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Albania

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I. Methodology and consultation process for the preparation of the report

1. The National Report of the Republic of Albania under the third cycle of Universal Periodic Review (UPR) has been drafted in accordance with the guidelines set forth in the Human Rights Council Resolutions 5/1 and 16/21 and the General guidelines of the national report under UPR.
2. This report was compiled based on consultations with institutions involved in the process of implementing the UPR recommendations and the drafting process was coordinated by the Ministry for Europe and Foreign Affairs (MEFA). An Inter-Institutional Working Group was set up with representatives of governmental and independent institutions based on the Prime Minister Order, led by MEFA. The civil society was informed on this process and the consultation process will be followed till the review of the National Report as a possibility to provide comprehensive follow up information.
3. Considering that some of the recommendations focus on the same issue or deal with more than one subject matter, the information is summarized to reflect all issues the UPR recommendations address in the following thematic areas.

II. Development of normative and institutional framework for the promotion and protection of human rights

4. Republic of Albania (RoA) has ratified most of the international human rights instruments and stands committed to contribute to the international protection of human rights and fundamental freedoms. Albanian institutions are committed to further improve legal, policy and institutional framework, by strengthening the institutional mechanisms to ensure the protection of human rights. Several laws have been adopted and amended during the reporting period, strengthening the human rights legal and institutional framework.
5. Ensuring fast, effective and quality legal procedures is the most important goal of the justice reform. Law no. 76/2016 "On some additions and amendments to Albanian Constitution¹ as amended approved by unanimous vote by the Albanian Assembly, provides new institutional framework and mechanisms to guarantee independence, impartiality, integrity as well as accountability and responsibility.
6. A set of organic laws are adopted and will be adopted to address the implementation of the judicial reform, (a package of 27 laws)². Main laws adopted are: Law no. 84/2016 "*On the Provisional Re-evaluation of Judges and Prosecutors in the RoA*"; Law no. 95/2016 "On organization and functioning of institutions to fight corruption and organized crime; Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania"; Law no. 97/2016 "On organization and functioning of the prosecutor's office in the RoA"; Law no. 98/2016, "On organization and functioning of the judicial power in the RoA"; Law no. 115/2016 "On governance institutions of the justice system".
7. The Cross-Sector Justice Strategy 2017-2020 and its Action Plan aims to strengthening independence, efficiency, effectiveness and accountability of the justice system institutions. Since 2016 progress has been made toward establishment of the new judicial institutions in the framework of justice reform as: Justice Appointments Council (JAC); The High Prosecutorial Council (HPC); High Justice Inspector; Independent Commission for Coordination, Monitoring and Enforcement of Law no. 115/2016 "On the governance bodies of the justice system". The process of re-evaluation of judges and prosecutors (Vetting) includes the following bodies: the Independent Qualification Commission; the Appeal Commission as a special chamber of the Constitutional Court; Public Commissioners, in cooperation with international observers.
8. Law 37/2017 "Code of Criminal Justice for Children", aims to improve the protection of children's rights, and the position of juveniles in the capacity of the author, witness or victim of a criminal offence in particular.

9. Law No. 111/2017 “On Legal Aid Guaranteed by the State”, which entered into force in June 2018 reforms the procedures and mechanisms of providing primary and secondary legal aid guaranteed by the state, and the possibility of exemption from fees and court expenses.
10. The law no 96/2017 “For the protection of national minorities in the Republic of Albania” was adopted by Albanian Assembly on 13 October 2017³ aims to ensure and guarantee the rights of persons belonging to national minorities.
11. Law No. 121/2016 “On Social Care Services” regulates the social care services, supporting the fostering of the well-being and social inclusion of individuals in need of social care and their families.
12. Law No. 7895/1995 “On the Criminal Code” has undergone a series of amendments, including definition of several criminal offences, and provided for more severe criminal sentences in the field of gender-based violence and child protection, including for sexual abuse and economic exploitation of children.
13. Law No. 108/2014 “On the State Police“ was amended, strengthening actions in the field of domestic violence and trafficking, protection measures for children and inter-institutional collaboration.
14. Other relevant amendments include those undertaken in 2015 “On the Family Code“; “On the Labour Code“ (increase of the working age to 16 years and several protection measures for working children), and amendments “On Criminal Procedure Code“.
15. Code of Administrative Procedures (Law 44/2015) entered into force in 2016 foresee the reverse of the burden of proof in matters of discrimination.
16. The Social Protection Strategy 2015–2020 aims to establish a consolidated and comprehensive system of social protection to combat social economic inequalities and protect all individuals in need. The strategy foresees transformation of economic assistance into an active social reintegration scheme, by providing for integrated services.
17. The National Agenda for Children’s Rights 2017–2020 (NACR) was adopted in 2017 and has three strategic pillars: good governance for the promotion, implementation and protection of child rights, aiming at strengthening the regulatory and institutional framework for children’s rights and child protection; elimination of all forms of violence against children; child and adolescent-friendly systems and services, namely development and education, justice, health and nutrition, and social protection, aiming at identifying key measures for sectoral strategies that achieve progress in implementing children’s rights. The agenda is multi-sectoral and cross-cutting, and embraces all other sectoral action plans concerning children.
18. The Juvenile Justice Strategy 2018-2021, approved in September 2018, and its Action Plan, provides for an inter-disciplinary approach that will be integrated into all other existing national documents, accompanied by concrete activities, targets and indicators.
19. A Crosscutting Public Administration Reform Strategy and Action Plan (2015–2020) was adopted in 2015, including a comprehensive monitoring and reporting system with performance indicators and targets.
20. During the reporting period, several other strategies and action plans have been adopted in the fields of, among others, social housing, sexual and reproductive health, the fight against trafficking, rights of persons with disabilities, and integration of Roma and Egyptians, aiming at enhancing implementation of the rights of the children in Albania.

III. Implementation of international human rights obligations

21. In January 2014, Albania presented the national report on the human rights situation in the context of the second cycle of the UPR. The review took place during the 19th session of the UPR Working Group , on April 28, 2014. Albania received a total of 165 recommendations, which were assessed by the Government. Out of this number, Albania

accepted 161 recommendations (3 recommendations were accepted partially, and one was noted).

22. On a voluntary basis, Albania submitted in March 2017 the UPR mid-term report which provides information on the progress achieved from 2014 to 2016 in the implementation of the UPR recommendations of the second cycle⁴.

23. On the occasion of the 70th anniversary of the Universal Declaration of Human Rights, on 13 December 2018, the Ministry of Europe and Foreign Affairs of Albania launched the online platform hosted to official web site of MEFA⁵ as a monitoring mechanism on the implementation of human rights. This platform was developed with the support of UN Women and UNFPA in Albania which includes a Human Rights Action Plan and Monitoring Mechanism to facilitate the monitoring process of the implementation of the UPR recommendations of the second cycle, and other treaties-based bodies recommendations related to UPR recommendations. This platform will serve as tool to facilitate tracking and monitoring in a regular manner and to enable government to see how observations and recommendations are followed by establishing clear policies and actions in place, to measure progress and fulfill duly and effectively their reporting obligations. It will be as well a possibility for the large public to be informed.

24. As a member of the Human Rights Council for the last three years 2015–2017, Albania has contributed actively in the deliberations of this important body and its resolutions by joining the global action to ensure the promotion and protection of human rights.

25. The accession to the European Union is the overarching and strategic priority. Albania has been guided by the progress and completion of many complex and inter-related reforms, among 5 priority areas: public administration; judiciary reform; fight against corruption; fight against organized crime; protection of human rights.

26. On August 2018, Albania submitted its candidacy to take over the Chairmanship of the OSCE in 2020, and demonstrated its willingness to contribute in strengthening peace, stability, and to promote prosperity in the OSCE area and beyond⁶. During its Chairmanship, Albania will be fully engage to implement the common values and principles of the OSCE for a comprehensive concept of security. Particular attention will be paid to the third dimension of the OSCE related human rights.

27. Albania has embraced the Global Partnership, designed to make its contribution to the attainment of Agenda 2030 and is fully committed to implement the Agenda 2030 in the context of the National Strategy for Development and Integration 2015-2020 and the European Integration process. In July 2018 Albania presented the Voluntary National Review on Sustainable Development Goals⁷.

28. Albania extended an open invitation to all thematic special procedures. With regard the cooperation with special procedures, during 2016–2017 took place two visits: Special Rapporteur on freedom of religion or belief, Working Group on Enforced or Involuntary Disappearances.

IV. Implementation of recommendations from the second cycle of UPR review

Independent institutions

29. With regard to existence of two human rights institutions, in particular the Ombudsperson I and the Commissioner for the Protection from Discrimination, it should be noted that the two institutions have specific mandate of a consolidated practice with an effective division of competences. Article 2 of the Law "On the People's Advocate" stipulates that "... the Ombudsperson protects the rights, freedoms and legitimate interests of the individual from unlawful and irregular actions or omissions of public administration bodies and third parties. Law "On Protection from Discrimination", ensures effective

protection against discrimination for each individual, as well as their protection from any form of conduct that promotes discrimination.

30. The Ombudsperson has 7 regional offices in the country. The Commissioner for Protection from Discrimination CPD has three regional offices. This is a possibility in terms of guaranteeing a wider coverage of the territory, increasing visibility, awareness and access of individuals and institutions to the Commissioner.

31. The jurisdiction of the Ombudsperson includes only the public sector, based on the Code of Administrative Procedures. Meanwhile, the jurisdiction of the Commissioner for Protection from Discrimination extends not only to the public but also to the private sector.

32. During 2014–2018, budget funds for the Ombudsman are increased, regarding the structures and staff. Since 2018, staff of the Commissioner for Protection from Discrimination is increased. There is a need to increase financial and adequate resources for the independent human rights institutions, and to ensure better protection of human rights, according to Constitution and domestic legislation.

Women rights⁸

33. Amendments to the Electoral Code in 2013 on the parliamentary elections, which requiring at least 30% of the candidates on the multi-name lists of candidates to belong to each gender. Amendments of Electoral Code for the 2015 local elections upon a proposal of the Alliance of Women Members of Parliament provide that: 50% of the candidates on the multi-name lists of candidates to belong to each gender. As a result, the current representation of women in the Assembly is 27.85% (39 women out of 140). Women's representation in the Government is respectively: 8 ministers or 42%; Women's representation in the city councils is 34.6% (from 12% after the 2011 elections) and 9 mayors (14.7%) out of a total of 61 mayors. Progress has been made in relation with the representation in the public administration.

34. Amendments of the Labor Code in December 2015 introduced new provisions, with direct impact in women, including: an improved definition of sexual harassment in the work place; the reverse of the burden of proof for sexual harassment; additional guarantees for women's return to work after their maternity leave; non-discriminatory remuneration for all, and not only for men and women, etc.

35. A new Code of Administrative Procedures (Law 44/2015) was approved by the Assembly of the Republic of Albania on 30.04.2015 and entered into force on 28.05.2016. An important step is the provision related the reverse of the burden of proof in matters of discrimination. The public body should be guided by the principle of equality and anti-discrimination for grounds provided by law, including gender and gender identity.

36. Several bylaws in relation to economic position of women were adopted , such as: On the right to withdraw economic aid, exclusively by women, that will increase the access to financial resources; Specific measures are adopted to support women entrepreneurs and women's development initiatives in rural areas.

37. The family planning services are integrated into the Basic Primary Health-care Service Package. In January 2016, were approved the family planning guidelines, and standards for the provision of family planning services at all levels of health care.

Domestic violence and gender based violence⁹

38. Zero Tolerance of Violence against Women and Domestic Violence is a motto of the Albanian government. Law 47/2018 "On Measures against Violence in Family Relations" has been amended to ensure compliance with the CoE Convention on preventing and combating violence against women and domestic violence, and the Convention on the Elimination of All Forms of Discrimination against Women. Several protection measures, particularly related to domestic violence, included in Law 18/2017, are: prevention and reduction of cases of domestic violence; prediction of the preliminary emergency protection

order; participation of the psychologist and the preparation of a report to the police; increasing the efficiency and cooperation of the responsible structures; increasing qualified judicial support for victims of domestic violence.

39. On December 2017, the Assembly of the RoA approved the Resolution "On combating violence against women and girls and increasing the effectiveness of legal mechanisms for its prevention", and established the Permanent Parliamentary Subcommittee on Gender Equality and Prevention of violence against women.

40. Amendments of the Criminal Code, recognising domestic violence, sexual violence, engagement in sexual activity by use of force between spouses or cohabitants and enforced disappearance against pregnant women, children and unprotected persons as a criminal offence.

41. Law "On legal aid", which entered into force on 1 June 2018, provide access to justice for individuals with economic difficulties including disadvantaged groups. The law defines conditions, procedures and rules on administration of legal aid guaranteed by the state, equal access to the justice system, professional legal aid, and state institutions responsible for administering legal aid. This law provides as beneficiaries of state-guaranteed legal aid regardless of their income and property, expressly victims of domestic violence, sexually abused victims and victims of trafficking in human beings, to other categories such as child victims and juveniles in conflict with the law, persons in social care, persons without legal capacity to act and victims of discriminatory behavior.

42. Law No.22 / 2018 "On Social Housing", with regard of social housing programs provides for priority in terms of securing social housing victims of domestic violence, victims of trafficking and potential victims of trafficking.

43. The National Strategy on Gender Equality and Action Plan 2016-2020 provides specific objectives, indicators and budgets for each activity. The National Strategy and Action Plan on Gender Equality 2016–2020 provides for a comprehensive multi-sectoral response to gender-based violence and domestic violence and contains several measures on preventing and addressing violence against women, children and supporting the women and child victims.

44. National Referral Mechanism (NRM) for cases of violence in family relations was established at the local level in 60 municipalities (out of the then total of 61 municipalities), as well employees for gender equality, with the role of local coordinators against domestic violence. Since 2016 are adopted standards of services for victims of domestic violence. There is need for a multidisciplinary, rapid and effective approach, for national and local government units' awareness on budgeting of gender priorities, applying for funding to provide social services for victims of domestic violence.

45. The State Police has established a telephone service number 129 or 11 for all emergencies which operates 24 hours in 7 days. Since 2017, the Free Counselling Line 116-117, is offering free of charge primary service of psycho-emotional support, counselling and assistance for the referral of violence, in a secure and confidential environment. National service counselling standards for victims of domestic violence were adopted.

46. An increase in reporting and cases management, particularly in cases of domestic violence, has been evidenced by the State Police. During 2016–2018, there are in total 13661 cases of domestic violence: 6187 claims for Emergency Protection Orders and Protection Orders (EPO / PO-7837 women and girls identified as victims of violence. 7847 lawsuits for EPO/PO.

47. According to the General Prosecution Office, in relation with criminal offense "Domestic Violence" from 2016–2018, the number of recorded criminal proceedings is: 3566 cases, with an increase of percentage year by year. The Prosecution Office submitted before the court over 79% of the criminal proceedings cases.

48. An online registration system on statistical data on domestic violence at the local level is operational. National Data System on domestic violence cases at the local level (REVALB) is used by 22 municipalities. Local violence coordinators in each municipality collect data on cases identified and addressed by the Referral Mechanism for Addressing

Cases of Domestic Violence (Referral Mechanism). The system registers every case of violence identified and addressed by the local referral mechanism.

49. There are 6 non-public centers providing residential services (2 in Tirana, 1 in Berat, 1 in Korca, 1 in Elbasan, 1 in Vlora). In December 2018, was opened a Crisis Management Center for Victims of Sexual Violence “Lilium Center”, at the premises of the Tirana University Hospital Center “Mother Theresa”. This Center provides 24/7 integrated services to victims of sexual violence by a multidisciplinary team. Standards of this Center were approved by Instruction of the Minister of Health and Social Protection in November 2018.

50. The awareness raising activities have been organized by the Ministry of Health and Social Protection within “the 16 days of activism against gender based violence and domestic violence” (25 November-10 December yearly), in close cooperation with line ministries, civil society organisations, international organizations.

Fight against trafficking

51. Legal and institutional framework in the field of trafficking is improved, and includes amendments to the Criminal Procedure Code (Law 35/2017) and an improved position and access to the criminal process for the victim. Law ‘On Social Care Services’ places a requirement on all institutions responsible for treatment of a trafficked persons to take all specific measures and actions for their assistance and support, in order to find a lasting solution. Law ‘On State Police’ provides for additional safeguards for the protection and comprehensive support for victims of trafficking, especially women and children.

52. The National Strategy on the Fight against Human Trafficking 2018-2020 is organised around four main pillars (investigation and criminal prosecution, victim protection and assistance, prevention, and coordination), with a budget for its activities. The Cross-sectoral Strategy on the Fight against Organised Crime, Illicit Trafficking and Terrorism 2013–2020, increasing the efforts in the fight against trafficking of persons. Strengthening international and inter-institutional cooperation with all stakeholders, in particular with the Serious Crimes Prosecution Office, which deals with trafficking cases of women, vulnerable groups and children.

53. Since 2017, twelve Regional Anti-Trafficking Committees have been established, comprising local officials and NGOs working on prevention and victim assistance. The prime minister issued an order to strengthen the RATCs by mandating the government agencies required to participate, namely social services, law enforcement, labour inspectors, and health representatives.

54. National State Centre for women and child victims of trafficking and three non-public treatment centres for victims and potential victims of trafficking are operational. The individuals in the centres/shelters receive an assistance package composed of food, counselling, legal assistance, medical care, educational services, textbooks for child victims, employment services, assistance to the children of victims, financial support, long-term accommodation, social activities, vocational training, and free access to health care. During 2012–2018, 198 victims of trafficking or potential victims of trafficking were accommodated in the National Centre, and 398 in three other centres. According to data provided by the State Social Services and Ministry of Internal Affairs, between 2013 and 2017, 529 cases of victims of trafficking and potential victims of trafficking were identified.

55. Several trainings and awareness-raising activities have been organised in this field. Government, in cooperation with civil society, has trained several police officers, employees of local law enforcement, border police officers and judges, prosecutors on protection of victims/possible victims of trafficking. Schools, directorates and academic staff, and the psycho-social service units have taken measures, including raising awareness of children in relation to trafficking in dedicated modules in the optional curricula and other activities, as well as information and education activities and campaigns in schools.

Prohibition of torture and detention conditions

56. The Law on the Rights of Prisoners and Detainees of 1998 was amended in 2014. These amendments strengthen preventive and protection measures against physical, psychological and sexual violence in prisons and detention centers.

57. The concept of pre-detention centres functioning as rehabilitation facilities has been subject to continuous improvement with various procedures and mechanisms, such as the requests and complaints mechanisms, protection of personal data and confidentiality, and improvement in the general conditions of penitentiary institutions. Security room facilities have been set up or reconstructed in the Tirana Local Police Directorate, as well as in seven police commissariats, to meet the conditions for the maintenance of human treatment of detained or arrested individuals.

58. The General Directorate of Albanian State Police through the administrative acts, produces and continuously monitors all structures and employees of the State Police to fulfill their duty in accordance with the law, not to use physical force pursuant to the legal conditions and procedures, the prohibition categorically to the exercise of physical/psychological violence or other physical ill-treatment, to persons to obtain data, information and statements relating to the commission or not of various criminal offenses.

59. Penitentiary reform will focus on: Conducting a thorough analysis of the prison system and draft a comprehensive platform for reforming the penitentiary system; transparent procedures for vacancies and testing criteria based on meritocracy, moral and professional integrity; Establishing a sustainable and professional system for prison staff. Increasing the quality of services and improving the legislation aiming at the return of institutions to serve the citizens: Functional system for addressing complaints claims. Strengthening anti-corruption measures: Strengthening the mechanism for requesting complaints and providing information to citizens.

60. With the establishment of the new prison in Shkodra, the General Directorate of Prisons has accomplished some of the recommendations of the European Committee for the Prevention of Torture regarding the reduction of the overcrowding in prison system and improvement of the general living conditions for prisoners. The current total number of prisoners is 5578. The overall capacity of prisons is 6236 and the overall overcrowding rate is minus 11%. Among the total number of prisoners, 5169 of them are adults, 107 are women, 23 are juveniles and 279 persons are forensic patients held in prison system. In terms of infrastructural improvements, investments were made related to the improvement of living conditions of prisoners.

61. The Ombudsman Institution has full competence to inspect without prior notice all the Institutions of Execution of Penal Decisions. Several Cooperation Agreements have been concluded with non-governmental organizations, which have a mission to protect human rights and fundamental freedoms. These organizations are allowed to conduct inspection of conditions in prisons at any time. Representatives of these organizations were allowed to visit the premises, see the relevant documentation, and get direct contact with the inmates without the presence of police officers.

62. Cooperation with non-governmental organizations has been extended in consultation of action plans and drafting of joint programs for strengthening the system of rehabilitation and enforcement of rule of law in penitentiary institutions.

Justice reform

63. After months of building the foundations and preparing the ground, recently there have been several important achievements in the vetting process of the judiciary in Albania. The latest developments show that the reform is delivering, and that Albania is on a good path towards the establishment of a justice system free of incompetence, bias and corruption. In December, a crucial step in the implementation of the justice reform was the establishment of the High Prosecutorial Council and of the High Judicial Council. This key step confirms the irreversibility of the reform and the success of the vetting process. The

substantial results achieved by the vetting process are the basis for the establishment of all new judicial institutions. The constitution of the two pillars of the justice system will now allow the establishment of the Special Anti-Corruption and Organised Crime Structures and the National Bureau of Investigation, as well as the election of the Permanent General Prosecutor.

64. The Council of Appointments in Justice (CAJ) was also established in December 2018. It is composed of nine members selected by lot from the ranks of judges and prosecutors, who are not under disciplinary measures. The CAJ is responsible for verifying the fulfilment of legal requirements and assessment of professional and moral criteria by the candidates for the High Justice Inspector, as well as for candidates for the Constitutional Court. The CAJ examines and ranks the candidates according to their professional merits.

65. The Council of Appointments in Justice held its first meeting on 15 January and is drafting Rules of Procedure that it will adopt at the next Council's meeting. This will allow the CAJ to proceed with the drafting of the sub-legal acts on the drawing of the lot for the selection of the rapporteurs, the verification and evaluation of 40 candidacies (magistrates and non-magistrates) running for the vacant positions in the Constitutional Court and High Justice Inspector.

Fight against corruption

66. Since 2015, Albania has been pursuing and implementing the Anti-Corruption Crosscutting Strategy. The vision of this strategy is: "Albanian institutions with a high level of transparency and integrity, enjoying the trust of citizens and guaranteeing quality and non-corrupt service". The major goals of the Anti-Corruption Crosscutting Strategy are prevention, punishment and public awareness / education about corruption. These goals are long-term and extend over time throughout the implementation of the strategy and action plan.

67. The Action Plan 2018-2020 for the implementation of the Anti-Corruption Crosscutting Strategy 2015-2020 was approved by Decision of Council of Ministers No. 241, dated 20.04.2018, envisaging Passport of Indicators, establishment, functioning and duties of the Coordinating Committee for the Implementation of the CACS and the Inter-Institutional Anti-Corruption Task Force.

68. The new Action Plan 2018-2020 consists of a total of 18 objectives related to: the Preventive Approach, which aims to eradicate corruption firstly from the public administration and all state segments and mainly from institutions providing public services to citizens; the punitive approach, is intended to ensure that law enforcement institutions and especially independent bodies, which have a key role in this process, should monitor law enforcement and rule of law, thus ensuring the transparency and integrity of state bodies: the public awareness approach, aims for the public to participate in the fight against corruption by denouncing it and being active in initiatives aimed to prevent corruptive phenomena.

Right to life

69. Significant efforts have been made in recent years to address the issue of blood feud. The Criminal Code, criminalising and strengthening sentences for the crimes of murder for blood feud, of serious threats of revenge for blood feud, threats against a person to be confined at home and incitement to blood feud. In March 2015, Parliament approved a resolution urging the Coordinating Council for the Fight against Blood Feud to take measures to prevent the phenomenon in Albania. The Headquarters against Crime with Motives of Revenge and Blood Feud was established at General Directorate of State Police (GDPS) and is responsible for guiding, overseeing and coordinating the work of subordinate structures in this field.

70. The National Action Plan for the Prevention, Detection, Documentation and Tackling Criminal Offences of Murder Committed for Revenge and Blood Feud updated in

2014, aiming to strengthen cooperation with local government, CSOs, the Prosecutor's Office, education directorates and schools to reconcile conflicts, improve investigation and prosecution of crimes and strengthen education. According to GDSP statistics, 60 families have been affected by blood feud, with 143 self-contained persons, of whom 40 are children.

71. In 2014, Instruction "On Procedures for the Education of Confined Children" was adopted, based on which a curriculum and special subject programmes for the education of confined children were developed. The local structures of the state police, mainly in the counties most affected in cooperation with local government authorities and NGOs organise periodic meetings to discuss issues related to blood feud.

Child protection¹⁰

72. Best interests of the child present a guiding principle in the legislation, bylaws and policies pertaining children, including the Code of Criminal Justice for Children, the Law on Social Care Services, amended Criminal Code, and strategies. This principle of best interests and its practical application, is integrated into all the textbooks, manuals and trainings of the relevant professionals working with and for children.

73. Law 18/2017 "On the Rights and Protection of the Child" entered into force in 2017 covers broader rights of the child, with particular emphasis on strengthening the system of protection of children from violence, abuse, exploitation and neglect at national and local level. The best interests of the child should be implemented by all law enforcement bodies focusing on children.

74. The Family Code, and the Law 18/017 specifies mechanisms and court interventions to establish contact in case the parent or legal guardian is unwilling to fulfil their obligations, and to review the decisions on contact with the parent. This law, for the first time, foresees measures for parental rehabilitation, aiming to enable children placed in alternative care to return to their families by empowering and supporting the family or by intervening to improve family relationships if the child still lives with the family.

75. Law "On Social Care Services" and the National Strategy for Social Protection tackle measures aiming at family support and the prevention of child institutionalisation, through, among others, community services, direct support to families in need, counselling and training of families.

76. Law 18/2017 clarifies the child protection structures and strengthens measures to identify cases of children at risk of violence, abuse, neglect or exploitation, including emergency measures to immediately remove the child from a risky situation. It also imposes an immediate obligation on all professionals working with children to report child abuse. A multi-sectoral system for child protection from all forms of violence has been established, and appropriate mechanisms, structures and systems.

77. This law institutionalised Child Protection Units and provided standards for the services of the Child Protection Units, for assessing the quality of child protection services in the municipality, and provides the basis for their inspection by central level structures. NACR/Agenda 2017–2020 focus is prevention as a key strategy for protecting children from all forms of violence, including the promotion of positive non-violent parenting. Case management is institutionalised as a standardised method or system used to ensure proper responses to cases of children at risk, within a set time frame and in compliance with service standards.

78. The provision of services to victims of domestic violence has been strengthened. The number of children accommodated annually is relatively consistent, from 38–59 cases per year. A tailored integration service plan is developed for each child that includes their enrolment and monitoring of school attendance. Various awareness-raising and entertainment activities are carried out aiming to develop their social and cognitive skills. Specialist social workers and psychologists at the centre support the mothers to become part of the employment and housing schemes offered by the local government or non-profit organisations, in order to improve their financial situation. Other services available to

victims, provided by public and private centres include, housing and psycho-social support, referral for medical care, legal aid, professional training courses, and employment mediation.

79. The National Agenda for Children's Rights 2017-2020 (NACR) was adopted in 2017 is a multi-sectoral and cross-cutting, and embraces all other sectorial action plans concerning children. The Agenda builds on the achievements of the Action Plan for Children (APC) 2012-2015 and the lessons learned from its implementation. It has three strategic pillars: good governance for the promotion, implementation and protection of child rights, aiming at strengthening the regulatory and institutional framework for children's rights and child protection; elimination of all forms of violence against children; child and adolescent-friendly systems and services, development and education, justice, health, nutrition, social protection.

80. A comprehensive assessment of budget needs for children has been done with planning for NACR 2017-2020. Central and local government budgets (64.4%), as well as donors (26.2%), are primary sources of funds for its implementation. Awareness-raising activities and trainings in the field of children's rights were carried out in the reporting period by multiple governmental and non-governmental agencies and institutions. Children's rights are included in the curricula and textbooks of primary education and are a central part of both the educational work.

81. In 2014, the Law on the Ombudsperson was amended, establishing the Section for Children's Rights Protection and Promotion composed of one Commissioner for Children's Rights Protection and Promotion and three assistant commissioners. The Commissioner was appointed in 2018 and has been fully operational since then. A new strategy is being drafted by the Ombudsperson institution to prioritise efforts and maximise the efficiency of this body.

82. The Ombudsperson has a Reception and Services to Citizens Office in Tirana, as well as seven regional offices in the country's other large administrative centres. These offices have been effective in the promotion of the institution and the rights of children in the geographical areas in which they operate.

83. The Ombudsperson has the mandate to receive individual complaints on human rights violations, to address the relevant issues at its own initiative and to carry out inspections in public institutions, including residential institutions for children, and detention facilities.

Children in a street situation

84. Children in street situations are, under Law 18/2017, recognised as a category of children who need special protection (and are not considered as offenders). However, in cases where children are used by a family to beg on the street, the families are treated as offenders according to the Criminal Code, which considers the exploitation of a child for begging as a criminal offence.

85. Following a national survey undertaken on children in a street situation in the country, the National Action Plan on the Identification and Protection of Children in a Street Situation 2015-2017 was drafted, and implemented. The on-site teams responsible for the identification process of children in a street situation, provision of first aid, and immediate referrals to the responsible case management structures were set up in each municipality, and will also be established at the Regional Directorate of State Social Services.

86. Several measures have been taken by the state police bodies against the economic exploitation of children, including child begging, as part of the efforts to protect street children. The number of cases of child exploitation for begging referred to the prosecution office has increased.

Sale, trafficking and abduction

87. The legal and institutional framework in the field of trafficking has improved, and includes amendments to the Criminal Procedure Code (Law 35/2017) and an improved position and access to the criminal process for the victim. Law “On Social Care Services” places a requirement on all institutions responsible for treatment of a trafficked child to take all specific measures and actions for their assistance and support until full recovery, in order to find a lasting solution. Law “On State Police” provides for additional safeguards for the protection and comprehensive support for victims of trafficking, especially children. Code on Criminal Justice strengthens child protection within the criminal justice system.

88. Protection of children is further strengthened by the National Strategy on the Fight against Human Trafficking 2017-2020, which includes measures for proactive identification of potential victims of trafficking in Albania and victims of trafficking abroad and their voluntary return to Albania.

Education

89. Law No. 18/2017 ‘On the Rights and Protection of the Child’ foresees mechanisms for avoiding cases of non-attendance of children in compulsory education due to failure to enrol or for financial or other reasons. It defines an obligation of school management bodies to address such cases and the child protection structures to intervene to secure the child’s enrolment or return to school after having dropped out. The law guarantees children who have completed compulsory education the opportunity to pursue education, if they wish, and the parents are obliged to assist them. Since 2018 were developed Facilitates on registration and return procedures for children who, for various reasons, have not attended basic education for at least two school years, have abandoned school, or who are identified as unregistered, or street children.

90. Law “On the Pre-University Education System”, guarantees the constitutional right to education for everyone, without discrimination. The Strategy on the Development of Pre-University Education 2014-2020 aims to ensure qualitative and inclusive education, beginning in pre-school.

91. Several by-laws and measures have been adopted to increase access to education for children in disadvantaged or vulnerable situations (including Roma children, children with disabilities, children from rural areas, etc.). The special fund is set annually in the budget, providing free textbooks to various categories of children from disadvantaged groups (those whose parents receive economic aid or unemployment allowance, orphans, from national minorities, migrant children, from families with disabilities, families in need, victims of trafficking, migrant children, etc). The number of Roma and Egyptian children enrolled at school is increasing and the numbers dropping out decreasing.

Child exploitation¹¹

92. Law “On the Rights and Protection of the Child” strengthened the protection of children from economic exploitation. Criminal offers protection from, and prosecution for, economic exploitation of children. NACR 2017-2020 foresees several measures in addressing child labour, including: assessment of the situation of child labour; guidelines for child protection structures to assess child labour; Pursuant to Law 18/2017, the procedures of identification, immediate assistance and referral of economically exploited children, including Children in a Street Situation, and the responsible institutions.

93. Amendments of “Labour Code” in 2015 increase the minimum age for work to 16 years, aligning it with the Law “On Pre-University Education” and EU Directive. The rules of the counselling and vocational training of children, classifications of difficult and dangerous jobs, and defining the schedule of medical checks have been clarified. The National Action Plan for the Protection of Children from Economic Exploitation, including children in street situation (2019–2021) has been drafted. The main targets are: prevention of children’s economic exploitation; protection and interventions/services based on the

identified needs of the child; breaking the social and cultural barriers that promote economic exploitation; prosecution of the criminal cases related to the economic exploitation of children.

94. DCM No. 108/2017 “On the Protection of Children at Work” sets out detailed requirements for protecting the safety and health of children under 18 years of age from economic exploitation and any type of labour that may harm their safety and health, or physical, mental, moral and social development, and intervene with their education or participation in cultural and commercial activities. Children between 16 and 18 years of age may work, but are restricted from work performed at night or deemed harmful to their health or growth, and in all cases their engagement should be authorised by the Central Inspectorate. Children are mostly employed in manufacturing enterprises (76%) and tourism businesses (21%). The State Labour and Social Services Inspectorate has been taking legal measures in cases of violation of the legal provisions regulating the employment of children. The focus of the work of the inspections is seasonal employment of workers, child labour, employment with second and third shifts, and health and safety conditions at work.

Juvenile justice¹²

95. Law 37/2017 “Code of Criminal Justice for Children” provides the rights and procedural guarantees of juveniles in conflict with the law. Restorative justice is incorporated into the legal provisions guiding each procedural step in juvenile justice. At the trial stage, the Code extends the competences of institutional sections for juveniles and young people up to the age of 23 years old. It states that punishment of a child to a period of imprisonment is the last measure to be applied to juveniles who commit a criminal offence. Responsible institutions undertake appropriate legal, institutional and infrastructural measures to enforce the provisions of the Code.

96. This Code provides that a child in conflict with the law, or a victim or witness, or in administrative and civil proceedings is entitled to free legal and psychological assistance provided by the state. National Chamber of Advocacy makes available to the free legal aid institutions a list of lawyers specialised and trained in juvenile justice. Child victims of criminal offences have been provided psychological support throughout the stages of preliminary investigations carried out by the state police structures.

97. Legal aid include a child victim or a child in conflict with the law at every stage of criminal proceedings, a child living in social care institutions, or under guardianship who seeks to initiate proceedings without approval of their legal guardian or against them, among others. Children, in custody or under arrest in police structures are immediately and comprehensively informed of their rights, provided with immediate access to a lawyer and medical assistance and are sent to trial within a due date as foreseen by the Constitution. Legal aid has been provided to victims of criminal offences according to Criminal Procedure Code in 2017.

98. The Ombudsman Institution has full competence to inspect at all times and without prior notice all the Institutions of Execution of Penal Decisions. A database is maintained and updated regarding the implementation of the Ombudsman's recommendations. A cooperation agreement, was signed between the Directorate of State Police and the Centre of Integrated Legal Services and Practices on the provision of free legal and psychological assistance to minors during the preliminary investigation phase.

99. Pursuant to the Code of Criminal Justice for Children, the organisational rules, procedures for compulsory, secondary and higher education for juvenile offenders have been adopted since 2018 by the Ministry of Education and the Ministry of Justice. For the education of school-age individuals in pre-detention institutions, a curriculum has been approved. Children receive free textbooks.

100. Several measures have been taken to improve conditions for juveniles in the penitentiary system, including the provision of integrated services in cooperation with other governmental institutions. These include, educational activities, rehabilitation and

reintegration programmes, vocational trainings to increase their post-release employment opportunities, etc. The individualised treatment programme is designed according to the prisoner's psycho-social needs assessment. Activities for juveniles are organised according to a weekly schedule, with juveniles participating in sports activities, education, vocational trainings, recreational activities, library services, social and psychological counselling, and other trainings.

101. Currently, seven district courts (out of 29 district and first instance courts) have a criminal section dealing with juvenile delinquency. The Code emphasises that juvenile justice issues will only be dealt with by persons specialised and trained. This Code introduces the creation of an Integrated Data System of Criminal Justice for Children. A special unit, covering juvenile justice issues has been set up in 2017 in the Ministry of Justice, which is responsible for reviewing and ensuring coherence of statistical data on juvenile justice. Juvenile data are disaggregated by criminal offence, age group (under 14 years, and from 14–18 years), gender and residence.

102. Alternative measures to detention have increased on providing the infrastructure and institutional framework for implementation of alternative measures for avoiding prosecution and punishment for juveniles in conflict with the law. Several measures foreseen in the new Juvenile Justice Strategy aim to accelerate progress in this field. The Probation Service has established cooperation with several institutions to support children under probation, including: National Employment Service, Regional Directorates of Vocational Training, the Regional Education Directorates, etc.

National minorities¹³

103. The adoption and the implementation of the law “For the protection of national minorities in the RoA” constitute the progress in reinforcing the protection of human rights, as one of the key priorities for the opening of accession negotiations with the European Union. It further improves the existing legal framework and guarantees to the national minorities wherever they live in Albania, equal and non-discriminatory treatment, as to all other Albanian citizens, by enhancing dialogue with representatives of minorities.

104. The process of drafting this law was carried out in close consultation with minority associations and other relevant actors, through public hearings, with the assistance and advice of the best European expertise, including by the Council of Europe, based on the recommendations of Advisory Committee of FCNM, Resolution of the Committee of Ministers of the Council of Europe on the implementation by Albania of FCNM, the European standards and taking into account the specific conditions and needs of Albania. A broad consultation process during different stages of the preparation took place, by involving central institutions, local self-government units, independent institutions, minorities' associations, civil society and international organizations. All minorities' associations in Albania and their representatives have been consulted along the process.

105. The Law provides the definition of a national minority, by eliminating the differentiation of two categories of minorities (national and ethnic-linguistic minorities), and the legal criteria for recognition as a national minority based upon subjective (self-identification) and objective criteria. It stipulates for the first time a formal and legal recognition of all existing national minorities in Albania based upon the provision of the FCNM. For the purposes of this law the national minorities in the Republic of Albania are: Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian, and Bulgarian minorities.

106. This law aims at ensuring the exercising of specific human rights of persons belonging to a national minority by protecting the distinct identity of national minorities as an essential component, non-discrimination and full equality before the law. Every person belonging to a national minority is free to identify himself as such in the entire Albanian territory through self-identification. It provides the prohibition of discrimination; freedom of association and the right to representation; freedom of religion; freedom of expression and information; participation in public, cultural, social and economic life; preservation of

cultural identity; education; right to education in the language of a national minority; the use of minority language, etc.

107. Persons belonging to national minorities, in self-government units where they live traditionally or in substantial numbers, are ensured opportunities to be taught in or to receive instructions in their minority language. They have the right to use officially their language in various aspects in those self-governing units where they live traditionally or constitute over 20% of the general number of the population of this unit, upon a decision of the self-government organs, when relevant conditions permit and there is a sufficient demand. The threshold adopted complies with the principle recommended by the expertise offered by the Council of Europe.

108. In relation with the right of education¹⁴, Persons belonging to a national minority shall enjoy the right to learn the language of the minority. These persons in the local self-governing units where they have been living traditionally, or in a substantial number, provided there are adequate requests, shall be provided the possibility to learn or to take lessons in the minority language, in conformity with the relevant legislation in the field of education. They have the right to set up and to manage private institutions in the educational system and vocational education institutions.

109. On September 2018 are adopted two project decisions on the field of education: Decision of the Council of Ministers (DCM) “On equipment of students with school texts, continuous professional development of teachers, and creation and functioning of school classes in the language of the national minorities”; DCM “On adequate measures for the promotion of culture, history, language and religion of national minorities in the educational and scientific activity of the institutions of higher education”¹⁵.

110. Persons belonging to national minorities shall, in addition to the Albanian language, have the right to use also the language of the national minority: a) their name and last name, in conformity with the relevant legislation; b) signs, inscriptions and other information. Persons belonging to national minorities, in self-government units where they live traditionally or in substantial numbers, are ensured opportunities to be taught in or to receive instructions in their minority language. They have the right to use officially their language in various aspects in those self-governing units where they live traditionally or constitute over 20% of the general number of the population of this unit, upon a decision of the self-government organs, when relevant conditions permit and there is a sufficient demand. By decision of the organs of the local self-governing units, where over 20 per cent of the inhabitants belong to a national minority, provided there is an adequate demand by them, the names of relevant administrative units, roads and other topographical indicators shall be displayed, alongside the Albanian language, also in the language of the relevant minority.

111. In relation to the implementation of these provisions, the laws are foreseen to be adopted on: The use of the language of national minorities in relation with administrative authorities and the display of the names of relevant administrative units, roads and other topographical indicators; The criteria for determining the local self-governing unit, the substantial number and the adequate requests in order to the possibility to learn or to take lessons in the minority language.

112. Main bylaws on the implementation of the law on national minorities already prepared to be adopted are: On the structure and functions of Ad Hoc Commission, and the procedures for the examination of an application for the recognition of a national minority; On the criteria, the documentation and the relevant procedures for data collection, regarding the identification of persons belonging to national minorities, based on their right of self-identification and the Documentation of Civil Registry; On the adoption of strategies, programs and action plans to create the necessary conditions for national minorities to maintain and develop their distinct identity; On necessary measures and policies to ensure the participation of national minorities in the public, cultural, social and economic life; On the criteria for supporting the initiatives and projects aiming at defending the rights of national minorities, preserving and promoting the distinct cultural, ethnic, linguistic, traditional and religious identity of national minorities, and the selection criteria for financing them and for the management of the Fund for national minorities; Measures to

ensure the rights of persons belonging to national minorities to express their thoughts and hold opinions and to receive and impart information in minority language.

113. Regarding the effective functioning of bodies representing minorities, the law on national minorities, contains specific provisions on the establishment, competencies, functioning and composition of the Committee on National Minorities as a central institution under the auspices of the Prime Minister, in order to ensure protection and promotion of the rights and interests of national minorities. In relation with the functioning of bodies representing minorities, is adopted the Decision of the Council of Minister on functioning of CNM (December 2018). The establishment of the Fund for National Minorities will support the initiatives and the projects aimed at protecting the rights of national minorities, preserving and promoting the distinct cultural, ethnic, linguistic, traditional and religious identity of the national minorities.

114. With regard to “the right to self-identification”¹⁶, according to the Article 6 of the Law on national minorities: 1. Every person shall have the right to declare his/her belonging to a national minority, based on the right of self-identification, pursuant to the provisions of the law on the census of the population in the Republic of Albania and in the cases provided for in this law. 2. Nobody may be forced to disclose or make public data on his/her belonging to a national minority and his/her ethnic, linguistic or religious belonging, with the exception of those cases when such a disclosure of data is necessary for the exercise of the rights provided by this law¹⁷.

115. This law guarantees the right to declare his or her belonging to a national minority. Persons belonging to national minorities based on the right of self-identification, can declare his/her belonging to a national minority during the general census of the population in the Republic of Albania. After the adoption of the law on the national minorities in Albania, it remains essential to ensure that domestic legislation, which guarantees the application of the rights of the minorities as stipulated in the Law on Minorities. Therefore, all domestic legislation, including the legislation on the census will be revised in line with European standards.

116. The next Population and Housing Census¹⁸ will take place in 2020, administrated by the National Institute of Statistics of Albania (INSTAT). Regarding the question on ethnicity, the legal framework on the Population and Housing Census will be in conformity with the principle of the self-identification and the right to a person belonging to a national minority to freely choose to be treated or not to be treated as such, in accordance with the law on national minorities and the FCNM, as well international standards. The 2020 Census will follow the method of universal direct enumeration based on field operations with compilation of questionnaires by enumerators, using new methods for the collection of data. The 2020 Albanian census will be in conformity with international recommendations and regulations of the European Union. It will collect the information for all core topics embraced on Eurostat and United Nations recommendations. According to Eurostat and UN recommendations, census questions are grouped in two main categories: 1. Questions with a common interest and necessary for statistical comparisons at international level. 2. Optional questions based on the specific needs and request from users. Questions on ethnicity are of sensitive nature, and the collection of data will be based on free declaration of the respondents. The question on ethnicity it will be an optional question, as well the questions on religion, and language. The preparation of draft law on the Population census 2020 is followed by a consultative process, including consultative meeting with minorities and ethno-cultural groups¹⁹.

Roma and Egyptian minorities

117. National Action Plan for the Integration of Roma and Egyptians for 2016-2020 reflecting a scale up of measures being implemented and also initiates new activities for promoting the integration of Roma and Egyptians, with committed funding from the State budget and finding the financial means through coordination with international donations. The main principles are: Promoting social inclusion; Using a targeted approach to address specific exclusion issues; Respecting differences between Roma and Egyptian

communities; Involvement of Roma and Egyptians, in the design, implementation and monitoring of public policies.

118. The National Action Plan for integration provides measures to comprehensively address the situation of Roma and Egyptians in Albania in the field of education and inter-cultural dialogue, civil registry and justice, social protection, employment, education and vocational training, urban housing, and health care, as well as coordination and monitoring policies. Sufficient resources are allocated for its implementation, and its progress tracking is done by MHSP.

119. In order to improve coordination in the field of Roma and Egyptian integration, a network of seven focal points has been created among the key ministries responsible for education, civil registration, health, employment, social housing and vocational trainings. A database of 57 focal points at the municipal level that coordinate policies for Roma and Egyptians has been established. The electronic system RomAlb was developed, serving as a centralised web application allowing for collection and management of information on Roma and Egyptian minorities.

LGBTI persons

120. The National Action Plan for Non-discrimination on the Grounds of Sexual Orientation and Gender Identity 2012-2014 and the National Action Plan for LGBTI Persons 2016-2020 foresee several measures to address discrimination and integration of these groups. The strategic goals are: Improving the legal and institutional framework, as well as raising awareness on non-discrimination and protection of LGBTI people's rights, in line with international standards; Elimination of all forms of discrimination against the LGBTI community, through capacity building of law enforcement structures; Improving access to employment, education, health, housing and sports for LGBTI persons, while guaranteeing their equal opportunities.

Rights of persons with disabilities²⁰

121. Law No. 93/2014 "On the Inclusion and Accessibility of Persons with Disabilities" is in accordance with the standards set out in the Convention on the Rights of Persons with Disabilities in 2012. This law and National Action Plan for Persons with Disabilities 2016-2020 aiming at improving the quality of life and effective inclusion of persons with disabilities (PWDs). Since 2015 is established the National Council for Persons with Disability, in 2015 to guide inter-institutional measures, includes CSOs representing the rights of disabled children and parents of children with disabilities.

122. The disability assessment system is undergoing a process of reformation, from a medical to a bio-psycho-social model. Based on the Law on Economic Aid, a new social disability assessment scheme is being piloted since July 2017 in two administrative units of Tirana Municipality. The National Electronic Disability Register is also being piloted, and comprises a major component of the disability assessment system reform. The disability assessment of individuals with disabilities is performed by health institutions avoiding the repeated presence of the individuals in the various steps of the process²¹. Disability allowance as part of the social protection programme serves to support people with disabilities and improve their quality of life. Expenses on disability payments have increased significantly in recent years being the major part of social protection spending.

123. Several bylaws are adopted since 2014 in relation to : public services for persons with disabilities (PwDs), removing environmental and infrastructure barriers; collection of statistical data, on disability at central and local level; adoption of "Sign language". Other measures have been undertaken for inclusion of persons with disabilities based on the bio-psychosocial assessment of disability.

124. Several activities have been undertaken in cooperation with development care centres to promote the participation in society and social integration of PwDs. Special days, such as Days of Persons with Hearing and Seeing Impairments, International Day of

Persons with Disabilities, Global Week for Education, and Children with Disabilities, are used to provide opportunities for raising awareness.

125. Law on the rights of the child guarantees a child with a disability the right to benefit from health, social, educational and any other services as needed, determined by the responsible disability assessment structures. National Agenda for Child Rights 2017-2020 foresee measures on early identification and treatment of children with development problems, early identification of mental health problems for children up to 18 years. There are 11 residential development centres for PwDs of age 0–25 years (six public and five non-public). 37 day-care and community centres for people, including children with disabilities are operational, compared to only 19 in 2013.

126. Access to assistive devices and technology at an affordable cost for children with disabilities has been improved, but still remains a challenge. Priority is given to enrolling children with disabilities in schools. Each year, the local education units are instructed to create the facilities for the best quality education of disabled children, ranging from parenting information and awareness raising for the community and parents about the rights of children with disabilities to be educated in inclusive and friendly environments. In 2014, are adopted “Criteria for Assistant Teachers for Students with Disabilities in Pre-University Education Public Institutions” In 2017/2018, more than 610 support teachers were appointed, an increase on the 65 of 2014/2015. In Grades 6–9, support lessons are conducted for children with learning disabilities. Periodical trainings are organised for professionals working for the education of disabled children.

Properties rights

127. Pursuant to 2017-2021 Government Program is foreseen a thorough reformation of public services related to the right to property titles, including their registration, restitution and compensation of property. The reform includes the organization and structure of relevant institutions, digitalization of the service, the recruitment of staff as well as the delivery of service to the citizen, in order to make it a quality, professional and fast service. The Ministry of Justice is continuing to work for the implementation of this process.

128. The Integrated Land Management System Reform is one of the priorities of the Government of Albania. The scope of the reform is to improve land administration system, property rights, use of resources, and establishment of a comprehensive and integrated land information system in Albania.

129. The Law on the Establishment of the State Cadastral Agency was adopted on 20.12.2018. This agency is the merger of some institutions including: the Agency for Inventory and Transfer of Public Properties, Agency of Legalization, to Urban Planning and Integration of Informal Areas / Buildings, Immovable Property Registration Office, in a single institution.

Migrants and refugees²²

130. Migrants enjoy equal rights with Albanian citizens as regards the right to social benefits such as economic aid or social care. Law 108/2013 “On Foreigners”, as amended in 2016 respects the right to family life, and the right of the foreigner to family reunification. It recognizes the right of the foreigner to family reunification with an Albanian national, family reunification of a foreigner who has the residence in Albania with his/her family members. Migrants employed in Albania have the same rights as Albanians, according to the provisions of the legislation in force.

131. The law “On foreigners” defines detention as the last administrative measure taken and enforced, by the responsible state authority at regional level for the treatment of aliens, against the alien who is subject to an expulsion order, (not removal order) following exhaustion of all the possible alternative measures or where following an assessment it is considered that such measures may not be enforced against the foreigner, or against the foreigner readmitted based on the readmission agreements.

132. The Law “On Asylum” adopted in 2014 regulates the procedures for asylum, respective authorities, the rights of asylum seekers and refugees, their subsidiary and temporary protection. The enactment of the Law on Asylum was followed by the adoption of several bylaws.

133. Law on Asylum and the Law on Foreigners, is based principle of non-refoulement, the best interest of the child and the right to family life. Draft National Strategy for Migration Governance, and the Action Plan to be adopted during 2019 aims at provide comprehensive response to challenges and opportunities for migration.

V. Priorities of the Republic of Albania in the field of promotion and protection of human rights

134. The priorities in the field of promotion and protection of human rights are:

- To continue with the harmonization of national regulations with international obligations in the field of human rights protection;
- To strengthen the role of national human rights protection mechanisms;
- Reform in justice system and fight against corruption;
- Improvement of legal framework in the field of human rights particularly in the areas of children, women, persons with disabilities and minorities rights;
- To continue co-operating with the UN special procedures and holding the standing invitation for the thematic procedures mandate holders;
- To improve co-operation with the civil society in the promotion and the implementation of programmes for the protection of human rights.

Notes

- ¹ Law no. 76/2016 “On some additions and amendments to Law no. 8417/1998 “Constitution of the RoA”.
- ² 1. Law no. 84/2016 “On the Provisional Re-evaluation of Judges and Prosecutors in the Republic of Albania”; Law no. 95/2016 “On organization and functioning of institutions to fight corruption and organized crime”. 2. Law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania"; 3.Law no. 97/2016 “On organization and functioning of the prosecutor's office in the Republic of Albania”; 4.Law no. 98/2016, dated 6.10.2016, “On organization and functioning of the judicial power in the Republic of Albania”; 5.Law no. 115/2016 “On governance institutions of the justice system”. 6. Law no. 35/2017 “On some addenda and amendments to law no. 7905, dated 21.3.1995 “Code of Criminal Procedure of the Republic of Albania”, amended; 7.Law no. 36/2017 “On some addenda and amendments to law no. 7895, dated 27.01.1995 “Criminal Code of the Republic of Albania”, amended”; 8. Law no. 37/2017 “Code of Criminal Justice for Children”; 9. Law no. 32/2017 “On some amendments and addenda to law no. 10173, dated 22.10.2009 “On witness protection and justice collaborators”, amended; 10. Law no. 69/2017 “On some addenda and amendments to law no. 9157, dated 04.12.2003 “On interception of electronic communication”, amended”; 11. Law no. 70/2017 “On some addenda and amendments to law no. 10192, dated 3.12.2009 “On prevention and striking at organised crime, trafficking and corruption through preventive measures against assets”; 12. Law no.43/2017 “On some amendments and addenda to law no. 157/2013 “On measures against financing of terrorism”; 13. Law no. 44/2017 “On some addenda and amendments to law no. 9917, dated 19.5.2008 “On prevention of money laundering and financing of terrorism”, amended; 14. Law no. 42/2017 “On some amendments and addenda to law “On declaration and audit of assets, financial obligations of the elected persons and some public employees”, amended; 15. Law no. 38/2017 “On some addenda and amendments to law no. 8116, dated 29.3.1996, “Code of Civil Procedure of the Republic of Albania”, amended; 16. Law no. 40/2017 “On some amendments “On organisation and functioning of the Ministry of Justice”, amended; 17. Law no. 39/2017 “On some addenda and amendments to law no. 49/2012 "On organisation and functioning of Administrative Courts and adjudication of administrative disputes” amended”; 18. Law no. 41/2017 “On some addenda and amendments to law no. 152/2013, “On civil servant”, amended”; 19. Law no. 111/2017 “On state guaranteed legal aid”; 20. Law no. 98/2017 “On court fees in the Republic of Albania”; 21. Law no. 26/2018 “On some addenda and amendments to

- the law no. 10385, dated 24.2.2011 “On mediation in dispute resolution”; 22) Law no. 55/2018 “On the profession of the advocate in the Republic of Albania; 23. Law No. 80/2018 “On some amendments and additions to Law No. 8331, dated on 21.4.1998, “On the Execution of Criminal Decisions”, as amended; 24. Law No.86 /2018 “On additions and amendments to the Law No. 10018/2008 “On State Advocacy”; 25.Law no. 110/2018 “On the Notary in the Republic of Albania”.
- ³ The law on national minorities was published in the Official Journal on 9 November 2017, and entered into force 15 days after its publication in the Official, on 24 November 2017.
- ⁴ <https://www.ohchr.org/en/hrbodies/upr/pages/uprimplementation.aspx>.
- ⁵ http://tedrejtatenjeriut.punetejashtme.gov.al/UN_System/PAGE_KONTEKSTI_METODOLO_GJIA/jA8AALKnDxFIdmRFSUhiemxpAAA.
- ⁶ The decision was formalized during the 25th meeting of the OSCE Ministerial Council in Milan, on 6–7 December 2018.
- ⁷ https://sustainabledevelopment.un.org/content/documents/20257ALBANIA_VNR_2018_FIN_AL2.pdf
- ⁸ Recommendations 104.30, 104.36, 104.34, 105.32, 105.33, 104.35, 104.54, 105.11, 105.36.
- ⁹ Recommendations 104.45, 104.46, 104.47, 104.48, 105.20, 105.21, 105.22, 106.11, 104.49, 104.50, 104.51, 104.52, 104.56, 104.57, 104.58, 104.59, 104.60, 104.55, 104.44.
- ¹⁰ Recommendations 104.43, 104.86, 106.10, 106.3, 104.25, 106.8, 104.26, 104.68, 104.65, 105.6.
- ¹¹ Recommendations 104.66, 104.67, 104.69, 106.2, 106.15.
- ¹² Recommendations 104.78, 104.79.
- ¹³ Recommendations 106.19, 106.20, 104.98, 104.99, 106.18, 106.21, 104.100, 104, 104.95, 106.23.
- ¹⁴ Recommendations 106.22, 106.23, 104.95.
- ¹⁵ Decisions of the Council of Ministers No. 561, dated 29.09.2018, No. 562, date 29.09.2018.
- ¹⁶ Recommendations 106.20, 106.23.
- ¹⁷ Articles 3, 7, 11, 12, 13, 14 and 15 of this Law: namely: definition; collection of the data; participation on the public, cultural, social and economic life; preservation of cultural identity; the right of education; freedom of expression, thought, and the right of information: the use of languages with authorities.
- ¹⁸ Recommendation 106.19.
- ¹⁹ INSTAT web page agenda-consultative-meeting-census-2020-minorities-and-ethnic-groups.pdf
- ²⁰ Recommendations 104.91, 104.91, 104.92, 104.90, 104.93.
- ²¹ DCM No. 813/2017.
- ²² Recommendations 104.104, 104.105.
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