD/C/ALB/5-8; CERD/C/ALB/Q/5-8; HRI/CORE/1/Add.124)

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*
2. **Ms. Kodra** (Albania) said that her country had established appropriate anti-discrimination legislation, which had also been strengthened by the adoption in February 2010 of the Law on Protection against Discrimination. That law, which in particular established the post of Commissioner for Protection from Discrimination, was an important instrument to ensure the respect of the rights of minorities. Albania had a tradition of recognizing national minorities and their linguistic, cultural and religious characteristics. The Greek, Macedonian, Montenegrin and Serbian communities were considered national minorities, while the Roma and Aromanians were recognized as linguistic minorities. The next population census, planned for October 2011, would make it possible to analyse precisely the number and location of minorities in Albania. The census questionnaire had been developed in accordance with the recommendations of the United Nations and Eurostat and contained a series of questions on ethnicity, religious affiliation and language.
3. The question of national minorities had taken on a new dimension in Albania since the democratic reforms undertaken in 1990, particularly as a result of its membership of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe and the ratification of international human rights instruments, in particular the Framework Convention for the Protection of National Minorities of the Council of Europe. The implementation of that instrument was one of the most important steps taken by Albania following its entry into the European Union. The Albanian Constitution stated that all ratified international instruments formed part of domestic law and were directly applicable before the courts. It also guaranteed the equality of all before the law and prohibited discrimination based on sex, race, religion, ethnic origin, language or religious or philosophical views. Moreover, the Constitution authorized the adoption of affirmative action for certain population groups and guaranteed national minorities the right freely to express their ethnic, cultural, religious and linguistic identity, to study in their mother tongue and form associations. All State institutions were obliged to respect fundamental rights and to enforce those rights equally among Albanian citizens, foreigners and stateless persons. The members of minority groups had the same political, economic and social rights as the rest of the Albanian population. The Constitution provided that all persons deprived of their liberty had the right to be informed immediately of the reasons for their detention and the charges against them in a language that they understood. The Code of Criminal Procedure, adopted in 1995, established that any person who did not speak Albanian had the right to use their mother tongue during each phase of the legal process and to benefit from free access to an interpreter.
4. A number of provisions of criminal law afforded protection to members of minorities. The Criminal Code classified acts of genocide towards national, ethnic, racial or religious groups as a serious crime, prohibited civil servants from making distinctions based on ethnic origin when granting privileges or denying certain rights, punished incitement to racial, national or religious hatred and calls for violence and prohibited the obstruction of the activities of religious organizations and the intentional destruction of religious sites. Since 2007, racial, religious, nationalistic or linguistic motivations were aggravating circumstances for offences. The 1994 Civil Code guaranteed the enjoyment of all civil rights, regardless of ethnicity. The 1995 Labour Code prohibited all forms of discrimination

in the workplace and stated that any distinction, exclusion or preference motivated by ethnicity constituted discrimination. The Code of Administrative Procedures of 1999 stipulated that, in its dealings with private persons, the public administration should be guided by the principle of equality and should ensure that no one was favoured or discriminated against for reasons of race, religion, ethnicity or language.

5. Institutional and legislative reforms aimed at strengthening the rights and freedoms of minorities occupied an important position in the national plan for the implementation of the Stabilisation and Association Agreement, which defined the bodies responsible for that field. These bodies included the State Committee on Minorities, which worked with the authorities and civil society to protect the rights of minorities, and the Roma Technical Secretariat, which was responsible for monitoring the implementation of the National Strategy to Improve the Living Conditions of the Roma Community. The General Directorate of Euro-Atlantic Integration and Multilateral Relations in the Ministry of Foreign Affairs ensured that the State fulfilled its international commitments regarding the rights of minorities and drafted regular reports on the implementation of United Nations human rights instruments and the Framework Convention for the Protection of National Minorities. In 1999, the Albanian Parliament had adopted the Law on the Ombudsman, whose mission was to protect the fundamental rights of citizens from all actions or omissions by public authorities and to prevent conflicts between the administration and its citizens. The Ombudsman acted on complaints and requests submitted to its Office.

6. The Government had introduced a legal framework that made it possible for representatives of minorities to form cultural associations in order to preserve and protect their culture and national identity. The Government also provided financial support to those associations. There were numerous newspapers and television and radio programmes in minority languages. The protection of minority languages was also guaranteed by the provision of teaching in those languages, which was provided for by the Constitution and which was heavily subsidized by the Government. Since the first democratic elections in 1992, minorities had been represented in Parliament. The Human Rights Union Party, which represented the minorities in the country, had been a part of all of the coalition governments over the previous 10 years.

7. In order to implement the National Strategy to Improve the Living Conditions of the Roma Community, which had been developed in collaboration with representatives of the Roma community and civil society, the Government had taken a series of initiatives in order to facilitate the access of the Roma, and in particular Roma women, to social security and employment, to integrate street children and to prevent and combat ill-treatment and violence. Disadvantaged persons, including the Roma, were also able to obtain an identity card free of charge.

8. In 2008, Albania had committed to participating in the Decade of Roma Inclusion 2005–2015 and had adopted, in 2009, a plan of action 2010–2015, whose main objectives were the improvement of Roma access to education, the conservation and promotion of Roma cultural heritage, the improvement of housing and infrastructure and the prevention of social and structural discrimination. Education of Roma children occupied an important place in the above-mentioned National Strategy to Improve the Living Conditions of the Roma Community.

9. The Ministry of Education and Science had developed plans to train teachers to handle children that had dropped out of school or who were likely to do so, to raise awareness among parents of the importance of education and to offer a second chance to pupils that had dropped out of school and those who stayed at home for fear of being caught up in a vendetta. The Ministry ensured that textbooks were in keeping with the principle of non-discrimination and that Roma children were fully reimbursed for the cost of secondary school textbooks and were given priority for scholarships. In 2010, the Council of Ministers

had established a quota for access to higher education, which made it possible for approximately 60 young people from the Roma and Egyptian communities to enrol in university in the academic year 2010/11.

10. The social protection system covered all disadvantaged groups, without distinction of any kind, which meant that the Roma could receive family allowances, benefit from the disabled persons assistance programme, and have access to childcare and community centres. At the local level, public health services had ordered their staff to regularly monitor the state of health of the Roma and Egyptian communities, focusing particularly on the importance of compulsory vaccinations, the monitoring of pregnancies, health education and the prevention of epidemics in areas where minorities lived. Measures had also been taken to improve housing and living conditions of the Roma and, in particular, to ensure that they had access to drinking water and sanitation.

11. **Mr. Kut** (Country Rapporteur) noted with satisfaction that the State party had sent a large, high-level delegation to Geneva and praised the fact that the delegation was exclusively made up of women. Turning to the information provided in the report (paras. 290 to 446) on the follow-up to the recommendations made by the Committee in its concluding observations on the initial and second to fourth periodic reports of the State party (CERD/C/63/CO/1), he noted that the State party was still unable to provide statistics on ethnic minorities and hoped that it would be able to do so once the results of the census were available. Referring to the recommendation contained in paragraph 13 of the concluding observations, he drew the attention of the delegation to the fact that when a racial or ethnic group was systematically disadvantaged in comparison to the rest of the population regardless of the changing economic situation, the question arose as to whether that group was subjected to structural discrimination. If that was the case in the State party, the authorities should take measures to remedy such inequalities.

12. He asked the delegation to provide more details of the distinction made in the State party between national and linguistic minorities, including on whether or not the country of origin was used as a criterion. Referring to the information contained in paragraphs 323 to 332 of the report regarding the Egyptian community, he stressed that the actual origins of the members of that community did not matter; the only thing that counted was that those persons defined themselves as Egyptians. As a result, their wish to be considered as a minority should be respected.

13. He wished to know more about the investigation into allegations of ill-treatment by police of young Roma, which had shown that no police officer had committed illegal acts. He noted the information given on the Serbo-Macedonian minority in paragraph 354 of the report and asked whether there truly was a Serbo-Macedonian minority or whether the text should have read Serbo-Montenegrin. He noted that more detailed information had been supplied regarding discrimination against women, which was not the responsibility of the Committee, but that the report did not mention any cases of discrimination based on race, ethnicity or sex. He asked the delegation to address that shortcoming and to provide up-to-date information on the measures taken by the State party to restore religious property to the Greek and Aromanian communities and to provide compensation to the communities whose property had been taken.

14. He also requested additional information on coordination between the different bodies responsible for combating discrimination and wished to know whether the State party planned to adopt special measures for vulnerable groups. The delegation might wish to explain how the national authorities were working to combat indirect discrimination and provide information on the remedies available to victims of such discrimination. He noted that the current report covered the situation of the Roma and Egyptian minorities in detail, but contained nothing on the Aromanian, Bosniak or Jewish communities. He wished to know more on that issue. He noted, as the European Commission against Racism and

Intolerance had done, that the legislation of the State party did not contain a general ban on racial discrimination and recommended that the State party address that significant shortcoming in its legislation as quickly as possible.

15. **Mr. Avtonomov** wished to receive detailed information on the measures taken by Albania to assess and prevent racial discrimination against women, as recommended by the Committee in its previous concluding observations (CERD/C/63/CO/1, para. 20). He noted that the State party had adopted legislation in 2004 on the proclamation of “Memorial Day” in honour of all those who had contributed to physically protecting all the Hebrews in Albania (para. 97 (c)) but expressed surprise that the report contained no information about the Jewish community. The delegation might wish to address that oversight. He noted that the Albanian authorities did not recognize Egyptians as a national minority but had admitted that Egyptians were the victims of social exclusion and lived on the subsistence threshold. He wished to know whether special measures had been taken or were planned to reduce the stigma associated with that community and to help the community overcome its extreme poverty and drew the attention of the State party to the Committee’s general recommendation No. 32 regarding the meaning and scope of special measures in the Convention.

16. **Mr. Diaconu**, noting with satisfaction the legislation adopted by Albania regarding non-discrimination, said, however, that racial discrimination should be prohibited in all spheres, not just in the areas of employment and occupation. Although Albanian criminal legislation by and large satisfied all of the requirements contained in article 4 of the Convention, it did not ban organizations advocating racial or ethnic hatred or membership of such organizations, which should be rectified.

17. He recommended that the State party review its criteria for distinguishing between “national minorities” and “linguistic minorities”, which he deemed questionable from a human rights point of view. In addition, Albania should recognize the Aromanian minority, since television programmes on their history, language and culture were broadcast daily.

18. He asked what type of “vendetta” involving Roma children caused them to drop out of school. He noted with satisfaction that a population census was to be carried out in 2011, but expressed concern regarding reports that pressure was being placed on the authorities to remove the questions on ethnic origin and language. He wished to hear the opinion of the Albanian delegation on that issue.

19. **Mr. de Gouttes** wished to know whether racial, ethnic or religious motivations were aggravating circumstances for an offence and whether the new legislation penalizing incitement to religious hatred made it possible to punish racist and xenophobic organizations and membership of such organizations.

20. He noted from paragraph 208 of the report that racist or xenophobic acts were not common and pointed out that the absence of complaints was not necessarily a positive feature, since it might indicate that the victims were unaware of their rights, that they mistrusted the police and the courts, or alternatively that the latter failed to pay attention to or were unaware of cases of racial discrimination. He asked why none of the cases examined by the Ombudsman mentioned police violence against Roma youths, despite the fact that numerous NGOs had drawn attention to it.

21. He asked whether the Roma minority had been involved in action directed at parents to change their attitude towards school and child labour. Finally, he asked for information on the State party’s policy towards the Egyptian community in Albania, which was particularly poor and which was not recognized as a national minority, and which NGOs had helped to prepare the report.

22. **Mr. Thornberry** asked whether the economic aid programme referred to in paragraph 154 of the report was open to members of the Roma community, as they did not always have the documents required to enrol in it, and whether, as members of a linguistic minority, the Roma were even aware of the programme's existence. He inquired whether the *Kanun* (customary code) was still in force in the State party and if not, whether it perhaps still influenced, albeit indirectly, some types of behaviour in Albanian society, and whether there was an ethnic dimension to vendettas. He asked whether children from the Egyptian and Roma communities were more affected by trafficking than other children.

23. **Mr. Lindgren Alves** pointed out that in paragraphs 323 to 332 of the report, the State party described the Egyptians in Albania as a "community", even though they did not have their own language and culture and practised no particular religion. There was therefore no reason not to consider them as wholly Albanian. Since the majority of beggars in Albania were from the Egyptian "community" the question arose as to whether their ethnic identity was not a factor of poverty. He would appreciate further information in that respect.

24. **Ms. Crickley** asked whether the Roma had been consulted when the national strategy to improve the living conditions of the Roma community had been drawn up, whether the institution to promote equality and combat discrimination, which the Government of Albania was establishing, would comply with the Paris Principles and whether the State party intended to ensure that the Roma would be able to benefit from the economic aid programme on the same terms as other people experiencing hardship.

25. **Mr. Calí Tzay** asked why it cost more to publish a book in a national language other than Albanian and whether that was not indicative of a form of discrimination towards minority languages or even of a desire to see some of them disappear.

The meeting was suspended at 5.45 p.m. and resumed at 5.50 p.m.

26. **Ms. Kodra** (Albania) explained that the difficulties her country was experiencing in a number of areas could be accounted for by the youthfulness of its democracy; she added that Albanian society was characterized by its dynamism and desire to adjust to a new political system.

27. **Ms. Milo** (Albania) pointed out that Albania distinguished between the national minorities (Greek, Macedonian, Serbian and Montenegrin) who could claim to belong to a country, and those (the Roma and Aromanian) who could not. She emphasized that the distinction had no impact on the enjoyment by the members of those different minorities of their fundamental rights. Her delegation had taken note of the concerns of the Committee in that respect and would bring them to the attention of the competent national authorities, in particular the Ministry of Foreign Affairs and the State Committee on Minorities. The members of the Egyptian community were fully integrated into Albanian society and thus did not form a minority. Nonetheless, if in the 2011 census the Albanian Egyptians or Aromanians identified themselves as members of a national minority, the Government of Albania would grant them national minority status.

The meeting rose at 5.55 p.m.