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Report of the Working Group on the Universal Periodic Review*

Albania

Addendum

Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review

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Views of the Republic of Albania on the recommendations received during the interactive dialogue on the third UPR cycle held on 6 May 2019

1. In this document, the Republic of Albania submits its views on the recommendations made during the review under the third cycle of the Universal Periodic Review, held at the 2nd meeting of the Working Group on the Universal Periodic Review, on 6 May 2019.

2. During the interactive dialogue, 66 delegations made statements and recommendations. Albania received 197 recommendations. Albania considers that most of the recommendations are being implemented, some have already been implemented and a number of them are yet to be implemented.

3. The recommendations that enjoy the support of the Republic of Albania are in total 186 out of 197 recommendations. Those recommendations have already been or are being implemented.

4. The recommendations that are noted are in total 11 recommendations out of 197 recommendations those recommendations are: 95.1; 95.22; 95.23; 95.24; 95.25; 95.26; 95.33; 95.34; 95.35; 95.36; 95.37.¹

5. Recommendations that enjoy the support of Albania are as follows:

95.2; 95.3; 95.4; 95.5; 95.6; 95.7; 95.8; 95.9; 95.10; 95.11; 95.12; 95.13; 95.14; 95.15; 95.16; 95.17; 95.18; 95.19; 95.20; 95.21; 95.27; 95.28; 95.29; 95.30; 95.31; 95.32; 95.38; 95.39; 95.40; 95.41; 95.42; 95.43; 95.44; 95.45; 95.46; 95.47; 95.48; 95.49; 95.50; 95.51; 95.52; 95.53; 95.54; 95.55; 95.56; 95.57; 95.58; 95.59; 95.60; 95.61; 95.62; 95.63; 95.64; 95.65; 95.66; 95.67; 95.68; 95.69; 95.70; 95.71; 95.72; 95.73; 95.74; 95.75; 95.76; 95.77; 95.78; 95.79; 95.80; 95.81; 95.82; 95.83; 95.84; 95.85; 95.86; 95.87; 95.88; 95.89; 95.90; 95.91; 95.92; 95.93; 95.94; 95.95; 95.96; 95.97; 95.98; 95.99; 95.100; 95.101; 95.102; 95.103; 95.104; 95.105; 95.106; 95.107; 95.108; 95.109; 95.110; 95.111; 95.112; 95.113; 95.114; 95.115; 95.116; 95.117; 95.118; 95.119; 95.120; 95.121; 95.122; 95.123; 95.124; 95.125; 95.126; 95.127; 95.128; 95.129; 95.130; 95.131; 95.132; 95.133; 95.134; 95.135; 95.136; 95.137; 95.138; 95.139; 95.140; 95.141; 95.142; 95.143; 95.144; 95.145; 95.146; 95.147; 95.148; 95.149; 95.150; 95.151; 95.152; 95.153; 95.154; 95.155; 95.156; 95.157; 95.158; 95.159; 95.160; 95.161; 95.162; 95.163; 95.164; 95.165; 95.166; 95.167; 95.168; 95.169; 95.170; 95.171; 95.172; 95.173; 95.174; 95.175; 95.176; 95.177; 95.178; 95.179; 95.180; 95.181; 95.182; 95.183; 95.184; 95.185; 95.186; 95.187; 95.188; 95.189; 95.190; 95.191; 95.192; 95.193; 95.194; 95.195; 95.196; 95.197.

6. Albanian government wishes to provide the following information, on several recommendations which have already been or are being implemented:

(a) Recommendations 95.32:

- Albania has fully implemented in its national legal framework the UNSCR resolutions related to terrorism, violent extremism and its related phenomenon's as the FTF travel, being one of the first countries to criminalize the participation in foreign conflicts since 2014. Law no. 7895, dated 27.1.1995 "Criminal Code (CC)" amended by law no.98/2014 provides as criminal offences: "Participation in military action in a foreign country"; "Organization to participate in military action in a foreign country"; "Promotion of participation in violent military actions in a foreign country" (Articles 265/a, 265/b, 265/c of the CC).
- The above mentioned offences are a subject matter of the Serious Crimes Court and sentenced with prison. Nonetheless, a special focus shall continue be dedicated to soft measures related to the process of radicalization and FTF recruitment, which include increased efforts in rehabilitation and

¹ See the paragraph 7 as below.

reintegration policies, development and promotion of cultural and religious tolerance and engagement of civil society.

- Albania is committed to further enforce the legal measures in place to comply with counter-terrorism resolutions and increase the focus on the work to prevent recruitment of terrorist combatants in Albania, who travel abroad to join terrorist organizations fighting in other countries.

(b) Recommendation 95.39:

- In relation the improvement of living condition, we inform that the prison hospital in Tirana, was completely reconstructed with budget funds of the Albanian Government. The heating system has been installed, eventually solving this problem.
- With regard the improvement of the living conditions at the Zaharia Special Center for Sick persons in Kruja, is under the implementation the reconstruction of two detention buildings in the Lezha Penitentiary Institution with budget funds of 97 million Albanian Lek. These facilities will serve as psychiatric-penitentiary institution. The health service in the new hospital premises for patients with mental problems will be administrated by the Ministry of Health and Social Protection. A cooperation agreement between the Ministry of Justice and the Ministry of Health and Social Protection will provide the specific responsibilities of these institutions, aiming at the protection of the rights of the detainees.

(c) Recommendations 95.44, 95.45:

- Since 2013, Albania upon law no.144/2013 has amended or added in the Criminal Code Penal three criminal offenses related to the retaliation or blood revenge such as Article 78/a “Murder due to blood feud”, Article 83/a “Serious threat to retaliation or blood revenge” and Article 83/b “Incitement to blood feud”, aiming the condemn of the perpetrators of these criminal offenses as well as the prevention and the incitement of the retaliation and blood revenge.
- The Action Plan no. 2057, dated 19.12.2018 "On the prevention, detection, documentation and fight against the criminal activity committed for blood feud and vengeance" aims to advance the fight against the phenomenon of blood feud and revenge through close cooperation with local government and non-profit organizations, resolve conflict resolution, strengthen the cooperation with the prosecution office for the investigation of the related criminal offenses and prosecution of perpetrators, organize comprehensive measures to capture perpetrators, strengthen cooperation with education departments and schools.

(d) Recommendation 95.48:

- Albania upon law no.144/2013 has amended in the Criminal Code the criminal offenses related to incitement of hatred or disputes as well as the call for national hatred, such as, “Inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms, shall be punishable by imprisonment of from two to ten years”. In this context the domestic legislation guarantees the protection of Roma and migrants with regard hate speech and hate crimes against these categories as well.

(e) Recommendation 95.94:

- A thorough reformation of public services related to the right to property titles, including their registration, restitution and compensation of property is implemented. The Albania Constitution and domestic legislation guarantee the right of property without discrimination based on ethnicity or other grounds, as well in relation with registration of property titles of the rightful landowners.

(f) Recommendation 95.119:

- 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. Law on national minorities and the secondary legislation provides for the right to education in the minority language. The secondary legislation on the adoption of this law, namely the project Council of Ministers Decision on 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, scheduled to be adopted soon, provides the criteria for the opening of national minority classes/schools. This project decision foresees the number of 15 pupils for the opening of a minority class, and other criteria where national minorities live traditionally or constitute over 20% of the general number of the population of this administrative unit.

(g) Recommendations 95.174:

- The Family Code of Albania (Article 7 – Age for marriage) provide the legal age of marriage, namely: “Marriage can be concluded between a man and a woman who are 18 years or older. The court in the location where the marriage is to be concluded may, for sufficient reasons, allow marriage prior to this age”.

(h) Recommendations 95.184:

- The law on national minorities was adopted recently in October 2017. The law on national minorities provides the right to declare his or her pertaining to a national minority, based on the right of self-identification. It is equally clear that under applicable European standards as embodied in Article 3 of the FCNM it is important to clearly define the objective criteria and documentation of Civil Registry during different period of time and their relevance, based on the law on national minorities.
- 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.
- In relation with self-identification the law on national minorities provide that: 1. In order to guarantee the rights of national minorities, the public institutions at central and local level shall collect data regarding the identification of persons belonging to national minorities, based on the right to self-identification of such persons and the documentation of the Civil Registry, pursuant to provisions of this Law and law on the protection of personal data. The draft decision on the criteria, the documentation and the relevant procedures for data collection, is scheduled to be adopted soon by decision of the Council of Ministers, following a consultation process.

(i) Recommendations 95.186:

- The next Population and Housing Census foresee to be conduct in 2020, will be based on a new specific law. Regarding the question on ethnicity, the draft law on the Population and Housing Census is 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, as well international standards.
- The draft law on census provides: 1. The census questionnaire is the instrument drafted by INSTAT and reflected in the annual plan, according to Article 9 of Law No.17 / 2018, "On official statistics", which contains mandatory questions and requests for the collection of the information necessary for the production of population and housing official statistics. The census questionnaire may contain questions about the ethnic group, religion and languages whose responses are based on the free and non-mandatory

declaration of the individual. These questions shall contain the answer option for the respondent "I prefer not to answer".

- Article 22 of the draft law on census provides clearly the violations that constitute an administrative offense and are punishable. According to this draft law there is not any provision which stipulate fines for "incorrect" answers with regard the question about the ethnicity.
- The preparation of draft law on the Population census 2020 is followed by a consultative process, including consultative meeting with minorities and ethno-cultural groups. In the coming period will be organized information campaigns on this process, including the right of self-identification of the individuals.

7. Albanian Government wishes to provide the following information on the noted recommendations by clarifying the raisons of this position:

(a) Recommendation 95.1:

- Taking into account that the subject-matter of this Convention are tribal peoples in independent countries whose social, cultural and economic conditions differ from other parts of the community and whose status is wholly or partially regulated by traditions, specific laws or regulations, and peoples in independent countries who are considered indigenous because of their background and who, regardless of their legal status, retain some or all of their own social, economic, cultural and political institutions, and given the fact that there are no such groups in the Republic of Albania, we consider that it is not a priority to ratify this convention.

(b) Recommendations 95.22, 95.23, 95.24, 95.25, 95.26:

- In relation with the amendments of the Family Code to provide legal recognition for the same sex partnership, and same sex civil union as is stated specifically in the above recommendations, the Government of the Republic of Albania is currently not planning (for the next 4 years) proposals to include these amendments on the Family Code.

(c) Recommendations 93.33, 95.34, 95.35, 95.36, 95.37:

- The Republic of Albania has responded positively to the humanitarian situation of residents for relocation of the Camp Hyrriya in Iraq by welcoming a considerable number of residents, by contributing to the United Nations efforts to support their resettlement. In this regard, Albania is committed based on the humanitarian grounds aiming at offering Camp Hyrriya residents a permanent, safe location outside of Iraq. Albania remains the biggest contributor to the MEK relocation process, despite the limited logistic, financial and human resources capacities. In this regard, Albanian position is based on the fact that the relocation of the MEK to Albania was undertaken on humanitarian bases. As far as the Albanian authorities are concerned, there are no complaints or denunciations for obstructing the inhabitants of this residential centre to leave in another country.
- There were no problems during their deployment. Purchase of land, construction and transfer of ownership is done according to the legislation. The conditions of the camp are normal and more than 90% of the works has been completed. Only a few elderly persons live outside the camp in a rented flat. Some persons belonging to this community organised protests for social reasons. No cases of violence against women have been reported or noted in the camp. There are no children in the Manzë Residential Centre. Deceased persons belonging to this community are buried in the local cemetery of the area according to the rules and procedures provided by domestic legislation.