



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

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Summary record of the 2111th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 August 2011, at 10 a.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 10.05 a.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 (continued) (CERD/C/ALB/5-8; CERD/C/ALB/Q/5-8)

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*
2. **Ms. Kodra** (Albania), replying to questions raised by members of the Committee at the previous meeting, said that the system for the collection of statistical data in Albania was being reformed. The Institute of Statistics was the body officially responsible for the compilation of statistical data, but other institutions also produced statistics and not all of them forwarded the data to the Institute. As a result, the periodic report (CERD/C/ALB/5-8) contained no data on, for instance, legal proceedings concerning racial discrimination. Proceedings had taken place but no officially approved data were available.
3. Action had been taken during the past two decades to return property confiscated from religious institutions and outstanding problems were being addressed. The delegation would seek further information from the Ministry of Justice and make it available in writing to the Committee.
4. Policies and strategies for monitoring racial discrimination had been developed for almost all relevant areas. They were currently being reviewed to prevent overlapping and to enhance their effectiveness. For example, the national strategy to improve the living conditions of the Roma minority had been adopted in 2003 and in 2009 the Government had approved an action plan for the Decade of Roma Inclusion 2005–2015. The national strategy had been assessed in 2007 and both the strategy and the action plan for the Decade would be reviewed and assessed during the current year.
5. It had been suggested that the small number of complaints submitted to the Office of the Ombudsman was probably attributable to fear of reprisals, pessimism about the outcome or lack of trust in the institution. She pointed out that people also lacked information about the complaints procedure and other avenues of redress. The authorities had therefore prepared awareness-raising strategies to familiarize the general public with institutions responsible for defending and promoting their rights.
6. **Ms. Milo** (Albania) said that the State Minority Committee had been established in 2004 and operated as an advisory body to the Government, alerting it to the problems facing minorities and suggesting possible solutions. It cooperated with central and local government bodies and with private-sector organizations and associations involved in promoting respect for minority rights. The Committee proposed measures to support the economic, social and educational development of minority communities. It was composed of representatives of the Greek, Macedonian, Serbian and Montenegrin minorities and ethno-linguistic minorities such as the Aromanian and Vlach communities. Although some minorities might not be represented on the State Minority Committee due to structural limitations stemming from the financial situation or the overall management plan, the rights of all minorities were nonetheless promoted. Moreover, representatives of minorities could contest both parliamentary and local elections. As part of the National Plan for the Implementation of the Stabilization and Association Agreement by 2012, the State Minority Committee was drafting a law on minorities. It would also carry out preparatory work for the ratification of the European Charter for Regional or Minority Languages.
7. The Section of Human Rights, Minorities and Reporting at the Ministry of Foreign Affairs conducted an official dialogue with organizations representing minorities and

supported their activities in order to preserve and develop the linguistic, cultural, religious and national identity of the minorities concerned. The Section also assisted in drafting periodic reports to the United Nations human rights treaty bodies and the report on implementation of the Council of Europe Framework Agreement for the Protection of National Minorities.

8. The Ministry of Tourism, Culture, Youth and Sports, the Ministry of Education and Science, the Ministry of Health and a number of local government bodies had also created sections dealing with minority affairs.

9. Representatives of the Jewish community had always played an active part in Albanian social and cultural life.

10. Kanun law had been applied in some parts of Albania in medieval times. Some aspects survived in rural or poor areas of the country and law enforcement measures needed to be strengthened in those areas.

11. Blood feuds were also a complex social problem and the Government was addressing the issue by negotiating with the parties to different conflicts. The delegation would seek further information from the Ministry of Justice concerning blood feuding as a criminal act and would forward it in writing to the Committee.

12. **Ms. Subashi** (Albania) said that the Central Census Commission had approved the census questionnaire for the 2011 population and housing census. It would contain a question concerning ethnicity to be answered on the basis of free self-identification.

13. **Ms. Marjani** (Albania) said that 80 per cent of blood donors had indeed come from the Roma population at the time of drafting of the periodic report. Since then, however, the policies of the Ministry of Health and of other ministries that supported minorities had changed. With a view to reducing discrimination against vulnerable groups and promoting the country's strategy to combat HIV/AIDS, which was based on recommendations of the World Health Organization, voluntary blood donations had been encouraged. Each year the Ministry of Health, in cooperation with the Albanian Red Cross, the Albanian National Blood Bank, voluntary blood donors, non-governmental organizations (NGOs) and individuals, mounted campaigns for blood donations throughout the country.

14. Structures had been established at the local level to assist victims of all kinds of discrimination. They relied on specialized staff such as social workers, psychologists, public-health specialists, educators and police officers. The Ministry of the Interior had organized regional training courses for all staff during the current year and would continue to provide training facilities in the future. Six shelters had been established. The two shelters in Tirana and the nearby district of Linza catered for victims of domestic violence and human trafficking, who were mostly women and children. The other four shelters hosted victims of any kind of discrimination.

15. **Ms. Kodra** (Albania) added that a referral system was already in place for trafficked persons and one was currently being established for victims of domestic violence.

16. **Ms. Pirani** (Albania) said that a legal framework also existed for protection against indirect discrimination. Law No. 10221 for Protection against Discrimination of 4 February 2010, which had entered into force on 13 March 2010, provided for protection against direct and indirect discrimination, victimization, instructions to discriminate, harassment and discrimination on account of association. Article 1 of the Law provided for observance of the principle of equality on grounds of gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical convictions, socio-economic and educational situation, pregnancy, parental affiliation, age, family or marital status, civil status, dwelling place, state of health, disability, affiliation to a specific group or on any other ground.

17. The Constitution and Law No. 10221 contained no definition of racial discrimination. However, the Constitution stipulated that all treaties ratified by Albania formed part of the domestic legal system.

18. The Office of the Ombudsman had been accredited with “A” status by the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights. It therefore complied with the Principles relating to the Status of National Institutions (the Paris Principles).

19. The Constitution prohibited racism, the encouragement of racism, xenophobia and racist organizations. There were also specific laws prohibiting NGOs that advocated racism. Albania had ratified the Council of Europe Convention on Cybercrime.

20. The Office of the Commissioner for Protection from Discrimination, which had been established by Law No. 10221, offered protection against discriminatory action not only by public-sector bodies but also by private corporations and individuals. The Office had launched an awareness-raising campaign concerning Law No. 10221 and the Commissioner’s mandate.

21. Educational curricula contained a subject dealing with the protection and promotion of human rights and the inculcation of non-discriminatory attitudes. Police training courses highlighted the need for equal treatment of vulnerable groups and prohibited all forms of ill-treatment.

22. The Office of the Commissioner was an independent public institution that ensured effective protection against every form of conduct that encouraged discrimination. It operated in accordance with the provisions of national legislation and international human rights treaties ratified by Albania. The Assembly of Albania had appointed the Commissioner in May 2010 and had approved the structure and organizational chart of the Office, which had an independent budget financed from the State budget and a variety of donations. The Commissioner was appointed for five years and could be reappointed for a single term. His or her mandate consisted in considering complaints from individuals and groups concerning discrimination, conducting administrative investigations, imposing administrative sanctions, encouraging equality, monitoring the implementation of Law No. 10221, and making recommendations for the enactment of new legislation or the amendment of existing legislation. The Office of the Commissioner also reported to the Assembly as an independent body.

23. **Ms. Zoto** (Albania) said that the national strategy to improve the living conditions of the Roma minority had been adopted in 2003 and its Technical Secretariat had been established one year later to monitor implementation of the strategy. She headed the Secretariat and the two other staff members were from the Roma community. It coordinated the work of the ministries involved in implementing various aspects of the strategy, such as the Ministry of Health, the Ministry of Education and Science, the Ministry of Public Works and Transport, the Ministry of Labour, Social Affairs and Equality of Opportunity, and the Ministry of the Interior. The Technical Secretariat also ensured coordination with local government bodies, encouraging them to enhance public awareness of the national strategy and to encourage its implementation. The Secretariat maintained close links with civil society, especially Roma associations, and kept them informed of measures taken by the Government on their behalf. It also organized regular meetings with international organizations and donors to keep them informed of problems and to obtain additional funding for projects.

24. In 2010, the Technical Secretariat for Roma People had organized the first round of meetings nationwide with local government bodies to raise awareness of the plan of action for the Decade of Roma Inclusion. The focus had been on housing, education, health and employment authorities. At the 2011 meetings, the local bodies had been asked to set up

regional committees to collect data on the situation of the Roma in order to formulate recommendations that would then inform central policies and projects.

25. The Secretariat had excellent links with the Roma community at the local level, particularly the associations that the community itself had set up. Through those associations, the Secretariat was able to disseminate information on measures to improve the situation of the Roma. It held monthly meetings with the associations to that end, and to ensure it was updated on the concerns of the Roma community. Roma women's associations were particularly important in the struggle to eliminate the practice of preventing girls from attending school from the age of 13 in order for them to marry and have children.

26. The Secretariat monitored the implementation of the national strategy to improve the living conditions of the Roma minority. Many ministries had introduced measures to implement the strategy, such as the Ministry of Education, which had focused on primary- and secondary-level schooling as well as higher and postgraduate education. In 2011, with assistance from the United Nations Children's Fund, the Ministry was gathering accurate data on how many Roma children enrolled for school and how many attended throughout the school year. In addition, steps were being taken to improve housing and access to health services and to provide identity documents for the Roma community. The police were being given specific training in an effort to eliminate any discriminatory attitudes they might hold towards the Roma.

27. **Mr. Haxhimihali** (Albania), responding to questions concerning access to radio and television in minority languages, drew the Committee's attention to the information provided in paragraphs 400–407 of the periodic report. The National Radio and Television Council had shown a particularly indulgent attitude towards private radio stations that broadcast in minority languages in order to promote their activity.

28. **Ms. Milo** (Albania) said that, to date, the Government had counted the Serbian and Montenegrin communities in Albania as one minority. She assured the Committee that the October 2011 census would provide accurate information on all the minority groups in the country.

29. **Mr. Avtonomov** requested additional information on the dual discrimination to which Roma girls were subjected, given that many of them were required to leave school at 13 and to enter into early marriage and motherhood.

30. The Committee would welcome the data on minority groups that would be available after the October 2011 census, since it had been unclear whether the references to minorities in the periodic report concerned ethnic, linguistic or national minorities. It would also be useful to have statistics on the representation of minorities in Parliament and in public life. The Committee would also appreciate information on the Jewish population in the State party, however small it might be.

31. He requested clarification of the State party's position on article 14 of the Convention and on the amendment to article 8.

32. **Mr. Diaconu** asked whether the Government planned to consult the representatives of the State party's minority communities on the measures that should be taken to eliminate racial discrimination. They should be given the opportunity to voice their concerns and make recommendations. All the members of minorities were rights-holders. They might have different cultures and languages, but that was part of the State party's cultural richness.

33. Most of the State party's minority communities represented links between countries that could facilitate international cooperation. The Committee urged the Government to

ensure that self-identification was used as the basis for its Minorities Bill, and to adopt the bill as soon as possible.

34. The Committee had received reports that many members of the Roma community did not have identity papers. Without them, they were denied access to employment, health care and education. It was imperative that the Government should find a way to register them and ensure they received identity documents permitting them to enjoy their human rights.

35. He urged Albania to cooperate with other Balkan States in resolving the issues that affected minorities, such as the Vlach, that were also present in neighbouring countries.

36. He asked whether children who dropped out of school owing to a vendetta were kept at home for fear that they would be kidnapped by a clan that was an enemy of the child's family.

37. **Ms. Milo** (Albania) said that one of the most important roles of the section of the Human Rights, Minorities and Reporting at the Ministry of Foreign Affairs was to maintain and develop official dialogue with representatives of all minority groups and their cultural and political associations.

38. The Government would examine ways to foster international cooperation with other Balkan countries where similar minority groups resided.

39. **Ms. Kodra** (Albania) said the Government agreed that no one should be encouraged and certainly not forced to marry at an early age. It was trying to raise awareness of the need to allow all children, including Roma children, to attend school and not be pressured into continuing harmful traditional practices.

40. The Ministry of the Interior had begun a cooperation project with Roma associations to register all the members of the Roma community in Albania. The 2011 census would also help in that regard.

41. Under the plan of action for the Decade of Roma Inclusion, all European countries were working together to improve the situation of that community. The European States were cooperating on common indicators and obligations, which was also improving the situation of other minorities in Albania.

42. She assumed that the Jewish community had not been mentioned in the periodic report because it was part of the elite of Albanian society and did not suffer discrimination. However, her delegation took note of the Committee's comments and would ensure that information on that community was included in the next periodic report.

43. The Government was working to improve the rule of law in order to eliminate the phenomenon of vendettas.

44. **Mr. Amir** asked whether the Albanian Government was not inclined to downplay the situation of the country's ethnic minorities, as they made up only 1.2 per cent of the total population. All European States encountered problems related to the integration of their Roma minorities. In that regard, he asked if Roma and ethnic Albanians lived in mixed districts where they encountered each other on a daily basis, or whether they lived in separate communities where there was minimal contact between the two groups.

45. **Mr. de Gouttes** said that many European States were seeking to resolve the status of their Roma populations. To facilitate that process, the Committee had urged the European Commission and the Secretary General of the Council of Europe to draw up a European strategy on the Roma. Furthermore, the European Commission had recently informed the Committee that such a strategy was being drafted. He asked whether Albania was involved in that process and whether it was cooperating with other States in the region to that end.

46. He also asked which NGOs had been consulted by the Government when preparing its latest periodic report.
47. **Mr. Kut** (Country Rapporteur) asked whether there was sufficient political will to ensure that a Minorities Act was adopted, when such an act was likely to come into force, and whether it would be effective in protecting the interests of minorities. He also requested further information on the referral system that had been mentioned by the delegation.
48. Noting that the Technical Secretariat for Roma People had an extensive mandate and worked closely with all relevant ministries, he asked whether it had sufficient resources to carry out its duties.
49. He further enquired whether an estimate had been made of the number of Roma who were still without State-issued identity documents and asked how efforts by the authorities to register and issue documents to those persons were proceeding. He also requested further information on blood feuds in Albania and asked whether there was ever an ethnic basis to such feuds.
50. **Ms. Kodra** (Albania) said that Albania was about to conduct a census to establish the population of the country and determine the number of people who had emigrated in the previous 20 years. That census would, moreover, enable the authorities to ascertain how many Roma remained in the country.
51. New identity cards had been issued in 2009 but many members of the Roma community had not applied for them. However, the Ministry of the Interior was working to ensure that all persons still without identity cards would shortly be issued one.
52. In 2010 Albania had joined the Decade of Roma Inclusion and was working with other States to resolve problems related to the Roma. As a European Union candidate country, Albania also intended to join the European strategy on the Roma.
53. Albania had established a referral mechanism, which brought together stakeholders from the Ministry of the Interior, the police, the Ministry of Health and the judicial system, and which aimed to provide protection to the victims of human trafficking and help them integrate into Albanian society. That system made it easier to obtain accurate figures on the victims of trafficking; if a victim went to the police, other stakeholders were informed and he or she was not counted as a new victim by each stakeholder. That system was also being used to protect victims of domestic violence.
54. **Ms. Milo** (Albania) assured the Committee that there was adequate political will in Albania to implement legislation to protect and promote the interests and rights of minorities. That was evidenced by the fact that the Government had already established mechanisms to address minorities' concerns. The State Minority Committee worked closely with the Government and the Prime Minister's Office to identify and highlight all problems faced by minorities and to propose solutions to them. The Government was holding ongoing consultations with representatives of minorities' cultural and political organizations and with all other relevant stakeholders in that regard. Any further questions that the Committee had on that issue would be submitted to the State Minority Committee, which would be able to provide more details of that process and the relevant outcome.
55. There was no ethnic aspect to blood feuds. Albania was exerting considerable efforts to put a stop to existing feuds and to prevent new ones from starting.
56. **Ms. Zoto** (Albania) said that the Technical Secretariat for Roma People had sufficient resources to carry out all its duties. Albania had established the Inter-Ministerial Working Group for the follow-up and implementation of the national strategy to improve the living conditions of the Roma minority. The Working Group was chaired by the Deputy Minister of Labour, Social Affairs and Equal Opportunities and included the Deputy

Ministers of Health, Education, the Interior, Integration, Justice and Transport. Experts at all relevant ministries, in collaboration with their regional offices, as well as regional technical groups, also provided detailed information on the Roma.

57. Various associations had contributed information that had been used in compiling Albania's periodic report. They included the "Amaro-Drom" Association, which had been closely involved in the process.

58. **Ms. Crickley**, referring to the issue of legislation on minorities, asked whether Albania was considering affirmative action to create conditions enabling minorities to effectively achieve equality in Albanian society.

59. She commended the delegation on the variety of mechanisms and policies that had been put in place to protect and promote human rights. She asked what progress had been achieved since Albania had joined the Decade of Roma Inclusion, and, in accordance with that initiative, what strategy had been devised for the inclusion of the Roma and what one-year and three-year targets had been set. She also asked what mechanisms had been put in place in that regard.

60. In the light of the limited resources available, she asked how the Government intended to ensure that the efforts to address mainstream concerns about the Roma and other minority groups were funded from the State budget.

61. To create the conditions for effective equality, the State needed to do more than just make minorities aware of the services and resources available to them; affirmative action was often required. In that respect, she wondered if Albania had established any specific instruments to address the situation of Roma women, who could be subjected to both ethnic and sexual discrimination.

62. She commended Albania's efforts to put a stop to blood feuds by treating them as a matter of law and order. In that regard, she invited the delegation to consider relevant best practice techniques that had been developed by other States. In particular, she urged Albania to study the lessons learned by States mediating between parties to a dispute.

63. **Ms. Kodra** (Albania) said that there was a strong political desire to make Albanian society more cohesive and inclusive. Efforts were under way to create the appropriate rules and conditions but, just 20 years previously, Albanians had been living under the worst dictatorship in Europe and it was not easy for Government and society to fulfil their obligations in such a short space of time.

64. One particular problem was property rights, because everything had previously been State-owned. Albania remained a poor country and the poorest members of society, including minority groups, suffered more than others. The Government was aware of the problem and was doing its best to rectify it, also by giving priority to sustainable economic development.

65. A first evaluation of the achievements and shortcomings of the Government's action plan in the context of the Decade of Roma Inclusion would become available in September 2011, and would serve as a basis for improving the plan in coming years. The national strategy for the Roma minority was also due to be assessed in September 2011.

66. Past Governments had undertaken policy planning without giving adequate thought to the availability of funding. That situation had changed and costs were currently being closely analysed.

67. **Mr. Lindgren Alves** commended the Albanian delegation for its openness to dialogue, and for the enormous evolution in its interaction with the Committee as compared with the previous reporting exercise in 2003.

68. If the early marriage of Roma girls involved discrimination, as Mr. Avtonomov had said, it was important to be aware who the perpetrators were. It was not the Government that forced children to marry early. Likewise, while Roma women perhaps experienced discrimination at the hands of other Albanian citizens, they also suffered difficult conditions within their own communities. The impact of traditional cultures was often overlooked, but it was essential for States to be aware of the importance of changing the reactionary or oppressive aspects of those cultures.

69. If the periodic report contained no information about Jewish people in Albania because they did not identify themselves as a minority, it was not the Committee's role to identify them as one.

70. **Mr. Thornberry** noted that the delegation had stressed the need to use criminal law to act against the tradition of blood feuds. It was important to take action against cases of violence, but that tradition was so deep-rooted and often highly ritualized that other supplementary strategies could also be considered. The delegation itself had remarked on the importance of education in dealing with certain cultural practices and such an approach could also be considered in the case of blood feuds.

71. People often commented negatively on practices they attributed to cultural groups of which they were not members, and it was sometimes tempting to identify abusive practices among minority groups while failing to engage with more widespread and amorphous cultural practices that invested an entire society. The open and self-critical approach of Albania to the question of blood feuds was to be commended.

72. It was vital that human rights should be seen as an integral part of any cultural change and not as an outside imposition.

73. **Ms. Kodra** (Albania) said that modern blood feuds in Albania were mostly linked to property issues. Education was important but it was difficult to change people's mindset in just a few generations.

74. Expert opinion in Albania was insisting on the need to include an element of local tradition in domestic legislation. In the past, laws imported from abroad had proved difficult to implement in Albania. The best traditional common law practices had to be identified and introduced into modern legislation.

75. **Mr. Kut** noted that Albania had now become more aware of the kind of information the Committee needed. Each State party was primarily concerned with its own situation, but the Convention applied to them all and the Committee had a cumulative knowledge and experience spanning decades.

76. He had high expectations of the census to be carried out in late 2011 and looked forward to discussing the results with the Albanian delegation in the context of the next periodic report. The information collected would shed light on many of the issues discussed at the current meeting. Over the preceding 10 years Albania had successfully put in place a number of policies, strategies and laws, but much remained to be done in order for them to be implemented. The data gathered by the census would also be important in evaluating the success of those measures.

77. He enquired whether the right to political participation and to stand for election to local and central government office, as guaranteed by the laws and Constitution of Albania, was in fact utilized by members of potentially disadvantaged groups, including minorities.

78. When the Committee talked about vulnerable minority groups, its aim was not to discuss which groups were minorities and which were not, but to discern which suffered discrimination. Since anti-Semitism did exist, it was important to raise the issue of the

Jewish community in Albania. If it did not suffer discrimination, that was a commendable aspect which should be highlighted.

79. He would like to know more about the structures put in place to protect minorities suffering discrimination at the local level, what had been achieved and how the situation had improved. The Committee could help the State party to change unsuccessful policies but it needed more information.

80. The fact that Albanian legislation prohibited racism was not of itself sufficient; what was required was a comprehensive body of anti-discrimination legislation. The mechanisms set up to deal with discrimination required a greater allocation of resources to improve their prospects of success.

81. He appreciated the progress made by Albania since the submission of its previous report to the Committee, but attention should be given to the issues he had raised. The State party's next periodic report should be submitted on time and should be more concise, pinpointing problems and not hiding any details, either by omission or by burying them in a wealth of other information.

82. **The Chairperson** commended the Albanian delegation for the fact that the majority of its members were women.

83. **Ms. Kodra** (Albania) said that her Government was determined to improve the situation of the country and its people, which partly involved implementing international treaties, as other countries had. Albania would do its best to submit its next periodic report on time.

The meeting rose at 12.50 p.m.