



## International Human Rights Instruments

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### Common Core document forming part of the reports of States parties

**Albania\*** \*\*

[28 March 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

\*\* Annexes can be consulted in the files of the Secretariat.

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## Abbreviations

PAD	Public Administration Department
INSTAT	Institute of Statistics of Albania
CEC	Central Election Commission
PA	Parliament of Albania
MES	Ministry of Education and Science
MI	Ministry of Interior
MD	Ministry of Justice
METE	Ministry of Economy, Trade and Energy
MF	Ministry of Finance
MLSAEO	Ministry of Labour, Social Affairs and Equal Opportunities
MPWT	Ministry of Public Works and Transport
MH	Ministry of Health
MTCYS	Ministry of Tourism, Culture, Youth and Sports
ART	Albanian Radio and Television

## I. Introduction

1. The Core Document, as an integral part of the reports within the Conventions of the United Nations for Human Rights (revised) presented by the Government of Albania, is drafted based on the Harmonized Guidelines<sup>1</sup>, related to the reporting in the framework of the international treaties on human rights.
2. Based on these guidelines, the Core Document, as well as the documents related to the specific international instruments for human rights, presented by our country is an integral part of reports submitted in the framework of the international conventions on human rights.
3. The Core Document as an integral part of reports of States parties in the United Nations conventions on human rights, presented by the Republic of Albania, contains general information related to the implementation of specific treaties in the framework of the human rights in which the Republic of Albania is Party, information which will be relevant for the mechanisms of specific treaties on human rights.
4. The first Core Document<sup>2</sup> is presented by the Republic of Albania in 2003<sup>3</sup> and based on the revised harmonized guidelines (*HRI/GEN/2 Rev.6*), The Republic of Albania presents a new revised version of the Core Document. This revised core document includes general information based on the above mentioned guidelines regarding to the economic, social and cultural conditions, constitutional political and legal structure, general framework for the protection and promotion of human rights, the legal framework for the protection of human rights at national level, etc. for the interval of time respectively in the years 2002-2011.
5. During the preparation period of this Document, the Ministry of Foreign Affairs, being the responsible institution for the draft of national reports in the framework of the human rights has informed the competent public authority and an interagency work group is set up to deal with the drafting of this Document. This Report is prepared by the Ministry of Foreign Affairs in cooperation with the Ministry of Justice, Ministry of Interior, Ministry of Labour, Social Affairs and Equal Opportunities, Ministry of Education and Science, Ministry of Health, Ministry of Tourism, Culture, Youth and Sports, Central Election Commission, Statistics Institution as well as other central institutions and independent institutions listed below:

## II. General information on Albania

### A. Demographic, social and cultural characteristics of the State

#### 1. National characteristics of the State

6. The Republic of Albania is a European State, which is situated in the southeast part of Balkan Peninsula. It is bordered by Montenegro, Kosovo, Macedonia, Greece whereas its riviera has a coast on Adriatic and Ionian Sea. The length of the borderline is 1094 km of

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<sup>1</sup> Document HRI/MC/2006, presented on 10 May 2006: *HRI/GEN/2 Rev.6*.

<sup>2</sup> The first core document presented by Albania contains information for the period 1991-2001.

<sup>3</sup> HRI/CORE/1/Add.124 18/07/2003 Core document forming part of the reports of States Parties  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/431/45/PDF/G0343145.pdf?OpenElement>

which 657 km constitute the land boundary, 316 km are coastal boundary, 48 km are fluvial borders and 73 km are lake borders.

7. The surface of the Republic of Albania territory is 28,748 km<sup>2</sup>. Its relief is mainly mountainous. Its average altitude is 708 meters. The highest peak in the country is the Summit of Korabi of about 2751 m above the sea level. The fields mainly occupy the western part along the Adriatic coastline but there are others in other parts of the country. Albanian territory is geographically divided in four large natural regions: a) Albanian alps; b) central mountainous region; c) southern mountainous region and d) coastal lowland.

8. The capital of Albania is Tirana. It was declared as such in 1920. The national day of the Republic of Albania is 28 November (Day of the Flag). The official language is the Albanian language, an Indo-European language that represents a special branch in the family of the Indo-European languages. There is no official religion in the Republic of Albania. Religious composition of the population includes Orthodox believers, Catholics, Muslims and Bektashi. The national and linguistic minorities known in the country are those Greek, Macedonian, Serbian, Montenegrin, Vlach/Aromanian and Roma.

## **2. Demographic and ethnic characteristics**

9. On 1 October 2011, Albania held the Census on count of population and housing for the year 2011. From the released preliminary results the Population of the Republic of Albania resulted in 2,831,741 people, while the population counts from the previous Census of the year 2001 was 3,069,275 people. According to the released figures this indicator is decreased by 7.7% during the ten year period. It is supposed that this is due to many reasons, which will be studied after drawing the final results of the Census 2011. However some of the main reasons of this population decline can be mentioned: the decrease of fertility, migration etc. As a result even the density of the population went down from 106 people to 98.5 people per km<sup>2</sup> (tab.1 Annex no.3).

10. Actually it can not be said anything for an exact number of the members of minorities that live within the Albanian territory, at the same way as it can not be declared exact data for the religious affiliations and for the mother tongue of the population. The exact results will be published after the official results of Census 2001.

11. For the first time in the history of Census held in Albania, the latest one found that the majority part of the Albanian population (about 53.7%) is settled in urban areas and 46.3% in the rural ones. (Table 1/Annex 3).

12. The migratory movements out of the country show that "Albanians" represent one of the largest migratory groups in the EU countries (about 0.8 million citizens). It is estimated that 20% of the Albanian population has left the country and lives abroad<sup>4</sup>. Statistics of MLSA show that the distribution of Albanian citizens in the world is oriented mainly towards the countries of Western Europe, and less towards the American continent.

13. Economically active persons (age 15-64 years) constitute 65% of the families' members. This figure is somewhat higher in the urban areas (67 %) compared with those rural (63%). The other part of the population (persons under 15 years and those being 65 years and more) constitutes the population depended economically. Children under 15 years constitute 23% of the population, whereas the elderly people of 65 years constitute only 12% of it.

14. The average population number for the age 0-14 years and 15-65 years has been higher for the "male" gender (respectively 52% and 51%). For the age category of 65 years

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<sup>4</sup> National Strategy for Migration, 2004

and more the ratio has changed in favour of women, reaching the level of 61%<sup>5</sup>. (tab. 2/ Annex 3).

15. Birth and death statistics also declare changes of these indicators for the period 2002 – 2008. During this period of time it has been a decrease of the live birth index of about 20%. In the recorded births, about 52% of children born alive has been of “male” gender. (Tab. 3/Annex 3).

16. The comparison of the results of the study of Reproductive Health in Albania and the ADHS study, show a decrease of the level of fertility (TFR) in the country (Tab. 4/Annex 3). In the years 1999 – 2002 this indicator was 2.6 children per woman, whereas during the years 2006 – 2008 this indicator suffered a decrease achieving 1.6 children per woman. Actually the level of TFR is higher in the rural zones than in the urban ones (1.8 toward 1.3 births per woman). Even though the peak of fertility occurs at the age of 25-29 years, the age group that sets the urban-rural difference of the level of TFR is that between 20-24 years (64 with 120 births per woman)<sup>6</sup>. The average size of the families in Albania is 3.8 persons. One parent families, mainly of women, constitute 16% of the Albanian families. Only 3% of them is composed by orphan children or children under custody that live with them.

### **3. Social, economic and cultural indicators**

#### *(a) Social indicators*

17. The scheme of social assistance in the Republic of Albania includes: the social insurance, health insurance, unemployment payment, economic assistance, payment because of the disabilities and social services. According to the article no.9355, dated 10.3.2005 “On the assistance and social services” (amended) the financial assistance benefited from the families in need is complete or partial. According to the law even the individuals which are orphans, victims of trafficking and abused women benefit economic assistance. Payment because of disability is benefited by paraplegics, tetraplegics, blind people, people with mental, physical and sensory disabilities and the injured on job.

18. The legal framework protects the employees in the cases of old age pension, disability pension, family pension, illness pension, pension for accidents at work, pensions of occupational death, unemployment, maternity. Besides the mandatory scheme, the third pillar of voluntary pensions is being executed for the individuals that want to benefit more in the future, according to law no. 10197, dated 10.2.2009 “On the funds of voluntary pension”.

19. The Republic of Albania has a public and a private education. The public one is secular. The educational system of the Republic of Albania consists of these levels: The *pre-school education* includes the nurseries that are under the authority of the local government and the kindergartens that are under the authority of MoES. The educational learning process in the preschool education runs according to the educational programs approved by MoES. The preschool education is not compulsory.

20. *The basic education* regards the compulsory educational level that is attended by the age of 6 to 16 years. It includes the primary and the low secondary schooling. Since 2006 the duration of attending this educational level is 9 years (it has been 8 before). Disability students attend this educational level in schools or special classes.

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<sup>5</sup> Statistics refer to the years 2005-2009

<sup>6</sup> The data are taken from ADHS 2008 - 2009

21. *The secondary education* is composed by the Secondary schools (fulltime or part-time). The studies at this level last 3 years and are finalized with the State Matura.
22. *Professional education* as well as the comprehensive secondary education comes soon after the 9 year core educational system. This level aims at preparing specialists able to work, but even with the International Standard Classification of Education (ISCED), the Albanian Framework of Classifications (AFC) and the European Framework of Classifications (EFC). The duration of studies at this level goes 2 - 4 years.
23. *Socio-cultural Education* includes the secondary schools of foreign languages, arts and sports. Depending on the educational orientation, the duration of studies at this level is 3 or 4 years.
24. *High education* in the Republic of Albania, in accordance even with the National Strategy on High Education 2008 – 2013 (SKALA) and the National Strategy of Science, Technology 2009-2015, executes the criteria of Bologna Declaration since 2003. In compliance with the principles of European space, the Institutions of High Education (IHE) in the country enjoy autonomy and academic freedom. In the High Education system are included Universities, Academies, Professional Colleges, High Schools and the Inter-University Centers, which offer accredited programs of studies.
25. The Republic of Albania has a good health system, with a large infrastructure of institutions that offer among others even maternal care services. All the pregnant women have the appropriate care before birth by a qualified person at least once during the pregnancy. Mortality level of children under 5 years old<sup>7</sup> has been 22 deaths per 1000 live birth what implies that approximately 1 in 45 born children during this period died before being 5 years. Anyway, the infant mortality is 18 deaths per 1000 live birth which shows that the majority of deaths in early childhood has occurred in the first year of life. Referring to the sources of the Survey ADHS 2008 – 2009, the rate of newborn and postnatal mortality are respectively 11 and 7 per 1000 live birth.
26. The INSTAT data show that the maternity mortality in every 100.000 women aged 15 – 49 years is decreasing (from 1 that was in 2002 to 0.6 for 2007). The same tendency is noticed even for the deaths levels per each 100.000 live birth, which referred to the same period, has fallen down from 21.2 to 14.7. Death toll during abortion is registered at the zero level.
27. Statistics show that 99% of women and 100% of men aged 15-49 years know at least one method of family planning. The usage of the family planning methods goes in fair proportion to the educational level. The actual low level of HIV infection in Albania offers the possibility for early intervention and for the prevention of further dissemination of the disease. The majority of HIV affected cases in Albania have been diagnosed through women and men belonging to the age group of 25-44. Nevertheless since the year 2000, a rising percentage of women are infected with HIV/AIDS.
28. The ten major causes of deaths in the country, asserted from the daily deaths statistics, are: a) accidents; b) murders/suicides; c) poisoning; d) trauma; e) tobacco usage; f) alcoholic drinks abuse; g) cancer; h) high blood pressure; i) SIDA/HIV; j) problems related to health care taking.

*(b) Economic indicator*

29. National level of poverty in the Republic of Albania has been in continuous decrease. The data declare that in the year 2002, this indicator included 25, 4 % of general

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<sup>7</sup> This information refers to the years 2004 - 2008

population whereas for the period of time 2005-2010 this level is significantly reduced to the 12,4% level.

30. The data released from INSTAT declare a rising level of employment in the country<sup>8</sup>, despite the fact that this rise affects mainly the private sector (12%). Instead in the public sector it is noticed a slow down pace of the employment level at the same percentage (12%), if we were to refer to the years 2002 and 2009. Referring to the same source, it results that the level of unemployment for the period 2003 – 2009 has suffered a decrease by 2.1 %. The unemployment ratio between men and women remains almost unchangeable in years. The most important place in the unemployment structure, according to the educational level is occupied by the jobless with minimal elementary education and 8 year schooling (54%). Jobseekers with middle level education constitute 2 % of this indicator. Persons with minimal education or without education at all are mainly employed at the informal sector.

31. The Albanian labour market still suffers a high level of informal market. Further more there is little movement between the informal and formal sector. The employment levels in public sectors (18,1%) and private ones (81,9%) of the country, show a higher percentage of the latter<sup>9</sup>. The employment structure reflects the fact that the economy is dominated by the agriculture sector( *agriculture - 44.5%; trade - 11.7%; processing industry - 7.1%; construction - 8.4%*).

32. The labour force rate registered in the trade unions is approximately 170000 persons.

33. The General Domestic Product per capita is another indicator that has suffered a considerable rise during the period 2005 -2009. The level of GDP per capita in 2009 suffered a rise of 98.700 lekë (ALL), or 38% more than in the year 2005. According to the categorical definitions of INSTAT, the costs per consumption in an Albanian family make part in “average price index of consumption” group. The allocation of the expenditures of family consumption for food, accommodation, health and education groups occupies in an average 58, 76 % of the budget of the average families with two children and 63, 65% of the one parent families budget. (*Tab. 9/Annex 3*).

34. Monthly minimum base payment for the employees at national level, which is compulsory for execution by the natural and legal person, public or private ones with the Decree of the Council of Ministers no.566, dated 14.07.2010 is increased in the amount of 19.000 lekë (ALL). (*Tab. 10/Annex 3*). The incomes in the State budget for the year 2009 were increased by 46%, compared with the year 2005. About 90.4% of the total of these incomes in 2009 comprised the income tax. The item “Expenditures” in the State budget, referred to the same period is increased by 63%.

35. Basic resources for the production of energy in the country are: coal, natural gas, crude oil and oil products, fuel woods, electric energy, etc. The first place in the exploitation of these resources is taken by crude oil and by products, to further continue with the electric energy, fuel woods, natural gas, and coal. The final consumption of energetic resources in the country is supported by their own production, which has registered its best production period in 2004 – 2005 (*Tab. 13/Annex 3*).

### (c) Cultural Indicators

36. Thanks to the specific traits of the Albanian relief and orienting politics of the Ministry of Tourism, Culture, Youth and Sports, lately the Albanian tourism has drawn the

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<sup>8</sup> The figures refer to the period 2002-2009

<sup>9</sup> Source: INSTAT, Labour Force Survey 2008

attention of a lot of foreign visitors. Statistics of this institution declare that during the period January - December 2009, the number of tourists that entered the Albanian territory is increased approximately 2.4 times more than in 2005.

37. Most visited destinations from the foreigners are: Albanian Riviera and the Albanian Alps, parks and archaeological centres, historical museums, national natural parks etc. The Archaeological Centre of Butrint together with the cities of Gjirokastra and Berat are declared by UNESCO as centres of cultural world heritage. Albanian monuments of antiquity constitute a special asset in the Albanian Cultural Heritage. Here are mentioned: Illyrian tumuli, the fortifications of antique-medieval cities of Lezha and Berat, monumental tombs of Selca. Mesopotami and Pojan church, city museum of Berat and Gjirokastra, mosque of Et'hem Beu and Helvetic dervish lodge of Berat, Onufri and David Selenicas wall pictures, and also the 8(eight) historic and ethnographic museums, that are in the cities of Tirana, Kruja, Korca and Berat.

## **B. Constitutional, political and judicial structure of the State**

### **1. Government**

38. Provided by the article 1 of the Constitution<sup>10,11</sup> the constitutional order in the Republic of Albania is defined as “Parliamentary Republic”. Referring to the same disposition, Albania is defined as “unitary and indivisible state, the governance of which is based on free, equal, general and periodic elections” The system of governance in the country is based on the separation and balance between the legislative, executive and judicial powers (article 7 of the Constitution). State Activity is oriented by the principle of enforcement of the right. The Albanian legislator has considered the Constitution as a summary of guarantees for respecting the freedoms and human rights and sets this, except when this Constitution provides otherwise, in the highest position of the legal hierarchy in the country<sup>12</sup>.

### **2. Legislative power**

39. The legislative power is exercised in the Albanian Parliament. It has 140 deputies that are presented in electoral zone level only by the political parties, parties' coalitions and the electorate. The elections for the Albanian Parliament are held one in four years (article 65, 68). The right to propose drafts belongs to the Council of Ministers, every deputy and 20.000 voters. The parliament decides for the approval of laws with the majority of votes, in presence of more than the half of all its members, except the cases when the Constitution provides a qualified majority (articles 78/1 and 81). A law is considered to be promulgated if after the approval by the Parliament it is decreed by the President of the Republic. The President of the Republic has the right to return a law for review only once. The decree of the President for review loses its power if the majority of all the members of parliament votes against it.

### **3. The President of the Republic**

40. The President of Albania is the Head of the State and represents the unity of the people. He is proposed to the Parliament by a group of not less than 20 deputies and is elected by the parliament by a secret ballot. He is in office for a five year term and can be

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<sup>10</sup> Approved by the law no. 8417/1998 and promulgated by the Decree no. 2260/1998 of the President of Republic

<sup>11</sup> Amended with the law no. 9675, dated 13.01.2007 and the law 9904, dated 21.04.2008

<sup>12</sup> Article 166 and 122 of Constitution

re-elected only once. For his election the Parliament holds up to five voting rounds. The president is elected in the first, second or third round when a candidate takes not less than three fifths of the votes of all the members of the Parliament. In the fourth and fifth voting round is elected President that candidate that obtains more than the half of the votes of all the members of Parliament<sup>13</sup>. Unless after the fifth voting round no candidate obtains the needed majority, or when after the unsuccessful fourth voting round no new candidacy is presented, the Parliament is dissolved. The new elections are held within 45 days from its dissolution. The next parliament elects the President of the Republic with the majority of all its members (article 87 of the Constitution). When the President of the Republic is temporary unable to exercise his functions or when its position remains vacant, the Speaker of the Parliament takes office and exercises his competences.

41. As far as the competences of the president concern they are treated in the First Core Document of Albania as an Integral Part of States Parties Reports (HRI/CORE/1/Add.124), specifically the paragraph 62 of this document.

#### **4. Executive power**

42. a. *The Council of Ministers*, as the highest body of the executive power, is composed by the Prime Minister, deputy prime minister and the ministers. The Prime Minister, who is at the same time the President of the Council of Ministers, is appointed by the President of the Republic with the proposal of the party or coalition of parties that have the majority in the Parliament. Within 10 days from his election, the Prime Minister presents the Parliament his political program of the Council of Ministers together with its composition and asks its approval.

43. The Council of Ministers defines the main orientations of the general public politics. The acts with which this executive body operates are “decisions” dhe “instructions”. It makes the decisions with the proposal of the Prime Minister or the relevant minister. In cases of need and emergency the Council of Ministers may issue normative acts that have the power of law, to take temporary measures. These acts are immediately sent for approval to the Parliament, and if they are not approved in 45 days they lose the force since their issuing day.

44. b. The local power at the local unit level is represented with counties, municipalities and communes. The administrative division according to these conventions is configured in the map of Albania with the presence of 12 counties, 65 municipalities and 308 communes. The executive body of the municipality or commune is the Mayor or the head of the commune. Together with the representatives of the municipal or commune Council they are elected through the general, direct elections and with a secret ballot.

45. The representative body of the county is the Council of County. It is headed by the Prefect, who is also the representative of the Council of Ministers in the local power. The municipalities and the communes, delegate members in the Council of the county according to their population, but for each case at least one member.

46. The local government in the Republic of Albania is set on the basis of the principle of the decentralisation of power and it is exercised according to the principle of local autonomy. Based on these principles, the local government units are considered as legal

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<sup>13</sup>The procedure of electing the President in the fourth and fifth voting round with simple majority of all the members of the Parliament, was sanctioned with the amendment that was made to the article 87 of the Constitution with the law no 9404, dated 21.4.2008, because before was defined that in the five voting rounds would be elected President , the candidate that took not less than three fifths of votes, that is the qualified majority.

persons and administrate an independent budget, which is created in the way provided by law. The competences of Councils of county, municipalities and communes include: the regulation and the managing of the issues in an independent way within their jurisdiction; the local taxation and the managing of the incomes created by the local units; the setting of rules for their organisation and function etc.

## **5. Judicial power**

### **The Courts**

47. In article 7 of the Constitution it is provided that “the system of government in the Republic of Albania is based on the division and balance between the legislative, executive and judicial power”, ensuring in this way the construction of a democratic rule of law. Based on the article 42 of the Constitution, the freedom, property and the rights known by the Constitution can not be infringed without a fair legal process. Everyone has the right of a fair and public judgement within a reasonable deadline and by an independent and impartial court defined by the law whenever there is a need to protect his rights and freedoms and constitutional and legal interest or in the cases of accusations against him. The article 135 provides that the judicial system is exercised by the Supreme Court, Court of Appeals and the First Instance Courts which are created by law.

48. Since 2004, the First Instance Court for Serious Crimes exercises its activity according to law no. 9110, dated 24.07.2003 "On the organisation and functioning of the first instance courts for serious crimes". The reasons of creating this court were the increase of efficiency in the war against the organized and serious crimes, and also the improvement of the judgement of these criminal issues. The first Instance Court for Serious Crimes has in its territorial competence all the territory of the Republic of Albania and Tirana city as the centre of exercising its activity. A series of criminal offences provided in the articles of the Criminal Code are subject of the work of this court, including even the cases when they are executed by subjects under the competence of the military court or are executed by infants.

49. The article 145 of the Constitution has defined that the judges are independent and are subject only to Constitution and laws. The autonomy of the judicial system is guaranteed even through an independent structure which is competent for the appointing, transfer or even the dismissal of the judges.

50. . The High Council of Justice is composed by the President of the Republic, who is at the same time the President of this Institution, President of the Supreme Court, Minister of Justice, three (3) members elected by the Parliament, 9 judges of all the levels which are elected by the National Judicial Conference.

51. Constitutional Court is an important institution in protection of the human rights. This Court guarantees the respect of the Constitution, makes its final interpretation and the final judgement of the individuals appeals for the violation of the constitutional rights for a fair legal process once all legal remedies for protection have been exhausted.

52. In order to realize the autonomy of the judicial system and an efficient judicial system for the protection of the human rights, a full legal framework is approved in relation to the organisation and function of the judicial power (First Instance Courts, Court of Appeals, High Court, Constitutional Court and Court of Serious Crimes).

### **Institution of Prosecution**

53. Based on the Constitution, the Prosecution exercises the criminal proceedings and represents the accusing body on behalf of the state in trial. In the law "On the Organisation and Functioning of the Prosecution in the Republic of Albania" is defined that the prosecutors exercise the task in compliance with the Constitution and laws, and their

competences respecting the principles of fair, equal and regular proceeding and the protection of the rights, interests and legal freedoms of man. Prosecutors are organized and exercise their functions near the judicial system as a centralised body. They are appointed and dismissed by the President of the Republic with the proposal of Attorney General. The Attorney General is appointed and dismissed by the President of the Republic with the consent or the proposal of the Parliament.

54. More detailed information related to the organization and functioning of judicial power (High Court, Appeal Court, First Instance Court, Military Court, and High Council of Justice, Prosecution and Constitutional Court) is given in the First Core Document of Albania (HRI/CORE/1/Add.124) specifically in the paragraphs 66-78.

## **6. Electoral system**

55. The electoral process in the Republic of Albania, for the Parliament as well as for the local government bodies, is provided by the Constitution and is regulated by the "Electoral Code of the Republic of Albania". The active and passive right to elect the people representatives in Parliament and local bodies is guaranteed by the article 45 of the Constitution of Albania. Are excluded from this right the citizens, declared as mentally disabled by a final decision. Convicts that suffer the imprisonment have the right to exercise only the passive right of electing. The vote is individual, equal, free and secret.

56. The electoral code defines as "Electoral subjects" the political parties, coalitions and the candidates proposed by the voters and the candidates for heads of local government bodies, registered in accordance with this Code. The elections for the Parliament or the local governance units are periodic and are held simultaneously all over the country. The date of holding the elections is decided with a Decree of the President of the Republic.

57. The responsible institution for the preparation, hold of the elections, administration and declaration of the election results for the Parliament of Albania, for the local government bodies and referendums is the Central Election Commission (CEC), Local Election Commission (LEC) and the Voting Centres Commissions (VCC). In the end of the vote counting process, CEC promulgate a decision for each electoral zone or at national level. This decision can be appealed at the Electoral College, within 5 days from the announcement of the results of CEC. In conclusion of the review of the appeal the Electoral College decides to dismiss the case, to judge on merits of the case or to compel the CEC to make a decision. After the conclusion of the animation process CEC declares the results and calculates the division of the deputies mandates.

58. The Albanian Constitution of 1998 in the article 64/1 (the Parliament, The election and the term) provided a mixed majoritarian-proportional electoral system. According to this disposition the Parliament was composed by 140 deputies, 100 of them were elected in nominal zones (with approximate numbers of voters) and 40 other deputies were elected from the multi-name list of parties and coalition of parties, according to the ranking in them. The political parties that took less than 2.5% and coalitions of parties that took less than 4% of valid votes all over the countries in the first round of elections did not benefit from the respective multi-name list.

59. This electoral system was executed for the elections of the Parliament of Albania in the years 2001 and 2005. The constitutional changes that occurred in the years 2007 and 2008 defined another electoral system for Albania, which was implemented in the last elections for the Parliament of Albania of the year 2009. Article 64/1, amended, provides expressly that: "The Parliament of Albania is composed of 140 deputies, elected with proportional system with multi-name electoral zones".

## **7. Indicators on Political System**

60. . The democratic free system in the Republic of Albania is guaranteed by the article 9 of the Constitution of Albania and the article 3 of law No. 8580, dated 17.2.2000 “On political parties”. Referring to the disposition qualified in the Constitution, the latter permits the creation of political parties and other organisations in the country, besides the cases when these subjects “rely on totalitarian methods, support racial, religious, regional or ethnic hatred, that use the violence to take the power or to effect in the state politics, and in those with secret character”. In this case those are considered prohibited by law.

61. The same political guarantee is provided in the article 3 of the law, in which the Albanian political parties are considered “part of a free and democratic government system in the country”

## **8. Non- profit organisations**

62. The Constitution of the Republic of Albania guarantees the right to anyone willing to be organized collectively for whatever legal goals (article 46). The registration in court of the organisation or association is done through the procedures provided in the Civil Code of the Republic of Albania and law no. 8788/2001“On non-profit organisations, amended. In the Civil Code the organizations, associations, companies, foundations and other entities with private character are defined as private legal persons. These legal subjects aim at a legal goal through the destination of the property in the good and in public interest. In the same way with the Civil Code, article 4 of the above law guarantees to every natural or legal person, Albanian or foreigner, the right to create a non-profit organisation, to be member of it or to take part in the directing bodies or its administrative personnel.

63. Associations and foundations enjoy the quality of a legal person from the day of their registration in the court. The branches of foreign non-profit organizations are subject to the same procedure. When the object and the goal of non-profit organization that ask to be registered is illegal, the court has the right to refuse the application for registration. Against this decision the interested subject may appeal in the Appeal Court of Tirana. When the non-profit organization registered regularly, is engaged in unconstitutional or illegal activities, the court with request of the competent state body may decide its dismissal (article 45, law 8789/2001). The creation of unconstitutional associations is accompanied with the appropriate sanction defined explicitly in the article 224 of the Criminal Code of the Republic of Albania, which provides that: “The creation or participation in Political parties, organizations or associations that aim the violent overthrow of the constitutional regime, is fined or imprisoned up to 3 years...”. Non-profit organizations have the right to realize incomes from fees, funds, grants and donations offered by private or public subjects, Albanian or foreigner, even the incomes from the economic activity and the assets owned by the non-profit organization. Facilitation and exclusion from the fiscal liabilities of non-profit organizations is provided in article 40 of law no.8788/2001. According to this disposition the incomes obtained from the donations and membership dues are excluded from income tax. For all the other incomes obtained out of the framework of its activity, the organization is considered profitable and is subject to income tax.

## **9. Justice Management and crime indicators**

64. Justice in the Republic of Albania is managed by the Court, Prosecution and State Police, which is a body depending on Ministry of Interior. Pursuant to the law no. 8588/2000 “On the organization and functioning of the High Court of the Republic of Albania”, the number of the judges of High Court is 17 judges. The number of judges in Courts of Judicial Districts and in the Courts of Appeal based on the Decree of the President of the Republic of Albania no. 6265/2009 “On the appointment of the number of judges for each Court of First Instance and of Appeal”, is 374 judges. The general number

of the prosecutors that exercise their activity in the judicial districts in the country, defined with the Decree no. 3477/2002 of the President of the Republic, is 330. Appointed in office by the Prosecutor General, in the structures of Prosecution exercise their functional duties even 149 judicial police officers that have finished law studies.

65. Regarding the Crime Indicators based on the information elaborated from the statistics of the General Directorate of State Police, for the period of time 2002 – 2010 (first 6 month period), is noticed a decrease in the cases of crimes for the criminal offence of “violence homicide”. Therefore, the number of murders per 100.000 inhabitants for the year 2002 was 4.75 murders, for the year 2006 they went down in the level of 2.8 murders and for the first 6 months of 2010 this number is reduced in 1.2 murders. Referring to the same source, for the same period, it is also noticed a decrease I the number of the people arrested/imprisoned for exercising violence or other crimes. If in the year 2002, the number of persons arrested (per100.000 inhabitants) for the criminal offence of murder was 6 in the year 2010 (first 6 month period) this number goes down to 1.25 persons.

66. Statistics for the criminal offense of stealing, referring to the same period, keep the same tendency. The cases of stealing registered (per 100.000 inhabitants) in the year 2002 were declared in figures 29.08, while in the early 2010 this number was reduced to 22.9 stealing acts.

67. The number of persons arrested for trafficking of human beings (per 100.000 inhabitants) for the year 2010 went down to 0.78 from 6.9 persons arrested that resulted in the year 2002. In respect to the arrest cases of persons for the sexual crimes, the figures show a fluctuation of the number of the authors of the criminal offense of crime. If for the year 2002 were declared 2.5 arrested persons (per100.000 inhabitants), in the year 2006 this indicator was increased at the level 3.5 arrested persons and in the year 2010 it is noticed a decline by 0.91.

68. The statistical data of the period between the years 2005 - 2010, declared by the Division of Child Protection<sup>14</sup> in the Ministry of Interior, show a decrease in the number of children harmed in criminal offences against person. If in the year 2005 the number of children harmed is 388, in the year 2008 it goes down to 280 harmed children and in the year 2010 it is reduced in only 96 harmed children. From 6.5 cases that were counted in the year 2009 there were only 0.3 cases per 100000 inhabitants. During the first 6 months of the year 2011, it results to have been harmed from the criminal offence against human 133 children. The number of persons caught in attempt for illegal border crossing in the year 2008 counted 19.793 persons, while in the year 2009 this figure went down to 18.229 persons. Also, in respect to the other criminal offence “Exploitation of the women for prostitution, retention of premises for prostitution and prostitution practising”, during the year 2008 are hit seventeen criminal groups , in the year 2009 9 criminal groups and in the year 2010 six criminal groups.

69. The number of the police personnel since 2002 up to the first 6 months of 2010 is reduced with about 23%. Referring to the statistics of the General Directory of State Police , in the year 2002 are declared 3.08 persons police staff, meanwhile for the years 2006 and 2010 this figure reduces respectively at the levels 2.54 and 2.28 persons police staff (per every 100.000 inhabitants).<sup>15</sup>

70. The budget of the justice system is part of the State Budget, its draft and implementation is subject to the regulations and legal proceedings for the drafting and implementation of the State budget. Based on this legal framework drafted on this purpose,

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<sup>14</sup> This division was created as a special structure in the Ministry of Interior in the year 2005

<sup>15</sup> For the release of these statistics it is used the number of population of the year 1989 ( INSTAT)

the Courts, Prosecution and State Police (partially) manage an independent budget. According to the figures declared by the Ministry of Justice, the budget of Courts for the year 2009 has suffered an increase of about 28% compared with the budget of the year 2006. While for the same years this growth for the police service results in the level of 11.8%.

71. The right to benefit legal protection for free in the criminal process is provided in the Constitution of the Republic of Albania (article 31, paragraph ç), Criminal Procedure Code of the Republic of Albania and law no. 10039/2008 "On legal assistance". The legal assistance provided according to this legal framework is referred to all the phases of criminal proceeding and therefore extends from the legal counselling in the police region up to the legal representation in court. According to statistics obtained manually from the prosecutions of judicial districts, the number of the persons assisted with free legal assistance (compared with the number of persons under proceeding) result in this percentage; the year 2006 8.87%; year 2007 - 7.87%; year 2008 - 12% and the year 2009 - 18.17%.

72. Being guaranteed in the article 44 of the Constitution of the Republic of Albania, the right of rehabilitation or indemnity in compliance with the law, is known to every person damaged because of an illegal act, action or inaction of the state bodies<sup>16</sup>. According to the article 1 of the law no.8510/1999, "On the extracontractual responsibilities of the public administration bodies", amended, the public administration bodies are responsible for the extracontractual property and non-property damages, that they cause to the natural, legal or private persons Albanian or foreigner. The extracontractual responsibilities of the public administration bodies are regulated with the dispositions of this law and of the Civil Code of the Republic of Albania". In the cases when the damage has to do with the violation of body inviolability, health, freedom or personality, the remuneration is made in cash, always taking in consideration the role of the damaged in inflicting the damage.

73 Pursuant to the disposition 13 of this law in the cases of death, violation of body inviolability or violation of health and in the case of unfair deprivation of liberty as a result of actions or inactions of the public administration bodies, the third party to who the damaged has been obliged to make services at home or at his work, is rewarded a remuneration in cash for the damage that is caused by the unfinished services. In the cases where the death of a person is caused because of actions or inactions of the public administration bodies, the latter are obliged to remunerate the expenses of the burial of the person that has the legal obligation to pay them.

### **III. General framework for the protection and promotion of human rights**

#### **A. Acceptance of the norms of international law**

74. The state of Albania is engaged, regarding the continuous improvement of standards, relating to the protection and respect of the human rights and fundamental freedoms. A clear expression of Albania engagement is the ratification or accession in almost of the international Conventions for the human rights in the framework of the UN, and a lot of international instruments. In the Republic of Albania the international law enjoys a privileged position in relation to the domestic law. The article 5 of the Constitution has

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<sup>16</sup> No official data are available on the number of victims renumerated after suffering the conviction in the respective institutions.

defined the obligation that the Albanian state has to enforce the international law. Following this, the article 122 of the Constitution has defined that every international agreement ratified by the Parliament becomes part of the domestic law after being published in the Official Journal. It is enforced directly except the cases when it is not self enforced and its application requires the passing of a law. The international agreement ratified by law is superior over the domestic laws that are not compatible with it. Also the released norms from the international organisations are superior, in cases of conflict over the laws of a country, when in the agreement ratified by the Republic of Albania for the participation in that organisation, is explicitly provided the direct enforcement of the norms extracted from it.

#### **International engagement on the protection of human rights**

75. The Republic of Albania has ratified or accessed in a number of international conventions on human rights: Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; First Optional Protocol to the International Covenant on Civil and Political Rights; Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty; International Covenant on the Economic, Social and Cultural Rights; International Convention on the Elimination of all Forms of Racial Discrimination; International Convention on the Elimination of all Forms of Discrimination Against Women - CEDAW; Optional Protocol of the Convention on the Elimination of all the Forms of Discrimination against women; Convention on the Children Rights; Optional Protocol of the Convention on the Rights of a Child on the Sale of Children, Children Prostitution and Child Pornography; Optional Protocol of the Convention “On the Rights of the Child” “On the Involvement of Children in Armed Conflict”; Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; International Convention on the Protection of all Persons from Enforcement Disappearance; Geneva Conventions; Roma Statute on the International Criminal Court; United Nations Conventions on the Rights of Persons with Disabilities.

76. Albania has signed a considerable number of Conventions of International Labour Organisations (ILO) and UNESCO. Also the state of Albania is a party in the European Convention “On the Protection of Human Rights and Fundamental Freedoms”; Protocols 1, 2, 3,4, 5, 6, 7, 8, 11, 12, 13, 14 of this Convention; the Framework Convention “For the Protection of National Minorities”; “European Social Charter” European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and other Conventions of the European Council.

77. *More detailed information related to international instruments, in which the Republic of Albania is Party is given in the Annex no.2, integral part of this Document.*

### **B. Legal framework for the protection of human rights at the national level**

#### **1. Constitutional Framework**

78. The Constitution of the Republic of Albania is approved by the law no. 8417, dated 21.10.1998 (amended) treats the basic principles of the protection of human rights and fundamental freedoms. In its Preamble, among others is provided that ‘Albanian people...with the determination to construct the rule of law, democratic and social, to guarantee the freedoms and human rights, with the spirit of tolerance and religious co-existence, with the commitment for the protection of dignity and human personality and for the prosperity of all the nation, with the deep conviction that justice, peace, harmony and cooperation between nations are among the highest values of humanity.

79. In the article 3 of the Constitution it is provided that “The independence of the state and its territorial integrity, human dignity, the rights and its freedom, social justice, constitutional order, pluralism, national identity and the national heritage, religious co-existence and the coexistence and understanding of the Albanian people with the minorities are the base of this state which has the duty to respect and protect them” As follows, more than ¼ of the articles of the Constitution cover the problems on human rights and institutions which have the direct function of protecting the human rights.

80. In the second part of the Constitution “Human rights and fundamental freedoms”, in the first chapter of this part are covered the general provisions (articles 15-20) in which it is provided expressly that all the human rights and freedoms which are indivisible, inalienable, and inviolable stand at the base of all the Albanian juridical order. As a constitutional obligation, all the institutions and public power bodies, in fulfilment of their tasks, have to respect the human rights and fundamental freedoms, and to contribute in their execution. The Constitution defines that the human rights and fundamental freedoms and the obligations provided have the same value for the Albanian citizens as well as for the foreigners or the stateless persons.

81. The Constitution provides as an exceptional case the restrictions of the human rights. The restrictions of human rights and freedoms can be decided by means of law only, for a public interest or for the protection of the rights of other persons. These restrictions can not violate the essence of rights and freedoms and in no case can they exceed the restrictions provided by the European Convention on Human Rights and they should be in proportion with the situation that has dictated it.

82. The Constitution guarantees a special protection of the national minorities. National minorities exercise in full equality before of law their rights and freedoms. They have the right to express freely without being stopped or forced their ethnic, cultural, religious and linguistic affiliation. They have the right to preserve and develop them, to learn and be taught in their mother tongue and to gather in organisations and associations for the protection of their interest and identity.

83. The second chapter of the Constitution provides special dispositions for the respect and promotion of freedoms and personal, political, economic, social and cultural rights. In this part it is confirmed the protection with law of life, the guarantee of freedom of speech, freedom of press, radio and television. It is also guaranteed the freedom of conscience and religion, the right of information. In it is defined that no one can be subject to torture, punishment, degrading or inhuman treatment, or forced work. Furthermore the Constitution guarantees the human freedom and the principles that ensure this freedom. The Constitution provides even the cases when this freedom can be restricted and treats in a detailed way the procedural warranties which guarantee the human freedoms (articles 27-35). The Constitution guarantees the correspondence secrecy, inviolability of the dwelling, the right to choose where to live, prohibition of expulsion for the Albanian citizens and the guarantee of private property.

84. The third chapter of the second part of the Constitution covers specifically the freedoms and political rights: the right of any citizen who is 18 years old to vote and to be elected, the right of any person to be part in an organisation or association, the right to gather or even the right to make complaints and remarks to the public bodies.

85. The fourth chapter of the second part covers the freedoms and economic, social and cultural rights. Work is considered as the only tool with which the individual earns the living. From the other side to the individual it is known the right to be part in a trade union, the right to strike, the right for social insurances. This chapter covers even the right to get married and create a family. Women and children enjoy a special protection. The compulsory education and the general secondary education in the public schools is free.

## **2. Legal domestic framework**

86. In the service of protecting human rights, from the Albanian Parliament, Council of Ministers or other public institutions, are approved a corpus of normative acts, which aim the guarantee and the protection of human rights. Some of these acts are: Penal Code (1995- amended); Criminal Procedure Code (1995- amended); Civil Code (1994-amended); Civil Procedure Code (1995- amended); Labour Code (1995- amended); Administrative Procedure Code (1999); Family Law (2003), Electoral Code (2008); Law “On the Statute of the persons with disabilities”(1994); Law on the Undergraduate Educational System (1995); Law “On the Status of Orphan” (1996); Law “On the Status of Blind People” 1996; Law “On the Right of Gathering” (1996); Law for the Press (1997); Law “On the Radio and Television Public and Private” (1998); Law on the Rights and Treatment of Sentenced to Imprisonment (1998- amended); Law on the Execution of Criminal Decisions (1998), amended with the law no.10024, dated 27.11.2008; Law “On the Asylum in the Republic of Albania” (1998-amended); Law “On the Ombudsman” (1999- amended); Law on the Political Parties (2000); Law “On the Function of Judicial Police” (2000-amended); Law “On the Organization and Functioning of Prosecution in the Republic of Albania” (2001-amended); Law “On the Organisation and Functioning of the Ministry of Justice” (2001- amended); Law “On the Education and Professional Education in the Republic of Albania” (2002); Law “On the Profession of the Lawyer” (2003-amended); Law “On the Protection of the Witnesses and Collaborators of Justice Collaborators” (2009)<sup>17</sup>; Law “On the Economic Assistance and Social Services”(2005), (amended); Law “On the Measures against the Violence in the Family”(2006); Law “On the State Police”(2007), Law “On the Adoption Procedures and the Albanian Adoption Committee”(2010)<sup>18</sup>; Law “On the Functioning of Judicial Power (2008); Law “ On the Service of the Private Bailiff”(2008); Law “On the Service of Internal Control in the Ministry of Interior”(2008); Law “On the Protection of Personal Data” (2008); Law “For the Foreigners” (2008); Law “ For the Prison Police” (2008); Law “On Legal Assistance” (2008); Law “ For the Prevention and Control of HIV/AIDS-“ (2008); Law “ On Gender Equality in Society” (2008); Law “On the Public Health” (2009), Law “For the Civil Registry Office” (2009); Law “For the Protection of Discrimination” (2010); Law “On the Rights of Child ”(2010); Law no.10295, dated 1.7.2010 “On Forgiveness”; Law no.10385, dated 24.2.2011 “On the Mediation in the Solution of Disputes” (which has abolished law no. 9090, dated 26.6.2003); Law no. 10428, dated 2.6.2011 “On the Private International Law”. Constitution of Republic of Albania, ratified International Agreements that are part of legal domestic system, Albanian legislation, which is improving continually, guarantee the respect and execution in practice of the human rights and freedoms.

## **3. Institutions and Mechanisms for the Protection of Human Rights**

87. Among main institutions that offer the equal protection before the law and with no distinction of the citizens in the Republic of Albania is the Institution of Ombudsman, as a constitutional institution, which exercises its activity in protection of human rights, freedoms and legal interests of persons, which may be violated by illegal and irregular actions or inactions of the public administration bodies, and by the third parties that act on its behalf. The institution of Ombudsman guided by the principles of impartiality, confidentiality, professionalism and autonomy, exercises its activity in protection of human rights and freedoms provided in constitutional dispositions and in laws, and has the right to

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<sup>17</sup> Law “On the Protection of Witnesses and Collaborators of Justice” of the year 2009, has abolished the previous law no. 9205, dated 15.3.2004.

<sup>18</sup> This law has amended the law “ For the Procedures of Adoption and the Albanian Adoption Committee “of the year 2007.

make recommendations and to propose measures whenever it notices violations of human rights and freedoms from the public administration.

88. State Committee of Minorities, as a central institution depending on Prime Minister ( approved by Decision of Council of Ministers no.127, dated 11.3.2004, “ On the creation of the State Committee of Minorities”), aims the promotion of participation of persons that belong to national minorities in the public life of the country, cooperation with the central and local government bodies, with the organisations and associations that treat the cases of minorities, for the improvement of standards in respecting the minorities rights in Albania. It proposes specific measures for the economic, social and educational development of minorities, contributing for the improvement of the conditions of persons belonging to minorities.

89. Ministry of Interior and State Police Structures are engaged at their best in respecting the human rights, taking the appropriate measures on this purpose. The General Directorate of state Police and its depending structures evaluate and resolve accurately every requirement, complaint that is related with the execution in practice of the human rights and freedoms all over the country. In this context it is found that there are not evident the cases of discriminations because of the ethnic, cultural, linguistic, religious, racial identity etc. A positive indicator in Albania of the absence of the attitudes, opinions and ways of racial nature, discriminatory and xenophobic is even the fact that lately it has been a very small number of criminal proceedings for the criminal offences of racial nature articles 253, 265 and 266 of the Penal Code).

90. State Labour Inspectorate, ensures the implementation of the labour legislation by the state and private subjects, including even the control of child labour.

91. Inter-ministerial Committee on Roma affairs is chaired by the Minister of Labour with the quality of the Chairman. Members of this Committee are representatives of the line Ministries for example: representatives from MLSAEO, Ministry of Education and Science, Ministry of Health, Ministry of Tourism, Culture, Youth and Sports, Ministry of Public Affairs, transport and Telecommunications, Ministry of Interior and different Non – Profit Organisations.

92. State Committee of War against Human Beings Trafficking chaired by the Minister of Interior is responsible for the prevention and war against trafficking. In December 2008 it is created the National Task Force against Trafficking.

93. The Office of National Coordinator for the War against Human beings Trafficking (created in the year 2005) coordinates the work between different ministries in the war against human being trafficking, and all the other state and not state structures at the national level as well as at the international one. Part of the National Coordinator Office is the Anti-trafficking Unit.

94. Regional Committees of the War against Human Beings Trafficking, created in the year 2006 in 12 counties of the country aim at the supervision and coordination of government and non government actions at regional/local level for the prevention of the trafficking phenomena and protection of potential victims of trafficking. Special structures in police units function at administrative level to fight the organised crime and illegal trafficking.

95. Inter- institutional Working Group, as an advisory group in providing statistics and gender indicators in support of the politics of monitoring the gender equality in Albania, is created in support of the law no. 9970, dated 24.07.2008 “ On the Gender Equality in Society” and with Order of the Minister of Labour no. 2498, dated 16.12.2008.

96. Commissioner on the Protection from Discrimination is created in accordance with law no.10221, dated 4.2.2010”On the protection from discrimination”.

97. National Council of Gender Equality, is an advisory body for the gender politics created with the Order of Prime Minister no.3 dated 8.1.2009 "On the functioning of the National Council of Gender Equality", pursuant to the law no.9970, dated 24.7.2008 "On the gender equality in society". This Council is chaired by the Minister that covers the gender equality affairs and in its composition there are 9 deputy ministers and 3 representative members of the civil society. Besides other duties, the Council ensures the gender integrity in all areas, especially in the political, social, economic and cultural ones.

98. National Council on Disabilities Affairs, created in the year 2005, guarantees the protection of the rights of the persons with disabilities and their integrity in all the areas.

99. The Technical Secretariat for Persons with Disabilities, (created with the Order of Prime Minister no. 40 dated 23.03.2006), near MLSAEO. This Secretariat monitors the implementation of National Strategy of Persons with Disabilities (approved by Decision of Council of Ministers no.8 dated 07.01.2005) and its Plan of Action.

100. The Directorate of Politics of Social Services and Social Insurances has the mission to formulate and develop politics, legislation and strategies on the support of individuals, families, groups and communities in need paid in cash and social services at community level in order to prevent the discrimination and social exclusion, by promoting rehabilitation, integrity and their involvement in social life, and the protection from the social insurance scheme.

101. The Directorate of Monitoring Inter-sectoral Strategies is set and function in MLSAEO since 2009 and has under its authority the Technical Secretariat for Roma and Technical Secretariat for the Persons with Disabilities. The function of this directory has to do with the monitoring of objectives of inter-sectoral strategies that MLSAEO leads in order to evaluate the impact of protective politics and social involvement of vulnerable groups.

102. The Sector on Protection of Infants and Violence in Family functions since 2007 at central level (near State Police general Directorate). At regional level in Police Directorates in Counties, there are created Sections for the Protection of infants and Violence in Family. These structures created since 2007, have the duty to prevent and to struggle against violence in the family environments, the violence towards the infants and the protection of infants from the criminal action and children included in criminal activities.

103. The Division for the Prevention of Torture near the Ombudsman is created in the year 2008 and aims the protection of detainees and sentenced to prison rights. This Division functions near the Ombudsman and exercises the tasks of National Mechanisms for the Prevention of Torture.

104. National Agency for the Protection of Children Rights, is a structure created in April 2011, depending on MLSAEO, which is responsible for the implementation of Law no. 10347, dated 4.11.2010 "On the Children Rights".

## C. Legal framework for the promotion of human rights at the national level

105. The measures taken from the state authorities and agencies, the juridical subjects and Non-profit Organisations in promoting the human rights and fundamental freedoms at national level mainly consist in: seminars, trainings, translation of convention, publications, advertisements, awareness campaigns, etc.

106. Statistics of Public Administration Department near the Ministry of Interior declare that during the period of years 2003–2010 are trained for issues on the human rights and

fundamental freedoms, in all 1105 public administration employees. The issues covered in these trainings/seminars focused on: i) gender affiliation; ii) respect of the minorities rights; iii) gender politics and EU; iv) social politics and EU; v) implementation of law for foreigners; vi) migration and EU directives; vii) offering of service of re integration for emigrants; viii) offering the service for the persons with disabilities etc.

107. The participants in these trainings are representatives of public administration institutions at central and local level. For the period 2005 – 2010, from the trainings on the human rights have benefited 1403 police employee. The main topics of these trainings were: i) The protection of human rights; ii) The protection of child rights; and iii) Violence in family.

108. State Police General Directorate in cooperation with other institutions and different non-profit organisations have initiated and held meetings at technical level, which have concluded with signing of agreements of cooperation or even the drafting of action-plans with main direction the protection of human rights and fundamental freedoms in general, and women and children in particular..

109. In framework of the promotion of human rights and fundamental freedoms, structures of state police at central and local level, have organized in collaboration with media a number of programs or awareness chronicles.

110. Another form of promotion is even the treatment of core documents of human rights in school curricula. In function of this educational strategy, the Department for Police Training in Police State General Directorate, has included in school curricula of Police School documents such as: Universal Declaration on Human Rights; National Convention on Economic, Social and Cultural Rights; National Convention on Civil and Political Rights; European Conventions on Human Rights, Convention on Prevention of Torture and Inhuman and Degrading Treatments, etc. The topics treated in the educational program that this department hold focus on matters that are related to: enforcement of law; code of conduct and police ethics; the principles of policing in democracy; respect of human rights; and persons that are deprived from freedom during the State Police activity such as the persons under custody, or those detained in the police areas; diversity awareness; treatment of disputes and the solution of conflicts; policing in community and the prevention of crimes, violence in family, etc.

111. A very positive practice in the framework of human rights and freedoms is followed even by the Ministry of Labour Social Affairs and Equal Opportunities. Besides the trainings leaded by employees of its administration, a good job is done with the drafting of brochures (accompanied with explaining foreword) in Albanian language of the most important international conventions.

112. An important place in promoting human rights and fundamental freedoms occupies the print media and television. In social chronicles, actuality and opinions are reflected issues closely related with this subject. One of most extended media in the country, Albanian Radio and Television which has under its authority the radio channel “Radio Tirana” and television channel “Albanian Television”, in compliance with the law “On radio and public and private television in the Republic of Albania ”broadcasts six hours program a day, from Monday to Saturday, in the following languages: English, German, French, Italian, Turkish, Greek and Serbian. A special place in these programs is occupied by the rubrics related to the national and linguistic minorities of the country, closely conveying the activities on history, culture, folk and traditions of national Greek, Macedonian, Montenegrin minorities and linguistic minorities of Vlach and Roma. In its terrestrial programs, Albanian Radio and Television has dedicated a special importance to the promotion of human rights and freedoms in Albania, their accompanying problems, by stressing the search of solutions for achieving higher standards. In this framework, an

important part has played even the treatment of characteristics of the communities of national minorities in Albania, their actual social positions problems, the relations of communications with them, and the search of ways, possibilities and more effective alternatives for their integration in society.

#### **D. Reporting process at the national level**

113. In relation to the process of drafting reports on the implementation of international instruments in the framework of the human rights based on the legal domestic procedures there are created inter-institutional groups of work in which take part representatives of different competent state institutions.

114. Specifically pursuant to the Order of Prime Minister no.201, dated, 05.12.2007 "On setting the Working Group for the drafting of National Reports in the framework of the National Agreements in which the Republic of Albania is party" the Ministry of Foreign Affairs is in charge to draft the National Periodic Reports in collaboration with the central and independent institutions according to their field of competence. These reports aim at reflecting the undertaken measures related with the implementation in practice of international instruments, the current situation, the achieved progress and the problems in the field of human rights.

115. Also in the drafting process of the Reports it is consulted and collaborated with the social society (non-profit organisations), active in the field of respecting the human rights, which give their contribution in providing the necessary information, and their opinions related to the draft reports prepared by the competent institutions. In the final phase the draft reports are submitted to the ministries to take their final opinions in order to further continue the procedures for the approving of these reports with the decisions of the Council of Ministers are legal acts under the competence of this body and do not pass for approval in the Parliament of Albania. The reports related to the implementation of conventions for the human rights are published in the official home page of the Ministry of Foreign Affairs, or in official home pages according to the fields they cover.

116. After the reports review from the mechanisms of respective conventions aiming at recognition and information of Final Observances, conclusions or recommendations of Conventions Committees, from the part of competent institutions are undertaken a number of measures related to the their publication and implementation specifically:

- Translation in the Albanian language and the publication in official sites of competent institutions (MFA and other competent institutions).
- The delivering of these conclusions and recommendations near the line Ministries aiming at the recognition and taking the necessary measures for their implementation.
- In the framework of recognising and publishing the recommendations and conclusions are organised even a series of round tables in order to discuss and collaborate to take specific measures for their implementation.

117. In the framework of accomplishing the engagement that come from the international instruments for the human rights, during the period 2002 and at present, the Republic of Albania has presented the respective periodic reports, and the Report related to the Mechanisms of Universal Periodic Review (UPR), in the year 2009.

118. Also the Recommendations of respective Committees are reflected and included in the improvement of legislation, in taking the specific measures and in the drafting of the specific programs. Meanwhile Albania represents periodically the respective Reports in the

framework of conventions of human rights. Specifically the list of reports submitted by our country is given in Annex 3 attached to this document.

### **III. Information on non-discrimination and equality and effective tools**

#### **A. The legal domestic framework that guarantees equality and protection from discrimination**

119. The Albanian state in order to respect and protect in an equal manner the rights of Albanian citizens and denunciation of discriminating acts against them, considers the principle of non-discrimination as an obligation that originates from the main orientations of the country in respect and protection of the human fundamental rights. These rights are guaranteed by the Constitution of the Republic of Albania and legislation in power in compliance with the international standards. As basic principle of protection, respect and promotion of human rights, the Constitution provides the equality before law. No one can be unduly discriminated for reasons such as gender, race, religion, ethnicity, political, religious or philosophical beliefs, economic, educational, social situation or parental affiliation, if no reasonable and objective justification exists.

120. Albania is engaged in the continuous improvement of standards, regarding the protection and respect of human rights and fundamental freedoms, including even the equal protection before the law and the prevention and protection from discrimination in accordance with the international obligations in the field of human rights.

121. In the Republic of Albania, the international law enjoys a privileged position in proportion with the domestic law. The article 5 of the Constitution has defined the obligation for the Albanian state to implement the international law. According to this, international conventions in the field of human rights, which provide even dispositions for guaranteeing the rights without any kind of discrimination based on nationality, ethnic or social origin, sex, race, colour, language, religion, faith, political opinion or any other opinion, property, birth, disability, age or any other situation in which the republic of Albania has acceded or ratified have become part of domestic legislation. In this framework, the Albanian state is engaged in respecting and protecting of human rights and fundamental freedoms defined by these international acts, in economic, social, cultural, political fields, or in any other fields without any kind of discrimination

122. The constitution of the Republic of Albania and the Albanian legislation guarantee the equality before the law, non-discrimination on base of race, gender, ethnicity and language, and dispositions in special laws, which guarantee the non-discrimination in different fields. The Constitution guarantees the general principle of equality of all individuals before law (article 18, paragraph 1) and stops the unfair discrimination for such reasons as gender, race, religion, ethnicity, language, political, religious or philosophical belief, economic, educational, social situation or parental affiliation (article 18 paragraph 2). In paragraph 3 of the article 18 is provided that "No one can be discriminated for the reasons mentioned in paragraph 2, if it does not exist a reasonable and objective justification". This definition of the Constitution creates the possibility for the implementation of positive discrimination to take favourable specific reasons, giving special treatment opportunities or supporting individuals or specific categories of individuals or groups, when for this exists a reasonable and objective justification.

123. Criminal Code of the Republic of Albania is based on the constitutional principles of the rule of law, equality before the law, of justice in assigning culpability or punishment,

and of humanism, guaranteeing the principle of non-discrimination and equal treatment of all the citizens. In this prism, this code provides a number of criminal offenses that specify the execution of crimes with discriminating nature, specifically article 73 “Genocide”; article 74 “Crimes against mankind”; article 253 “The violation of equality of citizens”; article 256 “Promotion of hate or disputes between nationalities, races and religions”; article 266 “The call for national hatred”; in articles 131, 132 is provided as a criminal offense, the destroying of cult objects, the creation of obstacles for the religious organisations to freely exercise their activity. With the amendments made with the law no. 9686 dated 26.02.2007 “For some changes in law no. 7895, dated 27.01.1995, “Criminal Code of the Republic of Albania”, amended, is provided among aggravating circumstances, the commission of criminal offense incited by motives that have to do with the gender, race, religion, nationality, language, political, religious or social beliefs (article 6).

124. With some additions and changes made to the “Criminal Code”, with Law no.10023, dated 27.11.2008, were provided a number of new criminal offenses on committing, pursuing and their punishing related to racism and discrimination in computer systems in order to penalize the distribution of racist or xenophobic materials through computer systems and insults for racist or xenophobic motives. Specifically, the new added offenses in the Criminal Code are: the article 74/a “The computer distribution of materials pro genocide or crimes against mankind”; article 84/a “Threat with racist and xenophobic motives through computer system”; article 119/a provides as a criminal offense the distribution of racist and xenophobic motives through computer system, whereas the article 119/b provides the intentional public insult with racist or xenophobic motives through computer system, that is done to a person because of the ethnic, , nationality, race or religion.

125. *Criminal Procedure Code* approved by law no. 7905, dated 21.03.1995, with the relevant changes, in article 1 defines that the criminal procedural legislation has the duty to ensure a fair, equal and regular legal proceeding, to protect personal freedoms, the rights and legal interest of citizens, to protect in strengthening the juridical order and enforcement of the Constitution and laws of the country.

126. *Civil Code* approved by law no. 7850, dated 29.07.1994, with the relevant changes, defines that every natural person enjoys full and equal capacity to have civil rights and obligations, within the restrictions defined by law.

127. *Civil Procedural Code* approved by by-law no. 8116, dated 29.3.1996, with the relevant changes, has the basic principle of setting the compulsory rules, the same and equal, for the judgement of civil disputes and other disputes provided in this Code and in specific laws.

128. *Labour Code of the Republic of Albania* approved by law no. 7961, dated 12.07.1995, with the relevant changes, sanctions protection from the discriminating acts over all the citizens in the working and social insurances field. Regarding to the relations in the working field in the public as well as in the private one, it is prohibited any kind of discrimination in employment or in professional life (article 9 of Labour Code). Whereas the legislation for social insurances as well as health insurances or insurances for any kind of pensions (disability or retirement), offers equal rights for all individuals, despite their nationality or race. Discrimination may bring the consequence of sanctions to sums up to 50 times more than the monthly minimal salary (article 202 of Labour Code). This Code reflects the dispositions of the Convention of the International Labour Organisation (ILO), no. 111.

129. *Administrative Procedural Code of the Republic of Albania* approved by law no.8485, dated 12.05.1999, in the article 11, paragraph 1 defines among others that “in

relations with private persons, the public administration is guided by the principle of equality in the sense that no one should be privileged or discriminated”.

130. *Electoral Code of the Republic of Albania* (article 3) states that: “ Every Albanian citizen who has reached the age of 18, including on election day, without distinction of race, ethnicity, gender, language, religious belief, political conviction, physical ability or economic condition has the right to vote and to be elected in compliance with the rules provided by this Code”.

131. *Family Law*, in relation to the definition of marriage, declares the moral and legal equality of spouses as an important basic principle of life. This Code treats in details the protection of children rights and in it are included the general principles of international Conventions, acts and instruments in the field of protection of children rights without any discrimination and especially the disposition of Conventions of the Child Rights.

132. Law no. 9669, dated, 18.12.2006, “On the measures against violence in family relations”, aims the prevention and reduction of violence in family, in all its forms, by means of appropriate legal measures, and the guarantee of protection with legal measures of the members of families, which are victims of the family violence, dedicating special attention to the violence against women, children, elderly and persons with disabilities. Law no. 10.329, dated 30.09.2010 “ on some amendments and changes in the law no. 9669, dated 18.12.2006, aims the solution of some problems that are encountered during its implementation in practice, and the set and support of special responsible structures for the protection, support and rehabilitation of victims, facilitation of consequences and the prevention of the violence in family. The approval of the amended law paves the way to the establishment of the first national shelter for the victims of violence in family, the creation of reference system at local level and the offering of free legal assistance for the victims of family violence.

133. *Legislation in the field of education:* The legal framework in the educational system protects and promotes the human rights and prevents all the forms of individual discrimination. The article 3 of law no.7952, dated 21.06.1995, “On the pre-university education system” (amended with the law no. 8387, dated 30.07.1998), guarantees among others equal rights for all the citizens to be educated at all the educational levels that are defined by this law.

134. Law no. 8872, dated 29.3.2002 “On the education and professional formation” (amended in the year 2011) guarantees the right provided in the Constitution for the lifelong education and professional formation and the possibility to gain professional knowledge necessary for the labour market, creating equal chances for all.

135. Law no. 9741, dated 21.5.2007 “On the High Education in the Republic of Albania” (amended) aims the offering of possibilities to benefit from the lifelong high education, without any kind of discrimination.

136. *Legislation in the Health field* is expressly based on the principle of non-discrimination, guaranteeing the protection of health, for all the individuals without any distinction. The Ethics and Medical Deontology Code of the year 2002 provides among others that the doctor must offer to all the same medical assistance without any distinction, respecting the rights and dignities of every individual.

137. Law no. 9952, dated 14.07.2008, “ On the prevention and control of HIV/AIDS”, provides the rules for the prevention and control in taking the measures for HIV/AIDS, the care, treatment and support for the persons that live with HIV/AIDS, without any kind of discrimination. This law considers as a prohibited act the stigmatization and discrimination of a person that lives with HIV/AIDS.

138. Law no. 9355, dated 10.03.2005 “On the assistance and social services”, (amended) emphasizes that the scheme of functioning of economic assistance and offering of social services relies on the principle of non-discrimination.

139. Law no.8454, dated 4.02.1999, “ On the ombudsman”, completed with the law no. 8600, dated 10.04.2000, amended with the law no. 9398, dated 12.05.2005, in the article 2 of which it is defined that the Ombudsman protects the individual legitimate rights, freedoms and interests, which can be violated by the illegal and irregular actions and inactions of the public administration bodies, and to the third parties that act on its behalf. The ombudsman guided by the principles of impartiality , confidentiality, professionalism and autonomy exercise its activity in protection of the human rights and freedoms provided in the constitutional dispositions and laws.

140 In the law no. 9695, dated 19.03.2007 (amended), “On adoption procedures and the Albanian Committee of Adoption”, which aims the child protection through the settlement in a permanent family taking measures for this protection to be done in the highest interest of the child, furthermore in the letter ç of the paragraph 3 of the article 33 provides that the mediation agencies in the field of adoption should not prejudice and discriminate the adoptive applicants , despite their race, origin or religious convictions.

141 Law no. 9887, dated 10.03.2008 “ On the protection of personal data“ defines the rules for the legal protection and elaboration provides special regulations for the personal data of the natural person ( or as they are called differently in this law “sensitive data”) that has to do with his racial or ethnic origin, political opinions, membership in trade unions, religious or philosophical belief, criminal punishment and data related to the sexual health and life.

142. Equal protection before law without any kind of discrimination is enjoyed even by the foreigners in the Republic of Albania. Law no. 9959, dated 17.7.2008 “On the Foreigners” is based on the principle of reciprocity, non-discrimination and on the treatment not less favourable than the Albanian citizens (article 2).

143. Law no.10129, dated 11.05.2009 “On civil status”<sup>19</sup>, (amended) which defines the meaning and the elements of the civil status of Albanian citizens and stateless persons, regulates in a more complete and detailed the civil status, and defines the elements and characteristics of civil status.

144. Law no.10039, dated 22.12.2008 “On legal assistance”, aims the legal regulations of giving legal assistance that the state offers to persons with insufficient economic possibilities in order to protect the fundamental rights and their legal interest in courts or other state bodies. Provision of legal assistance by the state for the individuals is base on the principle of equality of rights for all the individuals that benefit from legal assistance.

145 Protection from the discriminatory acts also provide that, the Police Code of Ethics ( approved by law no.8291,dated 25.02.1998), and the law no. 9749, dated 04.06.2007 “On the State Police”. These acts provide the responsibility of police forces for illegal actions and the complaining procedures in cases of discrimination in police station. Law “On the State Police” defines that the police employee must treat the persons right and should perform their tasks without discrimination in base of gender, race, colour, language, belief, ethnicity, political, philosophical or religious convictions, sexual orientation, economic,

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<sup>19</sup> Law no.10129, dated 11.5.2009 is amended, after the Constitutional Court with the decision no. 52, dated 1.12.2011, has repealed as incompatible with the Constitution the term “nationality” in the articles 6/1, 8, 42/2 letter “e”and the article 58 of it, disposition in which it is regulated the case of citizens nationality.

educational, social condition or parental affiliation, in compliance with the article 18 of the Constitution (article 61).

146 Law no.10002, dated 06.10.2008 “On the internal control service in the Ministry of Interior” provides expressly that “The Employee of the Internal Control Service has the task to treat the persons equally and perform the duties without any discrimination in compliance with the law and required standards, and to respect the dignity and physical integrity of any other service employee.

147. *As far as the field of media is concerned*, law no. 8410, dated 30.09.1998 “On the Public and Private Radio and Television in the Republic of Albania”, in the article 39 provides that it is forbidden “broadcasting the programs that incite violence, aggressive war, national and racial hatred. In the same way, the law “On the press“, no.7756, dated 11.10.1993, amended with law no. 8239, dated 3.09.1997, currently it has only one article in which it is defined: “..The press is free. Press freedom is protected by law“. Pursuant to this law all the Albanian citizens, including even the persons that belong to minorities has the right, without any obstacles to create, their print media which is not subject to preliminary censorship.

148. Law no. 9668, dated 18.12.2006, “On Albanian citizens migration for employment reasons”, amended with law no.10389, dated 3.3.2011, defines that “the right to migrate provides the equality of all the citizens and their non-discrimination”. This law gives the guarantees for non-discrimination of persons for any reason in relation to the benefits set by this law, and it is sanctioned the important principle of restricting this right only by court decision<sup>20</sup>.

149. Law no.9970, dated 24.07.2008, “On gender equality in society”, is based in the principle of equality and non-discrimination and in other principles sanctioned by the Constitution of the Republic of Albania, from the convention “On elimination of all forms of discrimination against women”, and from all the other international acts, ratified by the Republic of Albania. The approval of this law abolished law no. 9198, dated 1.7.2004 “On gender equality in society” and the other amendments that were done to it with the law no. 9534, of the year 2006. For the drafting of this law is taken into consideration its compliance with the directives of EU. Law has given the definition for gender discrimination, definition which is in compliance with the definition given in the article 1 of Convention “For the elimination of all discriminating forms against women”.

150. Law no.10221, dated 4.02.2010 “For the Protection of Discrimination” regulates the implementation and respect of the equality principles in relation to the gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status, pregnancy, parental affiliation, parental responsibility, age, family or marriage condition, civil status, residence, health status, genetic predisposition, the disability, belonging to a particular group or with any other reason. The goal of this law is to ensure the right of any person for: a) equality before the law and equal protection by law; b) equality of chances and possibilities to exercise the rights, to enjoy the freedoms and to take part in the public life; c) effective protection from discrimination and from any other form of behaviour that incites discrimination.

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<sup>20</sup> Law no. 9668, dated 18.12.2006, abolished Law no. 9034, dated 20.3.2003 “On Albanian citizens migration for employment ”.

**B. Subordinate laws and concrete measures that guarantee the protection from discrimination.**

151. In the field of education, from the Ministry of Education and Science are released a number of subordinate law that guarantee the protection from any kind of discrimination, specifically:

- Guideline no. 34, dated 08.12.2004, “For the implementation of the project“ “Second chance“ “For the education of students that have dropped out the school and of those isolated because of revenge”. This project is addressed mainly to Roma children and to those belonging to families in need.
- Guideline no. 06, dated 29.03.2006 “For the registration in school of Roma students that are not equipped with a birth certificate”.
- Guideline no. 09, dated 11.04.2007 “For the education of isolated students because of revenges
- Guidelines no.18, dated 21.04.2008 “For the function of school psychological service in the pre-university education system”.
- Circular, dated 26.11.2006 “For taking measures for the improvement of educational work at school and the prevention of violence”.
- Guideline no.38, dated 9.10.2007 “For the development of free classes” at the pre university levels, with the willing of Roma children themselves are created all the possibilities to develop supplementary classes with the students that have deficiency in the Albanian language or learning difficulties.
- Guideline no.102102, dated 10.2.2010 informational package “Altertexts 2011” provides criteria for the evaluation of school texts. Particularly respecting in these texts the gender equality, race, nationality, religion and democratic principles.
- Common Guideline of the Ministry of Finance and MoSE, pursuant to the Decision of Council of Ministers no.107, dated 10.2.2010, amended with the Decision of Council of Ministers no.212, dated 16.3.2011 paragraph 6.1, where the Roma children in pre- university education benefit 100% budget support for the school texts and their withdrawal to schools.
- Guideline no.35, dated 31.08.2011, creates the conditions and possibilities for all the Roma to attend the secondary schools and the professional ones full time or part-time.

152. Pursuant to the Decision of Council of Ministers no. 759, dated 15.9.2010, the Ministry of Education and Science, based in the requirements of Regional Directorates of Education and Education Offices, has drafted the distribution plan of scholarships and within the approved quotas, it has recommended the municipalities and communes to give priority to pupils and students that belong to Roma community.

153. – Decision of the Council of Ministers no.672, dated 14.9.2011 “For the Quotes of acceptance in public institutions of High Education, the second cycle of studies “Professional master” for the academic year 2011-2012 , were planned 20 free quotes for Roma.

154. – Pursuant to the Decision of Council of Ministers no.423, dated 8.6.2011 “For the quotes of acceptance in public institutions of high education and the fees of schooling for the studies of first cycle, full time and part-time and the distance education in the academic year 2011-2012”, for Roma and Balkan-Egyptians were planned 20 free quotes for each form of study and the applicants are excluded from the schooling fee.

155. Also, the Ministry of Education and Science since 2009 is implementing the National Plan for the Dropout Rate Zero 2009-2013 in the basic education and in gymnasium, in collaboration with non-governmental and non-profit organizations interested in this field. In a significant part of it, this plan affects directly the Roma minority and the people in need and with social problems.

156. National Strategy of Development of Pre- University Education 2004 - 2015 (approved by the Decision of Council of Ministers no. 538, dated 12.08.2004 and National Strategy for the High Education(2008-2013), aim the guarantee of access at all levels of education without any kind of discrimination and qualitative improvement of education.

157. National Strategy for Children, approved by Decision of Council of Ministers no.368, dated 31.5.2005, defines the strategic objectives in the field of protection of children rights against any form of violence, abuse and discrimination. One of the objectives of Strategy is providing equal opportunities for all the children despite gender, race, ethnicity, age, health condition, birth status, the physical and mental disability, in order to realize the right for social protection.

158. National Plan of Action for the War against Trafficking of Human Beings, and the National Plan of Action for the War against Children Trafficking and Protection of Children, Victims of Trafficking 2011-2013 (approved by Decision of Council of Ministers no. 142, dated 23.2.2011), aims taking concrete measures for the investigation, prevention and the war against human beings trafficking, including even the children without any kind of discrimination.

159. Standard Procedures of Action for Identification and Referral of Potential Victims of Trafficking (approved by the Decision of Council of Ministers no.582, dated 27.7.2011) aims the identification, protection and giving assistance to potential victims of trafficking.

160. Intersectoral Strategy of Social Involvement (approved by Decision of Council of Ministers no.218, dated 3.2.2008) is an integral part of National Strategy for Development and Integration. The objectives of this Strategy aim the inclusion of groups of individuals and the cover of their needs through programs that aim the increase of incomes or even of alternative services.

161. Intersectoral Strategy of Justice (approved by Decision of Council of Ministers no.519, dated 20.7.2011) and the Action Plan that follows provides objectives and concrete measures for the institutions and components of justice systems for the period 2011-2013 in order to further perfecting this system, the increase of access and the increase of public trust in Albanian justice.

162. National Strategy of Persons with Disabilities (approved by Decision of Council of Ministers no.8, dated 07.01.2005) and its Action Plan aims the settings of bases for the life improvement of persons with disabilities in the field of social and health care, education, culture, sport, employment, information, transport and representation and participation in public life. One of the basic principles of the Strategy is the principle of equality and non discrimination that guarantee among others the non discrimination in any other fields.

163. Sectoral Strategy of Social Protection (approved by Decision of Council of Ministers no.80, dated 28.1.2008), relies on the principle of non-discrimination and aims the protection of rights, equality, prevention and non-discrimination in benefiting the services. In this strategy it is provided that the social protection is offered to every individual in need, despite gender, origin, religion, age, disabilities or other reasons. Whereas Decision of Council of Ministers no.1104, dated 30.07.2008, "For some amendments with Decision of Council of Ministers no. 80 dated 28.01.2008 "For the approval of sectoral strategy of social protection and of action plan for its implementation",

provides the avoidance of discrimination, through the definition of criteria of caregiver family.

164. National Strategy “For the improvement of living conditions of Roma minority” (approved by the Decision of Council of Ministers no.633, dated 18.09.2003, defines as main objective the elimination of any kind of discrimination towards this minority, aiming the improvement of living conditions of this minority.

165. In the year 2008 the Albanian Government is a member in the Initiative “Decade of Roma Involvement” engaging for the realization of objectives in the field of employment, education, housing and health, and to incite and support the participation and involvement of Roma minority in this process. In the year 2009 it is drafted the National Action Plan for the implementation of this initiative, in collaboration with the central institutions, local government, Roma organizations, civil society and the UNDP assistance. It is worth mentioning the contribution of Roma organizations in gathering data, identifications of needs, concrete proposals.

166. Technical Secretariat for Roma holds periodic meetings for information exchange and consults with representatives of Roma associations and takes measures to establish collaboration between Roma representatives and Local Government structures. As a result are settled at county level the Technical Groups for Roma Issues, which are mechanisms that will support this community to have wide access in public services offered at local level.

167. Intersectoral Development Document of Old Ages (approved by Decision of Council of Ministers no.763 dated 11.06.2009), constitutes a specific document that addresses specific concrete measures for the protection and guarantee of the rights of the elderly.

168. Regulation of Detention (approved by the Order no. 3705/1, dated 11.05.2006, of the Minister of Justice) aims the human treatment without any kind of discrimination, based on international standards respecting the human rights and dignity, during the process of being in the detention institutions.

169. For the treatment of arrested persons and those being under custody on the grounds of State Police: are abolished all the previous subordinate laws that defined the rules for the security and treatment of arrested or under custody persons drafting and approving new acts pursuant to law no. 9749, dated 04.06.2007 “On State Police”. Initially with the order no. 64, dated 25.01.2010, of the Director General of the Police was approved the Handbook for the rules of treatment and security of the persons under detention or the arrested ones in the police units. Later on this handbook was reviewed and improved even with the order no.763, dated 27.09.2011 of the Director General of the Police was approved “The Handbook of Regulations and Standard Procedures for the Treatment and Security of Arrested and Under Custody Persons in Police Units”. This handbook offers guarantees and full opportunities for respecting and guaranteeing the rights of arrested or under custody persons on the grounds of State Police, protection from discrimination, etc.

170. In order to unify and standardize in the same way, the work and activity of police personnel there are approved Standard Procedures of Services Work of State Police. Integral part of these procedures are those that have to do with the respect and the guarantee of human rights and in particular of the persons deprived of freedom (accompanied, arrested or under custody).

171. In order to communicate and make known to the arrested or under custody persons, all the rights that are provided by law, it is approved the format of “Declaration for the information and recognition of legal rights, for the arrested or under custody persons in the State Police”, in which are reflected all the rights of arrested or under custody persons

which after being told by the police personnel are signed by the arrested or under custody person.

172. The Regulation of the Discipline of State Police (approved by Decision of Council of Ministers no.786, dated 4.6.2008), provides that the police employee should execute the obligations and behavioural norms, “to treat equally persons and to perform the tasks without any kind of discrimination because of gender, race, colour, language, ethnicity, belief, political, religious or philosophical convictions, sexual orientation, economic, educational, social situations, or parental affiliation”.

173. The General Regulation of Prisons (approved by Decision of Council of Ministers no.303, dated 25.03.2009) provides the obligation of the prison administration to make the human and educative treatment of the convicted through effective modern ways of administration, without any kind of discrimination for reasons of gender, race, colour, birth, language, nationality, ethnicity or social origin, political opinions or others, religion, physical or mental conditions, economic or any other status.

174. The Regulation “On the organization and functioning of probation service and for the definition of procedures standards for the supervision of alternative punishments execution” (approved by the Decision of Council of Ministers no. 302 dated 25.03.2009), provides that the probation service ensures that in its activity should not have discrimination because of race, colour, gender, birth, language, nationality, ethnicity, or social origin, political or other convictions, belief, physical or mental conditions, economic or any other status.

175. In the Regulation “For the cooperation of probation service with non-profit organizations (NPO) and the mediation service” (approved by the Order of the Minister of Justice no.6325, dated 31.07.2009), is expressly defined that the probation service and NPO-s or the mediation service, ensure not to have discrimination in their activity because of race, colour, gender, birth, language, nationality, ethnicity, social origin, political or other convictions

176. The Regulation “For defining the rules and procedures for work relations, training, career development and giving discipline measures for the prison police employees” (approved by the Order no.3125/1, dated 04.09.2009 of the Minister of Justice) expressly defines that during their activity, the Prison Police employees are guided by the principle of respect for the human rights and fundamental freedoms, principle of non-discrimination and principle of legitimacy.

177. The Regulation of Mental Health Services, (approved by the Order of the Minister of Health no.118, dated 15.05.2007) defines that the mental health services should be offered to mentally ill persons without any kind of gender, racial, religious, ethnic, linguistic distinction and must be guaranteed in any circumstance and every moment of exercising and respecting their rights.

178. Memorandum of cooperation between the Commissioner for the protection from discrimination and State Commission Chairperson for Legal Assistance, signed on 1.4.2011, which provides the forms of cooperation between these institutions in order to realize the effective protection from discrimination or any other behavioural form that incites the discrimination through giving priority of legal assistance to cases that are related with the violation of the right for equality before law

**C. Effective remedies that guarantee the protection of human rights and freedoms against discrimination**

179. Depending on the violation of human rights and freedoms, the ways for protecting the rights include the administrative and/or judicial appeals. In the cases of administrative appeal all the administrative bodies have the authority to give solution. These administrative bodies act pursuant to Administrative Procedures Code and the relevant legislation in force. Specifically for the case of gender discrimination, law no. 9970, dated 24.07.2008, "On the gender equality in society", article 30 defines that every appeal for the violation of gender equality, according to this law, is examined or tried by the administrative bodies, in compliance with the dispositions of Administrative Procedures Code. For the solution of disputes, the parties may follow freely the procedures of resolving the disputes with reconciliation or mediation. Also the law recognizes the right of following the case near the administrative bodies and the competent court.

180. Everybody has the right of a fair and public trial within a reasonable term and by an independent and impartial court defined by law, either for the protection of his constitutional rights and freedoms, or in the case of charges brought against him. In article 135 of the Constitution it is provided that the judicial power is exercised by the High Court, Courts of Appeal, and the first instance courts, which are created by law. The article 145 defines that the judges are independent and are subject only to Constitution and laws.

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