



FIFTH OPINION ON ALBANIA

ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Adopted on 6 June 2023

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SUMMARY OF THE FINDINGS

1. The atmosphere for persons belonging to national minorities in Albania is characterised by mutual respect and intercultural dialogue, especially inter-religious tolerance. However, an overall lack of almost any reliable or disaggregated data relating to the situation of national minorities – from census to hate speech or hate crime – makes it difficult to assess this with any certainty, and for the authorities to design targeted measures to address the needs and interests of persons belonging to national minorities. The legal framework in place is solid, but general in nature. Hence, the pending adoption of central pieces of secondary legislation remains problematic, as does the content of this draft secondary legislation in terms of its hindrance to the practical implementation of the Law on National Minorities and the Framework Convention. Anti-discrimination institutions are well respected, and continue to protect the rights of persons belonging to national minorities.

2. Albania faces a number of challenges, among the most notable being emigration to Western Europe and internal migration towards the capital. Trafficking in human beings is also a current concern which has a particular impact on national minorities. These phenomena have a particular impact on those living in rural settings, where poverty rates are highest. The rapid growth in the tourism industry is also bringing about a redevelopment of large parts of the country, but in particular the coast, and the rush to construct is affecting persons belonging to national minorities' ability to maintain and develop their minority cultures and effectively participate in the economic and social life of the country, by pushing them from the areas traditionally inhabited by them.

3. Albania is also caught between complex inter-state relations and the process of accession to the European Union, which contribute to layers of bi- and multi-lateral relations which have a particular impact on persons belonging to national minorities. Indeed, the extent of neighbouring and other interested states' involvement in Albania in providing funding and other support to "kin minorities" leads to a lack of expectation on the part of persons belonging to national minorities that the Albanian government will provide support for them, prompting them to seek practical solutions in order to secure support for their minority cultures and languages abroad. This then feeds further a suspicion of disloyalty against national minority groups from the Albanian authorities' part.

Free self-identification

4. The bylaw relating to data collection which sets out the regulations for persons belonging to

national minorities to formally identify as such has still not been adopted. A draft seen by the Advisory Committee proposes to rely upon what are considered objective criteria based on official documentation, which is flawed due to its dependence on the notoriously unreliable historical collection of data relating to national minorities in Albania. In any event, this is not in line with the Framework Convention since such objective criteria were not foreseen in the Convention – rather, identity markers such as language, religion, culture or traditions, themselves contained within the Framework Convention and the Albanian Law on National Minorities, should provide a sufficient basis for the purposes of free self-identification. Instead of using the documentation as a decisive factor in recognising an individual as belonging to a national minority, the authorities should, in a review of the draft bylaw, give decisive weight to the subjective choice of the individual to be treated as belonging to a national minority.

Census

5. The census has been planned to take place in 2020 and 2021, and should (at the time of adoption of this opinion) finally take place in October 2023. Amendments were made to the Census Law to remove administrative fines in case 'wrong' answers are given, and answers indeed will not be checked against the civil registry. This is a positive development. However, the Advisory Committee stresses the importance of this census and its participatory conduct to provide a baseline set of data on which the authorities should proceed to design and implement targeted policies – on the condition that persons belonging to national minorities are fully informed and have confidence in the census process.

The situation of persons belonging to Roma and Egyptian national minorities

6. Whilst Roma and Egyptian minorities are recognised in the Law on National Minorities as separate national minorities, authorities' policy documents tend to conflate the two minorities together. The Action Plan, for example, is for Roma and Egyptian minorities, even though their representatives state that they face similar issues to different extents, or indeed partly different issues. Disaggregated data is thus needed to assess and address the needs of the two minorities.

7. School segregation is a systemic problem across Albania, and one case of discrimination at a school has been the subject of a judgment of the European Court of Human Rights. The Advisory Committee visited this school and heard first-hand the challenges faced by school management. There is a clear will among the

authorities to address this problem, but a more coordinated and systemic approach is needed to effectively desegregate schools concerned.

8. The housing situation of Roma and Egyptian minorities is concerning, including in its segregated nature which contributes to the issues in segregated schools. This is also a result of widespread discrimination in the private rental market, insufficient access to housing and rental subsidy schemes, the irregular status of property lived in by persons belonging to these minorities, and the threat and reality of forced evictions. The safety of housing in light of environmental threats in particular raises serious concerns. Discrimination on the job market also negatively affects persons belonging to Roma and Egyptian minorities. Access to healthcare for persons, in particular women, belonging to Roma and Egyptian minorities is also concerning, again with discrimination reportedly a factor in exchanges with healthcare professionals, but also access to health centres and clinics an issue reported for those who live in remote or isolated communities. Lacunae in the protection of children from exploitation, including via trafficking, and abuse are worrying.

Language rights

9. A host of language rights are conditioned on thresholds: 20% of the population of a municipality must have declared as belonging to a national minority. Despite the Advisory Committee's requests for clarity, it remains unclear whether this will be calculated on the basis of the census or the process of self-identification described above.

10. This situation gives rise to multiple concerns. There is a complete absence of reliable data as to the numerical size of national minority groups, which raises questions as to how a 20% threshold would be calculated and applied in practice. Given the size of municipalities in Albania, among the largest in the region, and the 2014 reform of municipalities which minority representatives

continue to claim disproportionately restricted their rights, it may also be prohibitive for national minorities, especially numerically smaller ones, or those geographically dispersed across Albania, to effectively access their minority rights. The Advisory Committee is therefore in favour of a more differentiated approach, which would provide access to minority rights at a more local level than that of the municipality (this could especially be done for road signs), in villages where national minorities live. Regrettably, the situation as it stands is that access to minority rights remains de facto restricted to three municipalities, with a further municipality now providing education in minority languages.

Political participation

11. Persons belonging to national minorities have little possibility to participate in national-level decision making, i.e. the parliament. Locally, there are minority representatives in municipalities where Greeks and Macedonians make up the absolute majority of inhabitants. Persons belonging to Roma and Egyptian minorities are absent from the national level of decision-making, although there are some representatives at local levels.

12. The Committee on National Minorities is meant to serve as the minorities' voice within the government. However, persons belonging to national minorities often see it as the voice of the government within the minorities. This characterisation stems in part from what persons belonging to national minorities perceive as a lack of impact over 20 years, the fact that the Chair and deputy are appointed by the Prime Minister and an institutional reluctance to modify procedures or effectively advocate for persons belonging to national minorities' rights. As the only consistently present voice for national minorities at the national level, the Advisory Committee hopes that the Committee can adapt in light of amendments made to its functioning, and effectively pursue its mandate.

RECOMMENDATIONS

13. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Albania.

14. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

15. The Advisory Committee urges the authorities to ensure that the secondary legislation determining the criteria, documentation and procedures for collecting data for the identification of persons belonging to national minorities is adopted without further delay. This legislation should strictly respect the principle of free self-identification as contained in Article 3 of the Framework Convention, providing for the possibility of declaring multiple affiliations, with the aim of ensuring effective access to minority rights for persons belonging to national minorities. The authorities should give decisive weight to the subjective choice of the individual to be treated as belonging to a national minority rather than to what are considered as objective criteria based on official documentation.

16. The Advisory Committee urges the authorities to take concrete and sustained efforts with persons belonging to national minorities to build confidence in the census process, including through raising awareness of the importance of the census, possibilities for free self-identification, including multiple affiliation, and the provisions of the new census law. Alongside this, the authorities should ensure the recruitment and training of census interviewers belonging to national minorities, and that all census interviewers are appropriately trained, including to support illiterate persons. Persons belonging to national minorities should be involved in the evaluation of the census process.

17. The Advisory Committee urges the authorities to take resolute action to integrate those schools concerned by de facto segregation and prevent segregation from recurring, through incentivising such schools to work closely with others to provide quality inclusive education in classes within the curriculum. Such action should also take into account and address the socio-economic factors, including spatial segregation, which contribute to situations of school segregation.

18. The Advisory Committee urges again the authorities to assess the level of demand for minority language education, and on this basis, guarantee effective access to minority language education for persons belonging to national minorities who so request it across the country and at all levels. This should be preceded by awareness-raising campaigns to ensure persons belonging to national minorities are sufficiently aware of their rights. The implementation of the threshold of 20% presence in a municipality should be reviewed and if necessary lowered or the territorial scope of application altered, to ensure effective access to minority language education.

19. The Advisory Committee urges the authorities to ensure access to adequate housing for Roma, in particular through securing investment for guaranteeing access to drinking water and electricity in areas where Roma live. The authorities should pay particular attention to ensuring safe living conditions also in light of the risks posed by environmental pollution and climate change, and legal security of tenure. In this context, the regularisation of the ownership of property owned or inhabited by persons belonging to Roma and Egyptian minorities is particularly important. Public authorities concerned should respect the obligations to report any planned eviction to the People's Advocate and to provide adequate alternative accommodation, and sanctions should be applied if these obligations are not fulfilled.

Further recommendations¹

20. The Advisory Committee calls on the authorities to develop ways and means to collect equality data relating to persons belonging to national minorities, notably the Roma and Egyptian minorities, and especially in the fields of education, housing, employment and healthcare, in line with European standards on data protection. The Advisory Committee calls on the authorities to continue working to reduce the risk of statelessness among persons belonging to national minorities. The authorities should take a more active role in investigating and addressing the impact of fictive marriages, in particular on women and children belonging to national minorities, including through providing the necessary social, legal and financial support to them, ensure that the marriage law is properly enforced in a non-discriminatory way, and raise awareness of the risks of this process among persons belonging to national minorities.

21. The Advisory Committee calls on the authorities to effectively protect the right of persons belonging to the Greek national minority

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

to preserve and develop their culture in areas of their traditional settlement, especially through providing effective protection from urban development practices detrimental to their continued ability to reside in these areas, and ensuring their property rights are fully respected.

22. The Advisory Committee calls on the authorities to raise awareness of the legal protections from hate speech and hate crime and remedies available among those most exposed to these forms of hostility. Authorities should also systematically collect data disaggregated by, *inter alia*, minority affiliation, on hate speech and hate crime, and design targeted preventive measures in response. The Advisory Committee calls on the authorities to systematically collect data on trafficking and other forms of violence against children and women, disaggregated by minority affiliation, and develop comprehensive policies and measures to prevent and combat these forms of violence. To this end, authorities should engage closely with law enforcement and social services and with persons belonging to national minorities, including children and women. They should also aim at providing the necessary support, whether through social care or other measures, for those in situations of vulnerability, and in particular aim to strengthen trust between persons belonging to national minorities and institutions, in particular the child protection services.

23. The Advisory Committee calls on the authorities to promptly adopt the secondary legislation on the use of minority languages with public authorities. This legislation should provide for a flexible approach to the 20% threshold and pay due attention to persons belonging to national minorities who have been traditionally residing in given areas, with a view to ensuring minority rights are effectively enjoyed in practice and in accordance with Article 10 of the Framework Convention.

24. The Advisory Committee calls on the authorities to ensure the presence and cultural contribution of national minorities and persons belonging to them, including women, is represented in textbooks and other education materials used in all schools, whilst ensuring that such content accurately reflects the history of Albania and its minorities and does not risk enflaming interethnic tensions.

25. The Advisory Committee calls on the authorities to set up a disaggregated data collection system, focusing especially on any gender-based differences in attendance, drop-outs or outcomes, and the possible causes for any differences identified. The authorities should design measures to promptly address these issues in close co-operation with minority representatives. The Advisory Committee calls on the authorities to appoint Roma and Egyptian

education mediators working with pupils belonging to Roma and Egyptian minorities to work in conjunction with school psychologists, social workers and teachers to boost attendance rates and to work to prevent dropouts, including by promoting the value of education. Authorities should ensure such mediators receive in-service training, contractual security and adequate pay.

26. The Advisory Committee calls on the authorities to ensure adequate teacher training for minority language teachers, and to improve both the quality and timeliness of delivery of quality minority educational materials. The Advisory Committee calls on the authorities to develop teacher training and educational materials for Romani language education, and to integrate this education into the curriculum. Further work should also be done to develop university education and research on Romani and the Vlach language in Albania, with the support of the authorities.

27. The Advisory Committee calls on the authorities to review the appointment procedures for the leadership of the Committee on National Minorities to ensure its independence. They should also develop precise rules of procedure to enable it to efficiently and effectively carry out its mandate. Further attention should also be paid to the diversity of the membership in terms of gender and age, and to ensure it is reflective of the diversity of opinion within minorities.

28. The Advisory Committee calls on the authorities to step up their efforts to provide effective access to healthcare services for persons belonging to the Roma and Egyptian minorities, including sexual and reproductive healthcare services. They should also provide training to healthcare professionals on avoiding antigypsyism, and explore ways to provide healthcare for persons without relevant documentation, or provide ways to access such documentation cost-free.

29. The Advisory Committee calls on the authorities again to review, in consultation with representatives of national minorities, the impact of the administrative and territorial reform of 2014 on access to rights by persons belonging to national minorities, and remedy any shortcomings identified.

Follow-up to these recommendations

30. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

31. The Advisory Committee's Fourth Opinion, adopted in 2018, was neither published on any government website, nor translated into Albanian or any national minority languages. No round table to follow up on the recommendations of the Fourth Opinion of the Advisory Committee took place.

Preparation of the state report for the fifth cycle

32. The state report was received on 5 May 2021.² The national Committee on National Minorities contributed to its preparation. Some gender-related aspects of minority rights were addressed in the report.

Country visit and adoption of the Fifth Opinion

33. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") by Albania was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Korçë, Fier, Dropull, Sarandë and Tirana from 14 to 18 November 2022. The Advisory Committee

expresses its gratitude to the authorities for their co-operation before, during and after the visit, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 16 February 2023, was transmitted to the Albanian authorities on 21 February 2023 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Albanian authorities on 28 April 2023.

* * *

34. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

² State Report submitted by Albania, received on 5 May 2021, available in English at: <https://rm.coe.int/5th-sr-albania-en/1680a2614c> and in Albanian at: <https://rm.coe.int/5th-sr-albania-al/1680a2614d>.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application and free self-identification (Article 3)

35. The Law on the Protection of National Minorities was adopted in 2017 and applies to nine recognised minorities, although it is not fully enforceable due to the delay in adopting secondary legislation (bylaws).³ The adoption of three bylaws (out of a total of 12) is pending before the government, who state that it is not possible to foresee their adoption before 2024. These three bylaws concern: the procedure for recognition of national minorities; the modalities for using minority languages with authorities; and the documentation and procedures concerning the collection of data relating to national minorities, or self-identification.

36. In a draft (still subject to consultation and evaluation) of this latter bylaw concerning data collection submitted to the Advisory Committee in November 2022, there are provisions requiring citizens to request to be identified as a person belonging to a national minority, and to attach to this request a number of pieces of documentary evidence – for instance, that the ancestors of the applicant belong(ed) to a national minority. ‘Citizens belonging to a national minority’ must prove that their two parents are not of Albanian ethnicity, along with a number of other pieces of documentary evidence, including that “[t]hey have not voluntarily waived the right to be identified as members of a national minority”.⁴ It appears that this data would be used to verify as to whether an individual requesting, for example, the opening of a minority language class, genuinely belongs to a national minority. The authorities also state that they wish to avoid the creation of what they refer to as “fictitious minorities”, meaning a fabricated affiliation to a given minority, and that such data is needed to ensure that persons belonging to the majority do not self-identify as a minority in order to access particular advantages, such as bursaries or grants.

37. Persons belonging to national minorities and their representatives have expressed concern that the remaining bylaws – for them among the most important of the bylaws – have not been adopted. They have however expressed particular apprehension about the contents of the current draft bylaw on self-identification. Minority representatives stressed that given the history of

the country across the 20th century, including the treatment of national minorities by successive regimes, documentation relating to their official identity should not be considered “objective” and, hence, should not deprive them of the right to self-identify as belonging to a national minority, and consequently other minority rights. They also raised the serious concern that access to minority rights remains *de facto* limited to those areas where minority rights were granted under previous regimes (see Articles 10, 11 and 14) owing to the thresholds coupled with the restrictions on the right to self-identify as belonging to a national minority.

38. The Advisory Committee notes that the recognition in the Law on National Minorities of Roma and Egyptians as separate and distinct national minorities has been positively received by persons belonging to these minorities. However, this separate recognition has not yet manifested itself in government policy, in which both minorities continue to often be grouped together. The Advisory Committee takes note of the persons belonging to the Egyptian minority’s concerns about being treated as a homogenous group via the conflation of Roma and Egyptian identities, and notably their view that these are different and distinct identities (Egyptians do not have their own language whereas Roma speak Romani, and their respective historical narratives also differ), and face different socio-economic issues, or, where issues are shared, experience them to different extents (for instance in education or housing). In light of this, the Advisory Committee considers that the authorities should be cautious when developing policy not to inadvertently conflate these minorities, and to remain alert to the implications of the official recognition of both Roma and Egyptians as separate minorities.⁵

39. Regarding the bylaw on data collection and the issue of free self-identification, the Advisory Committee recalls the importance placed on the ability “freely to choose to be treated or not to be treated” as a person belonging to a national minority in Article 3(1) of the Framework Convention. It reiterates that “self-identification begins with the free decision of the individual which, if no justification exists to the contrary, is to be the basis of any personal identification. In the view of the Advisory Committee, a person’s free self-identification may only be questioned in

³ Aromanians, Bosniaks, Bulgarians, Egyptians, Greeks, Macedonians, Montenegrins, Roma and Serbs. See the Advisory Committee’s Fourth Opinion for a more detailed analysis and explanation of this Law. Persons belonging to the Aromanian minority however prefer to refer to themselves as Vlachs, in line also with terminology in Albanian. The Advisory Committee will therefore refer to the minority as ‘Vlach’ in this opinion.

⁴ Draft Decision of the Council of Ministers, seen by the Advisory Committee in November 2022.

⁵ In the present opinion, the Advisory Committee will differentiate these two minorities, but use the term “Roma and Egyptian minorities” where it is apparent that an issue is shared to some or the same extent.

rare cases, such as when it is not based on good faith”.⁶

40. Whilst the authorities are correct to argue that the Framework Convention in its Explanatory Report refers to objective criteria linked to the subjective self-declaration of minority affiliation, the Advisory Committee emphasises that where objective criteria are applied to define a minority identity, this may refer to some evidence of a person’s practice of a different religion, language, culture or traditions compared to the majority. Identity in the context of the Framework Convention, as spelled out in the preamble and Article 5, refers to these traditions, culture, history, religions and language – not any documentation provided by successive authorities, including that claiming to prove parental lineage or the belonging of ancestors to national minorities, which might form part of an individual’s official identity documentation. Indeed, the Advisory Committee observes that such documentation is subject to the upheavals in the political history of the country, as a result of which it cannot be considered “objective” and hence the Advisory Committee considers it of little value in validating any individual’s minority identity.

41. In any event, and particularly in relation to the Albanian context, decisive weight should be given to the free, subjective choice of the individual to be treated as belonging to a national minority. This belonging is therefore a freedom of an individual, which should only be questioned in rare cases.⁷ While on the one hand the Advisory Committee acknowledges the authorities’ concern around potential “bad faith” self-identification or abuse of the system, on the other hand, in the absence of evidence that this has previously been a problem, it considers this requirement for objective proof poses a highly disproportionate barrier to free self-identification. Furthermore, relying on ancestral lineage and historical identity documents does not allow for any changes in how individuals self-identify or for multiple affiliations. The Advisory Committee further notes that multiple affiliation is to be possible in the census whereas in the draft secondary legislation it is not.

42. The Advisory Committee is also deeply concerned that the requirement to prove two parents belonging to a national minority, besides the problems this may pose for individuals whose parents were not able to self-identify as persons belonging to a minority in the past, will be

exclusionary to those wishing to express multiple affiliation, for example for persons with parents self-identifying in different ways and either wish to declare the minority identity or multiple affiliation. Furthermore, there is potential for discrimination against those who cannot acquire the relevant identity documents, such as ID cards or birth registration documents for themselves or both parents.

43. In reference to its findings under Articles 10, 11, and 14, the Advisory Committee is also particularly troubled that the current approach to free self-identification, coupled with thresholds for the use of minority languages in education and public life, is severely limiting the wider implementation of the Framework Convention and the Law on the Protection of National Minorities.

44. In light of these considerations, the Advisory Committee finds the authorities’ approach, as it did previously,⁸ fundamentally flawed and in direct contravention of the right to free self-identification as enshrined in Article 3 of the Framework Convention. It further expresses its disappointment that its previous recommendations to this effect have not been heeded. The principle of free self-identification is the cornerstone of minority rights, as recognised by the Framework Convention and the European Court of Human Rights,⁹ without which substantive minority rights will remain unimplemented in Albania. Indeed, the Law on the Protection of National Minorities contains in its article 3 appropriate identity markers which are sufficient for determining the scope of application of the law – without any need to provide proof with archival documentation from individuals.¹⁰

45. The Advisory Committee urges the authorities to ensure that the secondary legislation determining the criteria, documentation and procedures for collecting data for the identification of persons belonging to national minorities is adopted without further delay. This legislation should strictly respect the principle of free self-identification as contained in Article 3 of the Framework Convention, providing for the possibility of declaring multiple affiliations, with the aim of ensuring effective access to minority rights for persons belonging to national minorities. The authorities should give decisive weight to the subjective choice of the individual to be treated as belonging to a national minority

⁶ ACFC [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para.10. See also ACFC [Fourth Opinion on Albania](#), adopted on 11 October 2018, para. 29.

⁷ ACFC Thematic Commentary No.4, para. 10.

⁸ ACFC Fourth Opinion on Albania, para. 29.

⁹ See *Molla Sali v. Greece*, [GC], no. 20452/14, 19 December 2018, para. 157.

¹⁰ ACFC Fourth Opinion on Albania, para. 32.

rather than to what are considered as objective criteria based on official documentation.

Population census (Article 3)

46. The population census was planned to take place in 2021, and was postponed due to the pandemic. A new date for autumn 2022 was initially foreseen, but the census was again postponed without a new date being made public. The authorities have however informed the Advisory Committee that they plan for the census to take place in September-October 2023. The Census Law was adopted in 2020¹¹ and follows the previous Advisory Committee recommendation to remove administrative fines in cases where an “incorrect” response is given – that is, where an individual’s response in the census was checked against their entry in the civil registry, and if it did not match, the individual could be fined. Although it appears that for the 2011 census nobody was punished under this provision, it had been reported that it hindered people’s free self-identification and had an intimidatory effect. This time, the questions on religion, language and ethnicity are optional, and no fine will be levied against individuals who give what the authorities perceive to be an “incorrect” answer. The authorities also report that, this time, the civil registry will not be used in assessing responses in the census. It is also reported that interviewees will be able to record a ‘mixed’ ethnic affiliation.

47. Minority representatives raised the issue of fines for “incorrect” answers, which some representatives appeared to believe was still a provision in the law. This rather shows a lack of awareness raising on the part of the authorities as to the provisions of the new law. Representatives reiterated their (previously reported) concerns about the census process and results from 2011.¹² Minority representatives have also asked whether they will be able to monitor census interviews when they are carried out; the authorities indicated this would not be possible due to data protection issues.

48. The Advisory Committee reaffirms its view that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights, for helping to preserve, assert and develop their identity as well as for addressing persons belonging to national minorities’ needs and interests, including from a gender and age perspective. Given the importance attached in some states parties to the

size of a minority population for access to minority rights, multiple affiliations must also not only be recorded but also adequately processed, analysed and displayed. In situations where the enjoyment of particular minority rights is linked to numerical thresholds, the right to free self-identification further requires that persons belonging to national minorities are informed of the importance attached by the authorities to census and other data collection exercises. The Advisory Committee has therefore systematically encouraged states parties to make all information on the methodology and aim of data collection available in the languages of national minorities,¹³ and for minority representatives to be included in the census preparations and its conduct.

49. The Advisory Committee welcomes the amendments made to the Census Law, which are a positive step and should help to build confidence in the census process. It is especially welcome that the civil registry no longer has a role in the verification of information given in the census. Given the absence of data relating to national minorities in Albania, the Advisory Committee stresses the importance of ensuring that minority representatives have high confidence in the census process. In this context, it is vital to raise awareness of the revised provisions of the census law with minorities, especially on the optional questions and the removal of fines, to ensure widespread confidence and that persons belonging to national minorities are empowered to answer as they see fit. This would also be complemented by taking positive measures to recruit census interviewers from among national minority communities, and ensuring that all interviewers are adequately trained, including to support illiterate persons to respond to the census freely.

50. Additionally, the authorities, specifically the Institute of Statistics of Albania (INSTAT), could work with the State Committee on National Minorities to find a way to have representatives of national minorities or independent state institutions such as the Commissioner for Protection from Discrimination (the Commissioner) or the People’s Advocate monitor the census process without risking any breach of personal data protection. Concerning the previous census, the Advisory Committee also reminds the authorities of its analysis of the 2011 census contained in its Third Opinion and reiterated in its Fourth Opinion.¹⁴ If the census is carried out as planned and with the confidence of persons belonging to national minorities, it should be used as the key input for concrete action in policy and the implementation of the Framework Convention. The conduct of the census, including

¹¹ Law on Census of Population and Housing, no.140/2020, non-official translation available at: http://www.instat.gov.al/media/8704/law-140_2020-on-census_non-official-translation.pdf.

¹² See ACFC Fourth Opinion on Albania, para. 35.

¹³ ACFC Thematic Commentary No. 4, paras. 16-17.

¹⁴ ACFC Fourth Opinion on Albania, paras. 35-47, and [ACFC Third Opinion on Albania](#), 23 November 2011, para. 17.

as to whether persons belonging to national minorities were able to freely self-identify in practice, the training and competence level of the interviewers, and the concrete results, should then be evaluated by the relevant authority along with INSTAT with the effective participation of persons belonging to national minorities.

51. The Advisory Committee urges the authorities to take concrete and sustained efforts with persons belonging to national minorities to build confidence in the census process, including through raising awareness of the importance of the census, possibilities for free self-identification, including multiple affiliation, and the provisions of the new census law. Alongside this, the authorities should ensure the recruitment and training of census interviewers belonging to national minorities, and that all census interviewers are appropriately trained, including to support illiterate persons. Persons belonging to national minorities should be involved in the evaluation of the census process.

Legislative and institutional anti-discrimination framework (Article 4)

52. The Law “on Protection from Discrimination” of 2010¹⁵ was amended in 2020. The amendments brought forward specific protections from multiple, intersecting and structural discrimination, hate speech, segregation and sexual harassment. Additionally, ‘serious forms of discrimination’ are defined and are to be punished more severely.¹⁶ The new amendments also provide for the shifting of the burden of proof and enables organisations to file complaints with the Commissioner and the courts, including on issues related to collective interests.¹⁷

53. The Commissioner, which is the equality body, and the People’s Advocate, which serves as an ombudsperson institution and has a mandate to promote and protect human rights, continue to enjoy the confidence of national minorities and the respect of the authorities. The Commissioner regularly issues binding decisions on public authorities, and may also issue such decisions against private persons. It makes recommendations to the authorities which aim to implement the principles of the Law on Protection from Discrimination. The People’s Advocate makes advisory recommendations to authorities. Both institutions have a number of regional offices. A Memorandum of Understanding between the two institutions ensures that both

remain within their particular remit, and that individuals wishing to bring a complaint can do so in whichever office of the institutions exists in the municipality where those individuals live. It is then passed on for treatment to the relevant head office in Tirana. The People’s Advocate also carries out *ex officio* investigations based on monitoring of the media and situation at a local level. It has addressed recommendations to authorities concerning housing, civil registration, education, employment and healthcare and has specific responsibilities on forced evictions (see Article 12 and 15).

54. Free legal aid was introduced with the Law “on Legal Aid” of June 2018. There are now ten state centres across Albania providing legal aid from civil servants. The Advisory Committee’s interlocutors welcomed this development as a contribution to the effective protection from discrimination and access to justice for persons belonging to national minorities. However they regretted that persons belonging to Roma and Egyptian minorities had not been included as specific beneficiary categories of the law, whereas there were other specific groups included in such a category,¹⁸ and as they had been for the Law “on Social Housing” (see Article 15), which results in a low number of these individuals benefitting from secondary legal aid as they are not aware that they have access to such rights or feel unable to exercise them.¹⁹ They stated, however, that more awareness raising among groups and persons in situations of vulnerability and adequate funding are needed to ensure this law works in practice.

55. The Commissioner himself informed the Advisory Committee that most of his minority-related cases come from persons belonging to the Roma and Egyptian minorities, relating to grounds of skin colour or “race” and concern access to goods and services (electricity, drinking water, sewerage or lighting), school dropouts, poverty, language used in the media and the dismissal of a Roma woman from her position in a public institution.²⁰ Some cases had also come from persons belonging to the Macedonian minority. He informed also of the good cooperation with the Committee on National Minorities since they share the same premises. He also infers that a large number of cases of discrimination which are not reported as citizens may not be aware of the institution – even if civil society organisations are. He informed that

¹⁵ The Law as it was previously in force has been previously examined by the Advisory Committee; see ACFC Fourth Opinion, para. 49.

¹⁶ State report, para. 60.

¹⁷ European Equality Law Network, Albania 2022 report, <https://www.equalitylaw.eu/country/albania>, pp. 66, 92.

¹⁸ Specifically named beneficiaries include *inter alia*: victims of domestic violence, persons without decision-making capacity, children and victims of trafficking. See Article 11, Law on Free Legal Aid.

¹⁹ Submission of Social Justice Organisation to the Advisory Committee.

²⁰ Annex 5, State report, p. 86.

awareness raising campaigns using plain, understandable language are needed to ensure more people are aware of their rights and that civil society organisations at the local level around the country need to be more empowered and made aware of non-discrimination standards and remedies, as the currently most active civil society sector is heavily concentrated around Tirana. Whilst the Commissioner's decisions are binding, there are notable examples of them not being implemented – notably in the case of *X and Others v. Albania* (see Article 12). In terms of figures, between 2018 and November 2020, the Commissioner dealt with 114 cases from individuals (generally balanced between complaints from men and women) and NGOs. He found discrimination generally in the field of goods and services in 27 cases.²¹

56. The People's Advocate informed the Advisory Committee that most of their cases are *ex officio*, most often dealing with issues facing the Roma and Egyptian minorities. They also underlined the importance of 'open days' in regional offices to promote awareness of human rights. The Advisory Committee was also informed that more human and financial resources would help to address rights at a community level as opposed to an individual level, meaning they would make recommendations of a systemic nature rather than processing individual complaints. Finally, the People's Advocate's recommendations are implemented on what was described to the Advisory Committee as a moderate level, and their non-implementation is often blamed on lack of financial resources on the part of authorities.

57. The Advisory Committee welcomes the Law on Legal Aid and the amendments made to the Law "on Protection from Discrimination" which should serve to better protect persons belonging to national minorities, especially those most exposed to multiple and intersecting forms of discrimination. Work should now be done to ensure these persons are aware of their rights and can effectively exercise them, including through having effective access to free legal aid. The Advisory Committee is pleased to note the widespread public trust, including from the Advisory Committee's interlocutors belonging to national minorities, both institutions – though particularly the Commissioner – enjoy. Echoing the Commissioner, the Advisory Committee finds it particularly important for the authorities at all levels to build awareness of anti-discrimination standards and remedies to ensure that rights are effective in practice. The Advisory Committee emphasises the importance of the recommendations of these two bodies and their timely implementation. It further commends the

work of these two institutions and the extent to which they have gained the trust of persons belonging to national minorities, but considers that more could be done to raise awareness of the new legal aid provisions among groups exposed to situations of vulnerability.

58. The Advisory Committee strongly encourages the authorities to provide the Commissioner for Protection from Discrimination and the People's Advocate with the resources they require to carry out their respective mandates, and to co-operate further with both institutions as to the implementation of their recommendations.

59. The Advisory Committee encourages the authorities to ensure persons belonging to national minorities are de facto able to benefit from all forms of legal aid, in particular by considering amending the 'specific categories of beneficiaries' under the Law on "Legal Aid" to include persons belonging to national minorities, in particular Roma and Egyptian minorities.

Risk of statelessness (Article 4)

60. Civil society organisations have drawn the attention of the Advisory Committee to issues around the registration of children, notably belonging to the Roma minority, as a barrier to achieving full and effective equality. Tirana Legal Aid Society has informed the Advisory Committee that they deal with around 500 such cases per year, although this number has been gradually decreasing. UNHCR figures show that there are 1 528 persons at risk of statelessness.²² Civil society representatives also informed the Advisory Committee that some progress has been made with co-operation with Greece to ensure that birth registration documents issued in Greece would be recognised in Albania, contributing to reducing the risk of statelessness of Roma moving between these two countries.

61. Civil society and Roma representatives informed the Advisory Committee of a new, troubling development which was contributing to this situation: fictive marriages, where a man pays a woman to marry him so that he might legally change his name, for example so that he might evade justice. Once this is done, the man would then abscond or emigrate, leaving the woman married but without her legal husband. When she then wishes to start a family, she may not be able to afford a divorce or wish to go through this long process, so instead has children with a new cohabitant. The couple may then not wish to register those children as they would automatically be registered as the children of the now absent husband. The Advisory Committee

²¹ Annex 5, State report. Data from 2020 onwards has not been made available to the Advisory Committee.

²² UNHCR, Statelessness in Albania, at: <https://www.unhcr.org/albania.html>. Figures from September 2021.

was informed that this may impact in particular disadvantaged, rural and minority women, leaving them with a bureaucratic and legal difficulty in getting divorced, and that 60% of cases of fictive marriage dealt with by one legal aid society concerned women belonging to the Roma minority, and that there are 3 000 cases of fictive marriage per year in Albania.²³ It may hence leave children of these marriages without the correct documentation to gain citizenship or then attend school, leading to other social issues such as child begging, or access healthcare. The legal aid societies also raised the concern that the authorities adopted a permissive approach to these “marriages”, not wishing to intervene in what they perceive as a cultural pattern.

62. Registration at birth is a fundamental right for any child, as enshrined in the UN Convention on the Rights of the Child and expanded on in the Committee on the Rights of the Child General Comment No.7 in which it recommends “that States parties take all necessary measures to ensure that all children are registered at birth.”²⁴ This is also a key tenet of the Council of Europe Convention on Nationality,²⁵ and the Advisory Committee has consistently emphasised the importance of avoiding statelessness, in particular for persons belonging to national minorities who may be most exposed to this circumstance,²⁶ as having a regularised status and the documentation to prove it, is crucial for having access to basic services. However it appears that data on the issue of fictive marriages is lacking, as it is a relatively recent development. Registrars ought to be properly trained to ensure that marriages they register are genuine, and that, if they challenge a marriage, this is done in a non-discriminatory way, taking into account the particular situation of rural and isolated Roma women. Further awareness raising as to the risks of entering into such a marriage among minority and rural communities should also be considered, to emphasising the cost – both financial for the women involved and in terms of access to rights for the children left without their necessary documentation.

63. The Advisory Committee calls on the authorities to continue working to reduce the risk of statelessness among persons belonging to

national minorities. The authorities should take a more active role in investigating and addressing the impact of fictive marriages, in particular on women and children belonging to national minorities, including through providing the necessary social, legal and financial support to them, ensure that the marriage law is properly enforced in a non-discriminatory way, and raise awareness of the risks of this process among persons belonging to national minorities.

National Action Plan for the Roma and Egyptian Minorities (Article 4)

64. The previous ‘National Action Plan for Roma and Egyptians’ expired in 2020, and was renewed (as the ‘National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians’, hereafter the National Action Plan) from 2021-2025.²⁷ It is funded from the state budget, that of local governments and international donors, although there is a funding gap of over 2.5 million EUR,²⁸ and it has seven priority sectors, focusing especially on access to education, employment, housing, health and social services, improving quality of life and reducing the socio-economic gap between both Roma and Egyptians and the rest of society.²⁹ It also includes measures to recognise and tackle antigypsyism and to improve access of both Roma and Egyptian women to social protection programmes. The National Action Plan is harmonised with the European Union Roma strategic framework for equality, inclusion and participation. Albania has also operationalised a guideline on “Roma and Egyptian responsive budgeting at local level”,³⁰ and is currently working on a guideline on “Roma and Egyptian responsive human resourcing”, to ensure job descriptions for public sector positions enable Roma employment and integration. For the previous National Action Plan, the monitoring and evaluation (for 2019) shows that an increasing number of persons belonging to both Roma and Egyptian minorities were being reached by state services, notably with regard to healthcare, but noted a number of outstanding challenges, including access to employment through Roma mediators in public administration, insufficient funding for housing programmes compared to their needs (see Article 15), and especially

²³ Information received from Tirana Legal Aid Society in November 2022.

²⁴ Committee on the Rights of the Child, [General Comment No.7](#), (2005): Implementing Child Rights in Early Childhood, 12-30 September 2005, para. 25.

²⁵ Article 4, European Convention on Nationality, ETS No.166, entry into force 1/3/2000. Ratified by Albania on 11/2/2004.

²⁶ ACFC Fourth Thematic Commentary, para. 30.

²⁷ Council of Europe Office in Tirana, 19 November 2021, at: <https://www.coe.int/en/web/tirana/-/kjdfkjs>. [National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians 2021-2025](#).

²⁸ The total budget is over EUR 38 million. Source: National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in the Republic of Albania (2021-2025), pp. 65-68.

²⁹ UNDP, National Action Plan for Roma and Egyptian Minorities, 18 November 2021, Introductory Remarks, <https://www.undp.org/albania/publications/national-action-plan-equality-inclusion-and-participation-roma-and-egyptians-albania>.

³⁰ See: Council of Europe, ROMACTED Programme, Roma and Egyptian Responsive Budgeting Guidelines for Municipalities, Tirana, 2020: <https://rm.coe.int/roma-and-egyptian-responsive-budgeting-en/1680a15dff>.

education, where 1 005 Roma and Egyptian children regularly attended compulsory education, against a target of 19 975 (see World Bank data under Article 12 for the relative percentages).³¹

65. In co-operation with the European Union and Council of Europe, in the framework of the ROMACTED I and II programmes, ten municipalities (out of the 19 in Albania where persons belonging to Roma and Egyptian minorities live) have developed local “integration plans” for Roma and Egyptian minorities.³² These contain measures to improve access to education, employment, housing and health, as well as covering issues facing returnees and migrants.

66. The Advisory Committee’s interlocutors welcomed the measures contained in the National Action Plan in principle, but expressed some scepticism as to the promised outcomes. In this context, some interlocutors expressed their concern that the National Action Plan is not adapted to the national specificities. Roma representatives stressed the importance of the effective implementation of the National Action Plan. Persons belonging to the Roma minority also highlighted the extent to which antigypsyism has an impact on effective access to services, such as housing, healthcare and education (see Articles 12 and 15) and hence welcomed measures designed to address this issue in the National Action Plan.

67. Representatives of the Egyptian minority informed the Advisory Committee that they wish to have a specific action plan prepared for them, which is needed, according to them, because past action plans and strategies for “Roma and Egyptians” have tended to focus on the situation of the Roma minority and have not produced satisfactory results for the Egyptian minority, notably in the fields of healthcare, employment and skills development and housing. Rather, specifically designed measures for the Egyptian minority are needed, also because the problems they face are not the same as those faced by the Roma. There are widely accepted unsupported views, even stereotypes, held about the Egyptians – for example that they face similar issues as Roma but to a lesser extent. The conflation of Egyptians and Roma in policy making (see Article 3) and the lack of disaggregated equality data hampers an accurate assessment of their situation and the development of specific and targeted policy

which would address the real nature of the issues persons belonging to each minority face.

68. The Advisory Committee welcomes the adoption of the 2021-2025 National Action Plan, and in particular welcomes the inclusion of actions targeting antigypsyism and aiming to address gender equality issues, since the Advisory Committee’s interlocutors consistently highlighted this. It also takes note of some of the positive outcomes of the previous National Action Plan, but in light of concerns expressed by its interlocutors, considers that greater efforts are needed to ensure the effective implementation on the ground of the measures contained within the National Action Plan. In this context the local action plans adopted are a positive development and the authorities should ensure that local government units have the appropriate resources to properly implement the measures contained within them. The setting-up of task forces at regional level with the involvement of persons belonging to the Roma and Egyptian minorities could be pursued as this would give the possibility for the communities concerned to provide advice and support to local and regional authorities in building, planning and implementing their actions, as well as ensuring coordination with the local action plans where these have been adopted (see also Article 15 on consultative mechanisms at local level).

69. The Advisory Committee also emphasises the need for plans for “integration” to target majorities and minorities alike, recognising that societal integration is a two-way process involving society as a whole. The Advisory Committee therefore has concerns that the plans at local level in particular may entrench a particular view of integration whereby the minority is expected to adapt to majority society, whilst no expectation or duty is placed on majorities to accommodate difference. Reports of implementation of existing measures being severely lacking are also concerning, as is the apparent lack of interest from some municipalities in implementing appropriate measures.

70. In light of concerns raised also under Articles 12 and 15 of this opinion regarding the absence of equality data relating to education, healthcare, housing and employment, as well as other fields, the Advisory Committee also emphasises the need for nationally collected, disaggregated equality data (also reflecting gender and age disparities) to form the basis of targeted and outcome-oriented policy measures. This would

³¹ Government of Albania, Report on the Implementation of Roma Integration Public Policy in Albania for 2019, September 2020, Executive Summary, https://shendetesia.gov.al/wp-content/uploads/2020/10/20-tetor-2020-Report-2019-National-Action-Plan-for-the-Integration-of-Roma-minority_Albania.docx.

³² The plans have been adopted for Korçë, Elbasan, Vlora, Pogradec, Përmet, Fier, Roskovec; they are in the process of finalisation in Gjirokastrë, Lushnje and Cërrik. See, for example, the [adopted plan](#) for Fier municipality, as well as the list of plans adopted [here](#).

also be an important step to be able to design appropriate measures responding to the needs and interests of persons belonging to the Egyptian minority. Such relevant data can be gathered through research carried out by or in co-operation with persons belonging to national minorities themselves, and should meet human rights and data protection standards, notably the principles of consent, anonymity and information on the purpose of processing.³³

71. The Advisory Committee also notes the concerns of the Egyptian minority representatives that issues facing them are not properly addressed in the current plans, whether local or national. The development of Egyptian-specific measures, in co-operation with Egyptian minority representatives, in the implementation of the present National Action Plan, with a view to codifying them more explicitly when it expires in 2025, whether in a separate plan or through specific objectives, subchapters and measures in a broader plan, would be welcome.

72. The Advisory Committee calls on the authorities to develop ways and means to collect equality data relating to persons belonging to national minorities, notably the Roma and Egyptian minorities, and especially in the fields of education, housing, employment and healthcare, in line with European standards on data protection.

73. The Advisory Committee asks the authorities to ensure the effective implementation of the National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians 2021-2025 through close co-operation with municipal authorities and by providing the appropriate human and financial resources via an allocated budget for authorities to address the needs and concerns of persons belonging to both Roma and Egyptian minorities, in co-operation with their representatives. Authorities should pay special attention to ensure that measures combating antigypsyism are properly implemented and engage minorities and the majority alike. Local action plans should also be appropriately financed and adopted in all municipalities where persons belonging to Roma and/or Egyptian minorities live to ensure effective equality across the country.

74. The Advisory Committee encourages the authorities at all levels to work with Egyptian representatives to develop measures addressing the specific needs and interests of the Egyptian minority, whilst ensuring they continue to benefit from measures within the existing National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians.

Support for national minority cultures and identities (Article 5)

75. The state report informs that 5% of the projects financed by the Ministry of Culture in a given year must have some connection to national minorities –through the applicants, resources or materials of the project. A bylaw adopted in 2019 also provides directives to ministries as to their responsibilities for the promotion and protection of minority cultures, and specifies that financial resources from the annual budget will be set aside for implementing the bylaw. Activities in the National Strategy for Culture 2019-2025 will also be carried out in co-operation with the Committee on National Minorities. The state report also provides a list of events and activities supported by the Ministry of Culture.³⁴ The Committee on National Minorities also informed the Advisory Committee of a festival it had organised with its funds, which was boycotted by Macedonian representatives (see below).

76. National minority representatives welcomed support from the authorities, including the 5% quota of projects, although some felt that the projects supported focused too heavily on traditional or folkloric aspects of national minority cultures, which, in some representatives' view, authorities should try to balance with more up-to-date and dynamic expressions of national minority cultures, history, languages and identities. Macedonian representatives expressed regret that the festival organised by the Committee of National Minorities had been held in the area inhabited by persons belonging to the Greek minority, and Macedonian exhibits had reportedly been removed – leading to the boycott. Representatives also raised concerns about the sustainability and foreseeability of funding implemented on the basis of projects. Macedonian and Roma representatives highlighted the need for Albania to sign and ratify the European Charter for Regional or Minority Languages.

77. The Advisory Committee emphasises that persons belonging to national minorities must have access to publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures. Such funds should be made available to national minority representatives and organisations in a sustainable manner, ensuring the continuation of the activities of national minority organisations on a foreseeable basis.

78. The Advisory Committee welcomes the number of initiatives taken by local authorities to familiarise broader society with national minorities' cultures and languages, through

³³ See for instance: ACFC Thematic Commentary No. 4, paras. 18, 66; ACFC Thematic Commentary No. 2, para. 30.

³⁴ See State report, para. 86.

cultural events. Such initiatives, while praiseworthy in themselves, tend to limit the perception of national minorities, particularly numerically smaller national minorities, to their folkloristic aspects, without deeper reflection on their contribution as part of Albanian history and society or contemporary expressions of minority culture. Increased attention to ensuring this deeper reflection in other cultural events would be welcome, as would the reflection of a broad spectrum of interests in events organised, including perspectives from women and youth. The broader and more inclusive use of funding administered by the Committee of National Minorities would also be a welcome development.

79. The Advisory Committee also appreciates the co-operation between the Albanian authorities and the Council of Europe regarding the ratification process of the European Charter for Regional or Minority Languages, but also notes that Albania has still neither signed nor ratified the treaty,³⁵ which is designed to protect traditionally used minority languages as part of Europe's cultural heritage. In light of the work done so far, Albania should proceed forthwith with signing and ratifying the Language Charter.

80. The Advisory Committee strongly encourages the authorities to ensure adequate and sustainable funding for the support of national minority cultures and identities. They should also ensure that a broad spectrum of perspectives is reflected in the development of expressions of these cultures and identities, especially by giving national minority youth the space, opportunity and means to protect and promote their cultures and identities.

81. The Advisory Committee encourages the authorities to sign and ratify promptly the European Charter for Regional or Minority Languages.

Property rights in traditional areas of settlement (Article 5)

82. Representatives of the Greek minority have highlighted issues relating to the ownership of property. This is a general problem also affecting majority Albanians, demonstrated by the fact that 21% of the European Court of Human Rights' judgments against Albania concern the right to peaceful enjoyment of possessions (Article 1 of Protocol 1 to the ECHR).³⁶ However, it has been noted that issues pertaining to property rights

particularly affect areas inhabited in substantial numbers by persons belonging to national minorities, or the effect of the issues poses particular risks to persons belonging to national minorities, especially in terms of their ongoing viability. A law on the legalisation of property was adopted in 2020, but its secondary legislation has not yet been fully adopted, meaning the Law is not yet fully enforceable.

83. The property issues fall into broad categories of so-called strategic investments and urban redevelopment, or cases of individual disputes over property. In the former case, minority representatives allege that big construction companies are being granted construction licenses very easily from the Albanian government, to construct on land and thereby destroy property owned by locals. They state that this is particularly problematic in coastal areas – notably Himarë – where demand for property, including new hotels to meet new tourist demand, is high. There are also allegations of corruption.³⁷ In the latter case, Greek representatives report that in areas such as Gjirokaštër and Sarandë, individuals are using documents ostensibly issued during the Ottoman rule of Albania to claim property currently inhabited and maintained by other individuals – notably by persons belonging to the Greek minority, whose representatives argue that these documents are likely forgeries but are nonetheless accepted by Albanian courts in order, they claim, to give property back to majority Albanians.

84. The Advisory Committee considers that communities of language users and persons belonging to national minorities living together are an irreplaceable condition for the protection and promotion of minority cultures and identities. Policies, decisions or “pricing-out”, which give no choice to persons belonging to national minorities but to leave areas which they have traditionally inhabited, even for generations, are a deep concern of the Advisory Committee in this respect.

85. In light of these elements, and in view of the compact settlement of persons belonging to the Greek national minority, as well as others, the Advisory Committee has concerns about the number of strategic investments and property disputes in areas such as Himarë and along the coast, but also elsewhere, and considers that this will negatively impact the viability of Greek minority communities – preventing persons belonging to the Greek national minority from

³⁵ Parliamentary Assembly of the Council of Europe, Assembly Opinion [189](#) on Application by Albania for membership of the Council of Europe, 1995. In 2018 and 2019, the Albanian authorities, with support from the Council of Europe and the EU, reviewed their domestic legislation and practice with a view to identifying the Charter undertakings that Albania could ratify. Albania is therefore technically prepared to sign and ratify the Charter in accordance with its post-accession commitment. See also the see [draft instrument of ratification](#) developed.

³⁶ ECtHR, *The ECHR and Albania in Facts and Figures*, May 2022

https://www.echr.coe.int/Documents/Facts_Figures_Albania_ENG.pdf.

³⁷ See Balkan Insight, November 2022, <https://balkaninsight.com/2022/11/22/beach-bribery-how-graft-greases-wheels-of-albanian-coastal-development/>.

effectively protecting and promoting their culture—as well as the economic and social participation of persons belonging to the Greek minority (see Article 15), or left with no option but to leave the area in which they have always lived. In this light, every step ought to be taken to ensure that these minority communities are effectively protected from urban development practices detrimental to their continued ability to reside in areas of their traditional settlement. The prompt adoption of the bylaws relating to the property law would provide much-needed legal clarity on these points. Finally, it is clear that further work is necessary to promote better interethnic relations on this subject (see Article 6).

86. The Advisory Committee calls on the authorities to effectively protect the right of persons belonging to the Greek national minority to preserve and develop their culture in areas of their traditional settlement, especially through providing effective protection from urban development practices detrimental to their continued ability to reside in these areas, and ensuring their property rights are fully respected.

Mutual respect and intercultural dialogue (Article 6)

87. The authorities report that some of the projects mentioned under Article 5 may have intercultural aspects and contribute to knowledge about national minorities in Albania, for instance the Pogradec Community Intercultural Centre and the promotion of Roma Day (8 April) and Egyptian Day (24 June). There does not appear to be specific research carried out by the authorities or independent institutions as to the levels of mutual respect and intercultural dialogue in society. The Audio-visual Media Authority (AMA) has informed the Advisory Committee that, in its view, the state broadcaster's obligation to offer programmes to highlight the cultures of Albania's national minorities in mainstream public broadcasting is not met. They also highlighted that a large number of their complaints come from persons belonging to the Roma minority about breaches of the Broadcasting Code, concerning the broadcasters' obligation to not incite racial, ethnic or other forms of hatred and for violating the dignity of the Roma minority. The AMA also imposes fines of 40 000 to 400 000 ALL (around

350 to 3 500 EUR)³⁸ for breaches, and also chooses to provide education to broadcasters to ensure such instances do not reoccur.

88. The Advisory Committee's interlocutors have emphasised that religious harmony and mutual respect is characteristic of Albanian society.³⁹ A Holocaust memorial was unveiled at Tirana Synagogue in 2020⁴⁰ and a study on antisemitism underlines the positive perception, though it recommends that the authorities remain attentive to potential risks of increasing antisemitism.⁴¹ However, interlocutors have highlighted some instances of racist stereotyping in the media, notably concerning the Roma minority, and the Egyptian minority by spill-over,⁴² and of online hate speech (see below). Roma representatives also reported widespread antigypsyism (see below, and Articles 4 and 15). A study has also shown that Roma may have been disproportionately blamed for spreading Covid-19 during the pandemic.⁴³ Greek representatives have also underlined that they face stereotyping and hate speech, including in school textbooks (see Article 12), with the Greek flag on one building having been damaged, stolen or burned several times over the years, and the constant problems of hate speech on social media. They also raised a suspicion that judicial decisions in private law transferring ownership of property from persons belonging to the Greek minority to majority Albanians may have an element of ethnic hostility, demonstrating also a level of distrust towards law enforcement and the judiciary (see also Article 15).

89. Another concern raised by minority representatives are the possible tensions between persons belonging to the Macedonian and Bulgarian minorities. Macedonian representatives have expressed their fears that persons belonging to the Macedonian minority may be beginning to choose to self-identify as Bulgarian, in part, they claim, because doing so makes it easier to have Bulgarian citizenship, and hence the possibility for claiming a European Union passport. Macedonian representatives claim this trend risks the future of their minority by reducing the number of persons self-identifying as Macedonian even below the established thresholds. Bulgarian representatives, for their part, state that the Bulgarian minority has a long

³⁸ Based on exchange rate as of 15 February 2023.

³⁹ Albanian Helsinki Committee, Research Study Report: Promoting religious harmony, tolerance and religious freedom in Albania, 2019.

⁴⁰ International Republic Institute, *Antisemitic Discourse in the Western Balkans: A Collection of Case Studies*, 2021, pp. 37-55, <https://www.iri.org/resources/antisemitism-remains-a-key-obstacle-to-democratic-transition-in-western-balkans/>.

⁴¹ International Republic Institute, *Antisemitic Discourse in the Western Balkans: A collection of case studies*, 2021, at: <https://www.iri.org/resources/antisemitism-remains-a-key-obstacle-to-democratic-transition-in-western-balkans/>.

⁴² ERRC, 'Blackface, Stereotypes, and Prejudice: Albania's Racist Comedy Shows'

13 August 2021, <http://www.errc.org/news/blackface-stereotypes-and-prejudice-albanias-racist-comedy-shows>.

⁴³ Of the sample, 30% reported having been blamed for spreading the virus. Andreea Cârstocea, "Going Viral: The Moral Panic Constructing the Roma as a Threat to Public Health During the First Wave of the Covid-19 Pandemic", *Journal on Ethnopolitics and Minority Issues in Europe*, 21(2), 2022, p. 71

history in Albania and that they appreciate support received from Sofia (notably for university education). It has been reported that this situation is creating a level of tension between the two national minorities and the authorities, as well as in inter-state relations in the region.

90. The Advisory Committee stresses that Article 6(1) of the Framework Convention also underlines the role of the media as a tool for the promotion of intercultural understanding and a sense of solidarity in society. Given the immediate amplification of messages and values, the Advisory Committee has consistently called on states parties to ensure that public broadcasters take their responsibilities seriously and promote respect for diversity in all their programmes.⁴⁴ Whilst welcoming the general atmosphere of respect, the Advisory Committee stresses the importance of countering harmful stereotypes in the media, as opposed to reproducing them. This is especially the case for minorities in a disadvantaged situation such as Roma. Incidents of hostility, most notably the burning of the Greek flag, targeting the Greek minority, are also of particular concern.

91. The Advisory Committee encourages the authorities to promote a spirit of mutual respect and intercultural dialogue, especially through the media. In particular, harmful stereotypes about the Roma minority and incidents of hostility towards the Greek minority should be effectively tackled.

Hate crime and hate speech (Article 6)

92. Whilst the terms hate crime and hate speech are not explicitly defined in Albanian law, there are a number of protections from both of these issues. As previously noted by the Advisory Committee, provisions on hate crime in the Criminal Code (CC) were amended in 2013 to criminalise insults, defamation and threats of death or serious bodily injury, as well as insults and threats of death or serious injury on the grounds of “ethnicity, national origin, race or religion committed through computer systems.” Relating to hate speech, incitement of hatred and violence due to race, ethnicity, religion or sexual orientation, and the preparation, spread or storing, with the intention of distributing writings of such content, committed by any means or form, is punishable from two to ten years of imprisonment. Additionally, Article 266 CC

envisages that risking public peace by calling for hatred against segments of the population, by insulting them or slandering them, asking the use of violence or other arbitrary actions against them, is punishable by two to eight years’ imprisonment.⁴⁵ No data is systematically collected on the prevalence of hate crime, and Albania has not reported periodically the numbers of hate crimes recorded by police to the Office for Democratic Institutions and Human Rights (ODIHR).⁴⁶

93. There are also elements of civil law, notably relating to damage compensation where freedom of expression is abused and administrative law, notably, regulations for broadcasting overseen by the Audio-visual Media Authority (AMA), which can be used to seek redress in cases of hate speech. However, language is not covered as one of the grounds for hate speech.⁴⁷

94. According to a study by the Commissioner and the Council of Europe, 50% of respondents had a clear understanding of hate speech, 34% were able to identify at least discriminatory speech, and 16% recognised neither hate speech nor discriminatory speech.⁴⁸ These rates were particularly low among the Roma and Egyptian minorities.⁴⁹ Despite these findings of a lack of knowledge, around 45% of respondents of persons belonging to Roma and Egyptian minorities declared to have personally experienced hate speech, compared to 14% in the general respondents.⁵⁰ Encouragingly, of those who had experienced it and who belong to the Roma and Egyptian minorities, 75% took some action,⁵¹ although 49% of Roma and Egyptian individuals surveyed were not aware of any laws protecting them from hate speech.⁵² Of the respondents, 36% also expressed that “race” and ethnicity are the main factor triggering hate speech. Roma and Egyptian respondents indicated that they experience hate speech on social media, but mostly in healthcare settings, public offices and public transport.⁵³ Television is also regarded as a principal avenue for hate speech (see above).

95. As previously, the Advisory Committee deeply regrets the lack of official data relating to hate speech and hate crime in Albania, as collection of this data disaggregated inter alia by minority affiliation is vital for authorities and particularly law enforcement to design targeted measures in response. It also means the population at large is uninformed about the

⁴⁴ ACFC Thematic Commentary No. 4, para. 63.

⁴⁵ ACFC Fourth Opinion on Albania, para. 82; see also Mirela P. Bogdani, Federico Faloppa, Xheni Karaj, ‘[Beyond Definitions. A call for action against hate speech in Albania](#)’, Council of Europe, 11/11/21, p. 91.

⁴⁶ OSCE ODIHR Hate Crime database, <https://hatecrime.osce.org/albania?year=2021> (accessed 1/12/22).

⁴⁷ Bogdani, Faloppa, Karaj, ‘[Beyond Definitions](#)’, Council of Europe, 11/11/21, p. 92.

⁴⁸ *Ibid.*, p. 32.

⁴⁹ *Ibid.*, fig. 42.

⁵⁰ *Ibid.*, compare figs. 47 (majority) and fig. 57 (Roma and Egyptian minorities).

⁵¹ *Ibid.*, fig. 58.

⁵² *Ibid.*, fig. 69.

⁵³ *Ibid.*, fig. 45.

problems facing persons belonging to national minorities in society, and helps to contribute to an idea that discrimination and hatred are not a problem for national minorities – which cannot be proven without the relevant data. Indeed, the existing data indicate problems relating to hate speech which need tackling, in particular the burning of the Greek flag described by Greek minority interlocutors (see above) and the widespread reports of antigypsyism in society. The reported lack of awareness of hate speech and hate crime protections also gives cause for concern. Considering also that one of the main markers of difference in Albania for persons belonging to national minorities compared to the majority may be the language they use, language should be included as a protected ground for hate speech and hate crime.

96. The Advisory Committee calls on the authorities to raise awareness of the legal protections from hate speech and hate crime and remedies available among those most exposed to these forms of hostility. Authorities should also systematically collect data disaggregated by, *inter alia*, minority affiliation, on hate speech and hate crime, and design targeted preventive measures in response.

Protection from violence (Article 6)

97. Concerning protection of children, the authorities informed the Advisory Committee of actions taken by the State Agency for Children's Rights and Protection, which has provided data from 2020 to 2022 showing that Roma and Egyptians are potentially over-represented in the number of cases dealt with by the local Child Protection Units, meaning that Roma children are more likely to be taken into care.⁵⁴ The authorities report that the majority of these children have been in a 'street situation', meaning living on the streets and potentially begging. Roma representatives have criticised the authorities' willingness to take Roma children away from their parents without providing supportive financial and social measures to parents so that they might have a chance of having their child returned to them. This is especially the case considering that this issue concerns some of the most economically disadvantaged Roma women and children in society. They expressed further the lack of trust persons belonging to the Roma

minority have in child protection officials, and the important role of NGOs and legal aid societies in mediating and supporting the families concerned.

98. Concerning trafficking, disaggregated data is not available.⁵⁵ The Ministry of the Interior has however noted that the most affected individuals include women and girls, children and persons belonging to the Roma and Egyptian minorities. The Council of Europe monitoring body on trafficking in human beings, GRETA, also noted that these groups are particularly vulnerable to trafficking and exploitation, and that the principal purposes of such trafficking within Albania concerns sexual exploitation and exploitation of begging.⁵⁶ The Advisory Committee's interlocutors from legal aid societies have informed it that around 60% of the cases they deal with concern child trafficking are persons belonging to the Roma minority, a rate which has increased since the pandemic. The US State Department report on Trafficking in Persons for 2022 also highlights that law enforcement may view cases of forced marriage or trafficking as cultural practices and customs, and hence leave victims of crime without remedy.⁵⁷

99. Concerning gender-based violence against women belonging to national minorities, the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) raised concerns about the lack of data on its frequency and forms in 2017 and the compounded difficulties facing women belonging to the Roma minority to escape such violence. No such data has been given to the Advisory Committee during this monitoring cycle.⁵⁸

100. Roma representatives brought to the Advisory Committee's attention a number of allegations of police brutality against Roma in particular. One example concerns the beating of a Roma boy in Korçë, and the abuse of two Egyptian young men by police during a Covid curfew in Berat, including the use of racially discriminatory language as well as physical violence.⁵⁹ There has also been a finding by the Commissioner concerning indirect discrimination against a Roma individual by the Tirana Police, whose bicycle and waste collection equipment was seized by officers.⁶⁰ Roma representatives informed the Advisory Committee that such

⁵⁴ Out of a total of 1020 cases in 2020, 155 concerned Roma and 111 Egyptians. For 2021, the respective figures are 100 and 118 out of a total of 1047. Source: Additional Information received by the Advisory Committee on 13th November 2022.

⁵⁵ Data available shows 60 cases of child potential victims or victims of trafficking in 2020, 38 in 2021 and 24 until June 2022.

⁵⁶ GRETA, [Third Evaluation Report](#), Albania, 15 December 2020, para. 13.

⁵⁷ US State Department, Trafficking in Persons [report](#) 2022, Albania, section 'Protection'.

⁵⁸ GREVIO, [Baseline Evaluation Report](#), Albania, 24 November 2017, paras. 16, 49(c).

⁵⁹ Declaration issued by "Social Justice" Organisation, 2021. See also "Two Roma citizens denounce the police for racial violence in Berat", Reporter.AL, 3 February 2021, at: <https://www.reporter.al/2021/02/03/dy-qytetare-rome-denoncojne-policine-per-dhune-racore-ne-berat/>.

⁶⁰ Commissioner for Protection from Discrimination, Decision No.133 of 8 October 2020.

examples of police interference are commonplace.

101. The Advisory Committee reiterates that “Article 6(2) contains the obligation of states parties to protect all persons against violence and discrimination on ethnic grounds”.⁶¹ Whilst recognising that gender-based violence against women and children, as well as trafficking in human beings, affects also the majority population, the Advisory Committee emphasises the importance of designing special measures to enable women and children belonging to national minorities to report violence, including trafficking, in view of the potential risks of multiple discrimination and the barriers to justice they face. In this regard, it is not in line with the Framework Convention to accept forms of gender-based violence as cultural customs by law enforcement; rather, building linguistic and cultural competences, as well as gender sensitivity, in police forces and social services is vital in protecting from and preventing such harm. Measures should hence be taken to combat all forms of gender-based violence against women and children with a view to effectively implementing the protection enshrined in Article 6(2) of the Framework Convention.

102. The Advisory Committee is concerned that a systematic lack of data underpins the issues at hand, namely trafficking and other forms of violence against children and women and their impact on persons belonging to national minorities. This hampers any potential policy response from the authorities. The data available on both Roma and Egyptian children placed into care is, as a system of data collection, commendable, and should be rolled out to address the other areas of concern underlined here. Addressing the issue of children in vulnerable situations requires an approach which links support of parents to any protective measures taken in relation to the children, with the aim of building the confidence of Roma parents in the child protection system.

103. Concerning law enforcement's respect for human rights, increased, ongoing and systematic training for police and law enforcement on human rights and anti-racism – especially antigypsyism – is needed, as the troubling reports about violence against Roma individuals raise serious concerns about police brutality and foments ever-greater mistrust on the part of persons belonging to the Roma and Egyptian minorities in law enforcement.

104. The Advisory Committee calls on the authorities to systematically collect data on trafficking and other forms of violence against children and women, disaggregated by minority affiliation, and develop comprehensive policies

and measures to prevent and combat these forms of violence. To this end, authorities should engage closely with law enforcement and social services and with persons belonging to national minorities, including children and women. They should also aim at providing the necessary support, whether through social care or other measures, for those in situations of vulnerability, and in particular aim to strengthen trust between persons belonging to national minorities and institutions, in particular the child protection services.

105. The Advisory Committee strongly encourages the authorities to develop and implement comprehensive training for law enforcement on anti-racism and human rights, especially to combat antigypsyism.

Minority language media (Article 9)

106. The authorities report that Albanian Radio Television (ART) has expanded its range of programming in national minority languages on RTSH 2 and Radio Tirana. There are a range of programmes addressing all national minorities reported for the period 2017-20.⁶² One example is the 5-minute radio news programme produced in Bulgarian, Greek, Aromanian, Romani, Macedonian and Serbian, broadcast daily at 18:30.⁶³ Radio Tirana has also broadcast “Like everyone else”, which aims to give information in minority languages about education and employment and other opportunities, with the collaboration of minority youth. So far, no national minority communities have requested a community radio licence. Once a week, Albanian public television airs news coverage and a cultural programme in Romani, and locally in Gjirokastrë a weekly 60-minute TV programme and a daily 60-minute radio show are aired.

107. The AMA monitors ART's compliance with its broadcasting obligations and its representatives stated that ART's obligations in respect of programming for national minorities and in their languages is only partly fulfilled. They also explained that the 5-minute news bulletins have no staff working on them and programmes for national minorities may offer a folkloric depiction of minorities. The AMA is in discussion on developing further programming covering the needs and interests of minorities and persons belonging to them.

108. Minority representatives shared the views of the AMA, explaining that the 5-minute news bulletins in minority languages are done through the voluntary services of minority representatives, often those in the Committee on National Minorities. They also raised concerns that these bulletins are just a translation of the

⁶¹ ACFC Thematic Commentary No. 4, 2016, para. 55.

⁶² See State report, pp. 78-79.

⁶³ State report, para. 114.

Albanian-language news and do not offer information about the needs or concerns of persons belonging to national minorities. Roma representatives informed the Advisory Committee that Radio Korçë has Romani news broadcast once a week. Macedonian representatives also informed the Advisory Committee of the two newspapers and website in Macedonian, but emphasised that these did not receive state support. Vlach representatives underlined the need for support for their language also through the media.

109. The Advisory Committee underlines that in order for public service broadcasting to reflect the cultural and linguistic diversity existing within society, it must guarantee an adequate presence of persons belonging to national minorities and their languages.⁶⁴ This is especially important for languages spoken only by a small number of persons, where the media may play a central role in a long-term process of revitalisation. Therefore, whilst the 5-minute broadcasts of news are welcome, the fact they are maintained by willing volunteers who translate the Albanian news, means that their scope for offering engaging and unique content whilst building the capacities of journalists belonging to national minorities is limited. The Advisory Committee is also concerned by the lack of support for printed and online media, and the particular disadvantages this could bring to numerically smaller national minorities who may not be able to support activities through private donors, “kin-states” or subscription or purchase fees. Rather, minority media may require specific financial support to ensure their financial viability.

110. The Advisory Committee strongly encourages the authorities to increase the quality and quantity of minority language broadcasting to ensure that it offers programmes of relevance and interest to persons belonging to national minorities, including through the training of journalists belonging to national minorities.

111. The Advisory Committee encourages the authorities to provide specific support to minority language media in written form, including for numerically smaller national minorities, whether online or in print, to ensure their financial viability.

Use of minority languages in the public sphere (Article 10)

112. The Law on National Minorities provides that local self-government units must create the conditions, as far as possible, for the use of minority languages in contacts between persons belonging to national minorities and these units, where national minorities traditionally reside or

make up over 20% of the local population in the municipality, and upon request. The authorities emphasise that this 20% threshold is an accepted European standard based on experience elsewhere. The adoption of a draft bylaw is still pending to regulate this matter further, which will provide for the criteria for submitting a request, the process by which a request is to be decided by the municipal council, the legal verification process, and the appeal process.

113. In practice, at the moment, this right is only in force in the three municipalities of Dropull, Finiq, where persons belonging to the Greek minority make up a majority, and Pustec, where persons belonging to the Macedonian national minority make up a majority of the local population. Minority representatives informed the Advisory Committee of their wish to be able to use their minority languages in communication with authorities outside of these three municipalities. Some Greek representatives also stated that they had been forbidden to use Greek in council meetings – even where all those present spoke Greek and belonged to the Greek national minority – as decisions taken in Greek were not binding. Women belonging to the Greek minority also highlighted the need for child welfare services in particular to be provided in Greek in the areas where they live (including outside of Dropull and Finiq, for instance in Gjirokastër, where Greek minority children taken into care may not speak Albanian well enough to understand what is happening).

114. The Advisory Committee reiterates that Article 10(2) of the Framework Convention applies also to areas where only a relatively small percentage of persons belonging to national minorities reside, provided that persons belonging to national minorities traditionally inhabit the areas concerned, that there is a request by these persons, and that “such a request corresponds to a real need”.⁶⁵ “A threat to the functionality of the minority language as a communication tool in a given region is sufficient to constitute a ‘need’ in terms of Article 10.2 of the Framework Convention.”⁶⁶ It also recalls that “language rights are effective only if they can be enjoyed in the public sphere”.⁶⁷

115. In light of this, the Advisory Committee regrets the current situation which is not serving the interests or needs of those persons belonging to national minorities who have lived traditionally outside of the municipalities of Dropull, Finiq and Pustec, but do not reach the requisite threshold for using minority languages in communication with the local authorities according to the available census data from 2011 (see Article 3). Regarding the issue of thresholds, the Advisory

⁶⁴ ACFC Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev para. 41. Also available in [Albanian](#).

⁶⁵ ACFC Thematic Commentary No. 3, para. 53.

⁶⁶ ACFC Thematic Commentary No. 3, para. 53.

⁶⁷ *Ibid.*, para. 51.

Committee refers to its analysis under Article 11 and 16, below, and reiterates the need for flexibility in their implementation, especially given the lack of reliable census data in Albania. In elaborating the pending bylaw, the authorities should therefore take into account both the 'traditionally residing' or substantial numbers' criteria of Article 10 and in the Law on National Minorities. Considering the historical context, the definition of 'traditionally residing' should also not be prohibitive to the implementation of minority rights. All such criteria, concerning thresholds and traditional residence, should be elaborated in the bylaw and implemented flexibly with the aim of ensuring access to minority rights.

116. Acknowledging the practical difficulties which may arise, the Advisory Committee is nonetheless concerned at the reports of Greek minority children in care without knowledge of Albanian and considers that the authorities should look into ways and means of addressing this issue through language training of child welfare professionals, or making systematic use of interpreters. The Advisory Committee regrets that the secondary legislation regulating use of minority languages in communication with local authorities has not yet been adopted, and emphasises the need for legal clarity here, for taking into account the needs and interests of persons belonging to national minorities and for avoiding overly burdensome procedures in exercising the right to use minority languages with local authorities.

117. The Advisory Committee calls on the authorities to promptly adopt the secondary legislation on the use of minority languages with public authorities. This legislation should provide for a flexible approach to the 20% threshold and pay due attention to persons belonging to national minorities who have been traditionally residing in given areas, with a view to ensuring minority rights are effectively enjoyed in practice and in accordance with Article 10 of the Framework Convention.

Topographical indications (Article 11)

118. The Law on National Minorities provides for local governments to decide to provide topographical indications in minority languages alongside Albanian, where over 20% of the inhabitants belong to national minorities and where there is a sufficient demand from them for such indications. One of the pending draft bylaws also addresses this issue by providing for topographic indicators to be established in minority languages. This will also clarify the criteria for submitting a request and the process of verification and decision by the Municipal Council.

119. In practice, bilingual signage is currently only present in those three municipalities (Dropull, Finiq and Pustec) where persons belonging to the Greek and Macedonian minorities reach the threshold (see Article 10 above). Macedonian representatives indicated their wish that Macedonian might be used in public life in all areas where they factually make up over 20% - even if the previous census does not show this to be the case. They also indicated that in Pustec, place names on signs and in official documentation have not been updated in the 10 years since the municipal council restored the Macedonian names in 2013. These names had been changed during the 1970s to replace Macedonian and other Slavic place names with Albanian toponyms.⁶⁸

120. The Advisory Committee reiterates that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities among the general population, conveying the message that a given territory is shared in harmony by persons belonging to different communities. If such indications depend on a threshold, the latter must not constitute a disproportionate obstacle with respect to certain minority languages, take due account of the specific conditions and consider the demographic structure of the area in question over a certain period.⁶⁹

121. Whilst thresholds in themselves do not run counter to the Framework Convention, an over-reliance on such thresholds in a context where there is little to no reliable data as to the relative numbers of persons belonging to national minorities and the majority, may give rise to concerns as to their practical compliance with Article 11 and the spirit of the Framework Convention itself. Considering also the geographical spread of national minorities across Albania and their relative concentration and isolation in different villages, particularly in the east of the country, it appears that the current municipality-wide threshold of 20% is not effectively functioning. For example, there may be villages in which persons belonging to national minorities make up close to 100% of the population, but remain below 20% across the whole municipality. Moreover, given the apparent (although exact data is lacking) numerical size of national minorities in Albania, 20% appears to be an unattainably high threshold for many minorities according to the administrative boundaries currently in place (see also Article 16). The authorities could in this light consider taking the positive step of introducing minority language topographical indications in the villages or former municipalities where persons belonging

⁶⁸ SONCE Macedonian Organisation shadow report, received 31/01/23.

⁶⁹ See also ACFC Thematic Commentary No. 3, paras. 65-67.

to national minorities reached the relevant threshold.

122. The Advisory Committee expects that the data gathered from the census in 2023 should give new impetus to the discussion of the implementation of this right, and that out of this, a more differentiated approach can be found and codified in the outstanding bylaw which should better reflect the reality of the situation, as well as the needs and interests, of national minorities in the implementation of Article 11 of the Framework Convention.

123. The Advisory Committee strongly encourages the authorities to ensure the effective implementation of the rights contained within Article 11(3) of the Framework Convention, in particular by taking a flexible approach to the application of the 20% threshold with a view to ensuring access to minority rights. They should also amend the territorial scope of application of the Law to ensure that villages or smaller conurbations inhabited by persons belonging to national minorities within larger municipalities are able to install topographical indications in minority languages.

Intercultural education (Article 12)

124. The state report informs in general terms that the culture, history and traditions of national minorities are included in school curricula, and that measures are foreseen to develop materials so that teachers may address more effectively the culture, traditions and history of minorities in education. The Advisory Committee notes that incorporating the histories and cultures of both the Roma and Egyptian national minorities into the curriculum at all levels is one of the expected outcomes of Policy Goal IV of the National Action Plan on the Roma and Egyptian minorities.⁷⁰

125. Greek minority representatives expressed concern at the content of some history textbooks which portrayed the Greek minority as having irredentist tendencies, even inciting hatred against the Greek minority by portraying them as invaders of Albania. Roma representatives noted that Roma culture, traditions and history were almost totally absent from school curricula. During its visit to “Naim Frashëri” school in Korçë (see below), a school attended by a majority (83%) of pupils belonging to Roma and Egyptian minorities, the Advisory Committee observed that there was no mention of the cultures or histories of either Roma or Egyptian minorities on display on the walls of classrooms or corridors at the school, although the cultures and histories of different foreign countries were. Civil society representatives underlined that there is no specific attention paid to national minorities in

school curricula, but that there may be specific examples in different schools if minorities live in that area and families, teachers or schools take some initiative to include such information.

126. The Advisory Committee recalls that adequate information about the composition of society, including national and other minorities, must form part of the public curriculum and of textbooks and education materials used in all schools throughout the states parties, not only to promote intercultural understanding and respect among all students, but also to raise the prestige and self-awareness of persons belonging to numerically smaller or socially or economically disadvantaged groups.⁷¹ It underlines too that education about national minorities should also include the contributions of individuals, including women, belonging to national minorities to various fields, whether it be art, music, literature or science, as part of an integrated and inclusive curriculum. The Advisory Committee also emphasises the linkage between intercultural education, the perceived value of minority cultures within schools, and drop-out rates, and that measures to boost intercultural education – giving minority pupils a sense that they have a place in the curriculum and the school – can also have a positive effect on the drop-out and attendance rates of minority pupils, including through tackling bullying on the basis of ethnicity. The Advisory Committee also reminds the authorities of Committee of Ministers Recommendation (2020)2 “on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials” and emphasises the importance of its implementation.⁷²

127. The Advisory Committee is concerned about the lack of information about both Roma and Egyptian minorities and persons belonging to them in schools and curricula, as well as the problematic portrayal of the Greek minority in some books. In light of the reported lack of in-depth knowledge about national minorities in Albania, besides the numerically larger ones, the provision of adequate intercultural education is all the more important. The Advisory Committee therefore welcomes the inclusion of specific outcomes in the National Action Plan on the presence of both Roma and Egyptian minorities in school curricula and looks forward to seeing the results. Care should be taken to ensure this is implemented with the involvement of persons belonging to the Roma and Egyptian minorities, and to ensure that the contribution of women belonging to national minorities is also included in the curricula.

⁷⁰ National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians in Albania 2021-2025, p. 99.

⁷¹ ACFC Thematic Commentary No.4, para. 59.

⁷² Recommendation CM/Rec(2020)2 of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials
https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee48c.

128. The Advisory Committee calls on the authorities to ensure the presence and cultural contribution of national minorities and persons belonging to them, including women, is represented in textbooks and other education materials used in all schools, whilst ensuring that such content accurately reflects the history of Albania and its minorities and does not risk enflaming interethnic tensions.

Equal access to education – school segregation (Article 12)

129. The authorities have stated that there are examples of segregated schools – where pupils and students belonging to Roma and Egyptian minorities make up the majority or near-total of all attendees - in Berat, Elbasan, Korçë and Fier. They underlined their efforts to resolve all these situations of segregation, but stressed that they tend to arise in situations of spatial (i.e. housing) segregation. World Bank data shows that 19% of Roma students attend segregated schools in Albania.⁷³

130. In 2022, the European Court of Human Rights delivered its judgment in the case of *X and Others v Albania*.⁷⁴ The 18 applicants complained that they were discriminated against in their right to inclusive education as a result of the authorities' failure to implement desegregating measures ordered by the Commissioner⁷⁵ (see Article 4) to address the over-representation of Roma and Egyptian pupils in the "Naim Frashëri" school. The Court found a violation of Article 1 of Protocol No.12 to the Convention.

131. During its country visit, the Advisory Committee visited this school and spoke with the management of the school and the responsible local authorities, as well as the Ministry of Education and Sport in Tirana. The authorities emphasise that the situation at the school has developed due to a range of factors, notably 'majority' families moving away from the catchment area of the school, the 'pull factor' of free school meals drawing families belonging to Roma and Egyptian minorities to the school, and the historical good reputation of the school with these families. They explained also that the free school meals had now been stopped in the school as it had a counter-productive effect in incentivising pupils belonging to Roma and Egyptian minorities to attend the school more than pupils belonging to the majority.

132. The authorities have explained the measures they have since taken to implement this judgment – although they emphasised that they had been awaiting the judgment to become

final and translated before taking concrete action. They explained that three schools in the municipality are now merged. In the "Naim Frashëri" school for the year 2022/23, out of 144 pupils, there are 35 belonging to the Roma minority and 85 to the Egyptian minority (constituting 83% of pupils). Over the three schools there are 220 pupils, and pupils belonging to the majority are in the numerical majority at the two other schools now joined together with "Naim Frashëri" school. The authorities stated that extra-curricular activities are in place to encourage interaction and integration between the schools. Results in "Naim Frashëri" school have been consistently lower than these other schools. Representatives of the school underlined that one way to solve the long-term, manifold and structural causes of this situation would be to more strictly enforce the rules for applying to schools relating to catchment areas, giving parents no choice but to send their children to the school closest to them, rather than any of their choice in the municipality.

133. The Advisory Committee is deeply concerned about any situation of segregation in schools, which lead to worse educational outcomes for children belonging to national minorities and perpetuates separation between communities and hence stigma and antigypsyism. Regardless of the manifold reasons which lead to the situations of segregation which occur in different municipalities across Albania, and stressing that these are not intentional cases of segregation, the Advisory Committee echoes the findings of the European Court of Human Rights and the Commissioner (see Article 4) and emphasises the authorities' positive obligations to bring to an end situations of segregation, and this includes in terms of housing or spatial segregation (see also Article 15).⁷⁶ Whilst the merger of schools has the potential to bring benefits, these require sustained and resolute actions to integrate the different schools, and the Advisory Committee is concerned that the extracurricular activities planned may not reach this level of action. On the contrary, integrated classes should be planned and implemented and the overall quality of education and outcomes improved. Any administrative combination of mainstream and segregated schools should not serve to camouflage statistics relating to the relative proportions of Roma and Egyptians among pupils in schools. The Advisory Committee is also concerned at the delays in implementing the decisions of the Commissioner and considers that renewed momentum is required from the authorities to fully implement this. Finally, it is

⁷³ World Bank, [Regional Roma Survey Briefs](#), Europe and Central Asia, Albania, February 2019, p. 2.

⁷⁴ See: *X and Others v Albania*, (applications no. 73548/17 and 45521/19), 31 August 2022, available at <https://hudoc.echr.coe.int/eng/?i=001-217624>.

⁷⁵ Decision of the Commissioner of 22 September 2015; see *X and Others v Albania*, para. 6.

⁷⁶ ACFC Thematic Commentary No. 3, Executive Summary, paras. 58, 60. See [ACFC Thematic commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, para. 49-51.

regrettable that the first action of implementation of the judgment has been to remove the free school meals offered in “Naim Frasheri” school, and is concerned at the short-term impact this may have on attendance rates and hence outcomes for pupils currently enrolled at the school.

134. The Advisory Committee urges the authorities to take resolute action to integrate those schools concerned by de facto segregation and prevent segregation from recurring, through incentivising such schools to work closely with others to provide quality inclusive education in classes within the curriculum. Such action should also take into account and address the socio-economic factors, including spatial segregation, which contribute to situations of school segregation.

Equal access to education for Roma and Egyptian minorities (Article 12)

135. Besides the issue of segregation, there are a number of other issues facing persons belonging to the Roma and Egyptian minorities as far as access to education is concerned. Authorities and minority representatives point out that these issues tend to affect persons belonging to the Roma minority to a greater extent than those belonging to the Egyptian minority, who are considered to be more integrated in society,⁷⁷ in particular because Roma face an additional language barrier whereas Egyptians are Albanian speaking.⁷⁸

136. The state report informs that the participation of persons belonging to Roma and Egyptian minorities in compulsory education (primary and secondary) has improved by 6% over the monitoring period.⁷⁹ However, the enrolment rate in compulsory education for Roma is 66%, compared to 97% among the majority.⁸⁰ It appears that data disaggregated by gender and geographical location may not be available, despite the innovative ROMALB platform which allows for the recording of data about the participation of persons belonging to the Roma minority across a range of fields, including

education. The Ministry of Education and Sport along with the Ministry of the Interior and the Ministry of Health have identified all children of compulsory school age which has reduced dropouts at this level. In terms of completion rates, World Bank data informs that completion of compulsory education stands at 43% for Roma and 98% for non-Roma,⁸¹ whilst for secondary education the respective figures are 15% and 75%.⁸² These figures also show that Roma girls are less likely to complete compulsory education than Roma boys.⁸³

137. Concerning the impact of Covid-19 school closures on children belonging to Roma and Egyptian minorities, Roma organisations have informed the Advisory Committee that the lack of electricity (see Article 15 below), hardware and internet access (some figures show 40% of Roma do not have access) posed a problem for pupils following lessons online during the pandemic; however they emphasised that this is an ongoing problem for children living in poorer and rural areas as technology becomes increasingly important in educational settings, and that sustained efforts are needed to provide such equipment and internet access.⁸⁴

138. In terms of concrete measures to improve the situation, the authorities provide free textbooks to national minority pupils,⁸⁵ and free transportation for pupils living more than two kilometres from their nearby school since a Decision of 2015.⁸⁶ Pupils belonging to Roma and Egyptian minorities also benefit from a 50% reduction in tuition fees for higher education institutions.⁸⁷ It is also reported that teachers function as de facto mediators with the families.⁸⁸ The National Action Plan contains specific targets on education, aiming to boost by 15% the number of pupils belonging to Roma and Egyptian minorities enrolled in pre-school education, to exempt 53% more Roma from fees for preschool (from a baseline of 482), and to increase by 19% both the number of students having enrolled and completed compulsory education. From 2020/21, mediators are being appointed, mainly from the social work and psychology fields.

⁷⁷ See National Action Plan for Roma and Egyptian Minorities 2021-2025, p. 17.

⁷⁸ *Ibid.*, p. 52.

⁷⁹ State report, p. 39.

⁸⁰ This data is presented as only applying to Roma. National Action Plan for Roma and Egyptian Minorities 2021-2025., p. 17. These figures are also contained in the World Bank Regional Roma Survey, conducted in 2017 with results published in 2019, available [here](#).

⁸¹ “Non-Roma” in the context of the survey applies to non-Roma population living in close vicinity to the marginalized Roma and are not representative of the total population.

⁸² World Bank, [Regional Roma Survey Briefs](#), Europe and Central Asia, Albania, February 2019, p. 2.

⁸³ The figures show that completion rates of primary education for “Roma females” stand at 39%, compared to 47% for “Roma males”.

⁸⁴ Roma Versitas Shadow Report (of 21/10/22).

⁸⁵ Decision of the Council of Ministers No.486, 17 June 2020.

⁸⁶ Decision of the Council of Ministers No.682, 29 July 2015.

⁸⁷ Decision of the Council of Ministers No. 780, 26 December 2018.

⁸⁸ State report, para. 142.

139. Roma representatives working in education and local authorities gave the Advisory Committee contradictory information as to the gender-biased outcomes in education, also reflected in the state report, with some claiming that there is no gender difference, and others emphasising the role which factors such as early or forced marriages play in the education sphere. Roma civil society organisations have emphasised that drop-out rates are still concerning, even if they noted improvements over the years. They stated that relatively high dropout rates had also to do with the perceptions of the limited value of education in providing access to employment within the communities themselves, as well as the registration of children belonging to the Roma minority when they are born (in part due to so-called fictive marriages – see Article 6). They also recommended bringing a system of mentoring or tutoring to guide pupils belonging to Roma and Egyptian minorities in their studies. The registration of students in the first grade also posed some problems as it is digital, and persons belonging to Roma and Egyptian minorities may not have the digital literacy or hardware in order to fill out the online forms.⁸⁹ Some local authorities however appear to deny that dropouts are a problem at all.⁹⁰

140. According to Article 12(3), equal opportunities for access to education at all levels for persons belonging to national minorities must be promoted.⁹¹ The Advisory Committee reiterates that states need to act resolutely across different but interlinked areas to ensure this right is upheld in practice: in monitoring school enrolment and attendance; in ensuring access to minority language education; in removing physical barriers, such as a lack of schools in certain areas or no transportation, to school attendance; in acting to improve the confidence of parents and students in the education system; in monitoring school attainment, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher education and employment.⁹² At root, this however requires the collection of accurate and reliable disaggregated data to assess the situation.

141. The Advisory Committee commends the authorities for the various policy and practical measures to foster greater and more effective access to education for children belonging to the Roma and Egyptian minorities. In particular, the free school transportation and free textbooks are

a positive initiative. The measures in the National Action Plan are also welcome and full attention should be given to their implementation in close co-operation with minority representatives. Given the absence of data relating to drop-out rates in Albania, the Advisory Committee considers that a systemic data collection system be set-up, collecting data especially disaggregated by gender. This should go hand-in-hand with studies on early and forced marriages, led in co-operation with Roma and Egyptian individuals and civil society organisations.

142. The Advisory Committee is also concerned at the many roles played by teachers, who appear to function as de facto “mediators” for pupils belonging to Roma and Egyptian minorities in the field of education. Whilst the Advisory Committee has received information that this, along with the work of social workers or psychologists, is productive, it considers that it might also be beneficial for the authorities to consider recruiting mediators from the Roma and Egyptian minorities themselves, as they may more easily forge that connection between schools, local authorities, administration, health institutions and Roma and Egyptian families and properly address the range of issues which may contribute to school drop-outs on an individual level. The appointment of persons belonging to the two minorities as Roma education mediators would also provide career opportunities for persons belonging to them, and authorities should ensure secure and appropriate levels of remuneration of such assistants.

143. The Advisory Committee calls on the authorities to set up a disaggregated data collection system, focusing especially on any gender-based differences in attendance, drop-outs or outcomes, and the possible causes for any differences identified. The authorities should design measures to promptly address these issues in close co-operation with minority representatives.

144. The Advisory Committee calls on the authorities to appoint Roma and Egyptian education mediators working with pupils belonging to Roma and Egyptian minorities to work in conjunction with school psychologists, social workers and teachers to boost attendance rates and to work to prevent dropouts, including by promoting the value of education. Authorities should ensure such mediators receive in-service training, contractual security and adequate pay.

⁸⁹ Only 8% of Roma reported having access to a computer at home, compared to 42% for non-Roma. Source: World Bank, [Regional Roma Survey Briefs](#), Europe and Central Asia, Albania, February 2019, p. 2.

⁹⁰ State report, pp. 74-75. The municipality of Pogradec states that “there are no problems of school dropout by children of the Egyptian minority and Roma minority”, whereas Elbasan states that “cases of children who have dropped out of school are under constant monitoring”.

⁹¹ ACFC Thematic Commentary No. 4, para. 73.

⁹² ACFC Thematic Commentary No. 1, para. 70.

Minority language education (Article 14)

145. The right to education in minority languages is provided in the Law on National Minorities and is effective where persons belonging to national minorities reside traditionally or in substantial numbers, if there is sufficient demand. The precise nature of ‘sufficient demand’ and ‘substantial numbers’ is defined in Decision of the Council of Ministers no. 1155 of 24 December 2020.⁹³ This Decision imposes a 20% threshold on access to minority education as the number of persons belonging to national minority must not be less than 20% of the inhabitants of the administrative unit (i.e. municipality); article 3(b) of this Decision also requires that individuals prove their residency in the administrative unit according to the population census confirmed by a certificate from the civil registers or National Civil Registry of 2010. Parents or guardians must then also make a written request where their demand is expressed “based on the right of self-identification for the formation of the class”. There is, additionally, a numerical threshold for the opening of classes which stands at not less than 15 pupils per class, also stipulated in the above-mentioned bylaw. The prefect of the municipality verifies that the conditions are met and then, if so, authorises classes to open. It appears that this verification will include ensuring that the 15 pupils (or more) each belong to the national minority associated with the language being requested (see Article 3).

146. The bylaw provides that local self-government units have the right to open classes in the language of national minorities, which is also possible thanks to the Decision of the Council of Ministers no.561 of 29 September 2018, enabling local government to take the initiative to open classes. It also provides for an exemption to the 15 pupils threshold by order of the minister responsible for education.⁹⁴ Since August 2022, an amended instruction of the Ministry of Education and Sports allows national minority language education to take place in grades 1-9 regardless of the number of students – meaning the 15-pupil threshold no longer applies. The authorities report that there were no new requests for opening classes in minority languages.

147. The authorities reorganised local educational units in 2019. Attention was paid to ensure that students belonging to national minorities, specifically the Greek and Macedonian, are covered by a separate Local

Education Office in order to ensure “direct quality educational service”.⁹⁵ According to another Decision of the Council of Ministers, textbooks in minority languages are produced and distributed freely to students belonging to national minorities.

148. In terms of figures, the authorities report that students belonging to national minorities (Greek and Macedonian) study in their minority languages in Gjirokaštër, Dropull, Sarandë, Delvinë, Finiq and Pustec municipalities, making up 611 students and 98 teachers in the 2018-19 school year, and 565 students and 99 teachers in 2019-20.⁹⁶ Concretely, teaching in minority languages in Dropull, for instance, means that teaching in preschool (kindergarten) is entirely in the minority language (i.e., Greek), while in compulsory education from grades 1-9, 60-70% of the subjects are taught in Greek, with 30-40% in Albanian.⁹⁷ For grades 10-12, the minority language is optional. In Pustec, classes are in Macedonian from grades 1-4 with four hours per week in Albanian, whereas from grades 5-9, 60% of the curriculum is taught in Macedonian and 40% in Albanian.⁹⁸

149. The Advisory Committee also takes note of a number of private educational institutions providing Greek-language education, notably in Korçë at the non-public school “*OMIROS*” and gymnasium “*PLATON*”, providing education for around 580 students from grades 1-12.⁹⁹ There are other such private education institutions across Albania and outside of the areas where there are public schools providing minority language education.¹⁰⁰

150. The authorities also state that there is a shortage of teachers of Romani language, and it appears that, despite some projects carried out in the framework of the National Action Plan, there is a continued absence of teaching of Romani language within schools, even where pupils belonging to the Roma minority make up a substantial number or even majority of the pupils in a given school. Roma representatives informed the Advisory Committee that despite previous work to develop Romani language educational materials, funding from the Ministry is lacking to fully implement it. Roma representatives in Korçë also informed the Advisory Committee that they had made a formal request to the national authorities to have Romani language taught in a school in this municipality. Local authorities informed the Advisory Committee that, since the last Romani language teacher for a school in Korçë had died, there was no longer anybody

⁹³ Council of Ministers decision no.1155 of 24 December 2020.

⁹⁴ State report, para. 156-157.

⁹⁵ Local Education Offices in: Delvinë-Finiq; Gjirokaštër-Libohovë-Dropull; Sarandë-Konispol for Greek; Korçë-Pustec for Macedonian. See State Report, para. 166.

⁹⁶ State report, para. 167 and additional information received from the authorities.

⁹⁷ State report, para. 249 and additional information received from the authorities.

⁹⁸ State report, para. 268.

⁹⁹ State report, p. 72.

¹⁰⁰ See ACFC Fourth Opinion on Albania, Articles 13 and 14.

able to teach it. It does not appear that the authorities have sought to train a replacement.

151. Minority representatives have also informed the Advisory Committee that in Shijak, thanks to the exception contained within the Law on National Minorities, Bosnian language is now taught in one of the schools in one of the villages (Boraka). Private financing of Bosnian language classes is thus no longer required. Serb minority representatives informed the Advisory Committee that there are no classes in education in Serbian, and that even the basic courses conducted by the association of Serbs have stopped since the pandemic. They hope to be able to organise, they say with the support of Serbia, classes in the Serbian language for at least one hour per week in the “Kozma Ndreçko” school where Serb pupils reportedly make up 40-50% of the share of students. Representatives of the Vlachs/Aromanians stated that although there is a complete absence of data as to the number of speakers of their language, the development of research and study of it at university level could be a positive first step to protect and promote it – an aspect of their identity on which they laid particular emphasis.

152. Greek representatives raised concerns about the quality of Greek-language education, with some teachers unable to speak Greek at a high enough level to teach it, and the textbooks being rough and low-quality translations of the Albanian textbooks. They also expressed regret at the delays in receiving the free textbooks, which often arrived halfway through the school year. They further underlined that the scarce availability and poor quality of education has been encouraging students and families to leave Albania to seek education, notably in Greece. Even in the private education sector, the availability may be a problem as it was reported that a private Greek school in Himarë funded by the community, still does not have the license to open beyond the 9th grade, despite requests to open this. Concerns over a lack of investment in school infrastructure and lack of provision of school transport were also raised – which is especially an issue in rural municipalities where persons belonging to the Greek minority live.

153. Macedonian representatives echoed concerns of the Greek minority about the quality of textbooks, and underlined that there are areas where Macedonians have traditionally resided, and continue to do so, for instance in Golloborda and Gora, where there is currently no teaching in Macedonian despite requests having been made to the authorities to open classes in these areas which date back to 2013 (and reiterated more recently). Finally, they regretted the removal of Macedonian from the Slavic and Balkan Languages Department at the University of

Tirana, and informed of current, so far unsuccessful, attempts to open a Macedonian language study programme at the Faculty of Philology at the “Fan S. Noli” University in Korçë.

154. The Advisory Committee stresses that it is important that the right to learn a minority language in compulsory education remains an effective possibility and not just a theoretical or abstract one. In this light, whilst the systems of minority language education in compulsory education in place in Pustec, Dropull and Finiq are commendable in their own right, the Advisory Committee observes that the situation outside of these municipalities is not in line with the Framework Convention – with minority language education effectively non-existent, with one or two exceptions or positive developments, notably in Shijak. That there is no formal (nor in some cases informal) education in Serbian, Montenegrin, Romani, Vlach in particular can only be to the regret of the Advisory Committee.

155. Moreover, the situation for the Greek and Macedonian national minorities, whilst by comparison in a much better position for education, still poses serious problems. Whilst it is welcome that the 15-pupil threshold has been effectively removed, the strict imposition of the 20% threshold in the administrative unit (with a number of criteria as to how the 20% is determined) - in the absence of data or impossibility of identifying as such in some municipalities - may be prohibitive for the learning of minority languages and hence for access to the linguistic rights of persons belonging to national minorities. Furthermore, given the absence of reliable data on the demographic proportions of the population, any reliance on statistical data relating to the relative percentages of different groups raises serious concerns. In a context of relatively large municipalities, a differentiated approach (see Article 11) allowing for minority language education in villages or groups of villages where persons belonging to national minorities live compactly (even if over the municipality as whole they do not make up 20%), could be a positive solution.

156. Additionally, any assessment of the sufficiency of demand should be pre-empted by an awareness-raising campaign, to ensure that persons belonging to national minorities are aware of their rights. The Advisory Committee reiterates that “Parents belonging to national minorities must be enabled to make informed choices about the language education of their children.”¹⁰¹ It also reiterates firmly that Article 14 applies where persons belonging to national minorities live traditionally *or* in substantial numbers. Whilst legislation does take account for those who have lived traditionally in a given area, it appears that, given the lack of public minority

¹⁰¹ [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 71.

language education outside of the three municipalities where minority rights are most solidly implemented, the practice of the authorities has been to emphasise the numerical threshold element of the Law.

157. As previously,¹⁰² and especially concerning the Greek and Macedonian minorities, the Advisory Committee has serious concerns about any verification of objective criteria by state authorities when assessing demand, and considers that, here too, decisive weight should be given to the subjective choice with a view to fully respecting the principle of self-identification. The Advisory Committee recalls in this respect its assessment made under Article 3 (see above) and repeats that the subjective criteria of free self-identification may only be questioned in rare cases, such as bad faith. The Advisory Committee cannot see how this exception could apply in the case of minority language education.

158. In light of these elements, the Advisory Committee observes with concern that minority language education remains restricted geographically to those areas where it has always been possible to access minority language education, and that outside of these areas, with few exceptions, minority language education rights remain a theory, not a practice, or else achieved through private schools (often with the support of neighbouring or “kin states”) the existence of which in itself points to an unmet demand for public minority language education. The Advisory Committee has been raising this issue with the Albanian authorities since the first cycle of monitoring in 2002, and although the Advisory Committee previously welcomed the changes in law, it is now disappointed to note that the general practice and *de facto* situation has not changed since the adoption of the law.¹⁰³

159. The Advisory Committee welcomes the notable exception to the generally unchanged situation since the last monitoring cycle, i.e., the positive development regarding Bosnian language education, and considers that this ought to be urgently replicated for other national minorities across Albania. A passive approach to minority language education will not suffice to effectively protect and promote minority languages, especially those spoken by relatively small numbers of people. In this respect, it is particularly important to devote attention to those national minorities without “kin states”, notably the Roma but also the Vlach/Aromanians, who also happen to live geographically dispersed across Albania, to ensure they have effective access to minority language education through

training teachers and developing educational materials.

160. The Advisory Committee reiterates that “In order to develop minority language skills as an added value for their speakers, whether belonging to a minority or not, there must be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education. Particular weaknesses in the offer of minority language education are often observed at pre-school as well as at secondary school level.”¹⁰⁴ The fact that, where minority language education exists, it finishes at grade 9, with the end of compulsory education, may also act as an inhibiting factor, discouraging students from taking up the minority language in the first place, as it cannot be continued. Additionally, in the complete absence of Vlach language provision, it is all the more important to take a first step of encouraging study and research of the language at university level. The Advisory Committee also regrets, in the same vein, the removal of teaching of Macedonian at Tirana University, and the wider absence of minority language education, notably Romani, from higher education institutions, and emphasises the importance of university education in developing and training future teachers of minority languages.

161. The Advisory Committee insists on the state’s primary responsibility for ensuring minority language education, and whilst minority organisations may pragmatically seek solutions outside of the borders with neighbouring and “kin states”, this should not substitute for action on the part of Albania.

162. The Advisory Committee urges again the authorities to assess the level of demand for minority language education, and on this basis, guarantee effective access to minority language education for persons belonging to national minorities who so request it across the country and at all levels. This should be preceded by awareness-raising campaigns to ensure persons belonging to national minorities are sufficiently aware of their rights. The implementation of the threshold of 20% presence in a municipality should be reviewed and if necessary lowered or the territorial scope of application altered, to ensure effective access to minority language education.

163. The Advisory Committee calls on the authorities to ensure adequate teacher training for minority language teachers, and to improve

¹⁰² See ACFC Fourth Opinion on Albania, Articles 13 and 14.

¹⁰³ ACFC First Opinion on Albania, 12 September 2002, Article 14, para. 65, at: https://hudoc.fcnm.coe.int/eng?i=1st_OP_Albania_en-16; ACFC Second Opinion on Albania, 29 May 2008, paras. 177-185, at: https://hudoc.fcnm.coe.int/eng?i=2nd_OP_Albania_en-13; ACFC Third Opinion on Albania, 23 November 2011, paras. 155-162, at: https://hudoc.fcnm.coe.int/eng?i=3rd_OP_Albania_en-13; Fourth Opinion on Albania, para. 132, at: https://hudoc.fcnm.coe.int/eng?i=4th_OP_Albania_en-12.

¹⁰⁴ ACFC Thematic Commentary No. 3, para. 75.

both the quality and timeliness of delivery of quality minority educational materials.

164. The Advisory Committee calls on the authorities to develop teacher training and educational materials for Romani language education, and to integrate this education into the curriculum. Further work should also be done to develop university education and research on Romani and the Vlach language in Albania, with the support of the authorities.

Political participation and the Committee on National Minorities (Article 15)

165. The Law on National Minorities established the Committee on National Minorities (the Committee) as an institution under the office of the Prime Minister, responsible for protecting and promoting the rights of persons belonging to national minorities and as a continuity of the previous State Committee on National Minorities which existed since 2004. The Chair and Deputy Chair of the Committee are appointed by the Prime Minister on recommendations of NGOs having worked in the field of minority rights for over 10 years, and other members of the Committee (representing each of the nine recognised national minorities) are appointed by an *ad hoc* panel including the Chair, the member of the Advisory Committee on the Framework Convention in respect of Albania (*ad functionem*) and an academic, based on nominations put forward by NGOs. At the time of the visit, there was no member elected for the Bulgarian and Vlach minorities as the members had resigned or retired. All members of the Committee are paid as civil servants, and around 20% of their time should be dedicated to work in the field, meeting with persons belonging to national minorities.

166. In terms of competencies, the Committee can, *inter alia*, make recommendations to state bodies, raise awareness of minority rights and finance projects. The Advisory Committee met with members of the Committee during its visit. They emphasised the particular role they play in putting on festivals and promoting minority cultures through such cultural events – the first of which had taken place in the past year thanks to the fund. The Committee did not present any other work it has carried out, whether in the form of reports to parliament, recommendations to state institutions, or otherwise. They did however explain that, due to the timing of the adoption of the relevant bylaw, their new competencies given by the 2017 Law only became effective two months prior to the Advisory Committee's visit, but that nonetheless this has made their co-operation with line ministries more intensive. Other national minority representatives

expressed some scepticism as to the effectiveness of the Committee over the past years, as they did not see many tangible improvements brought about as a result of its work. Many interlocutors even stated that they did not even know who their representative in the Committee was. They also queried the level of independence of the Committee, constituted as it is by civil servants, and with a Chair appointed by the Prime Minister. The Advisory Committee has also been informed that the rules of procedure of the Committee have not yet been drawn up, and that competencies concerning finances and administration are insufficiently delineated. Concerning gender balance, two of the current members (including the Chair) are women, and the remaining six are men.¹⁰⁵

167. Concerning other avenues of political participation, the local and national pictures differ starkly. Whereas there are local authorities made up entirely of persons belonging to national minorities (notably Dropull and other areas of compact settlement), and some local authorities with a substantial proportion of persons belonging to national minorities on the council (notably Shijak with 7 out of 21 councillors coming from the Bosniak minority), at the national level there is one official minority representative (who has self-declared as belonging to the Greek national minority) in the National Assembly, on the list of the current opposition. Previously, there had been Greek and Macedonian representatives (drawn from parties explicitly advocating the rights of national minorities). This reduction is in part due to the results of the last elections in 2021,¹⁰⁶ but also demonstrative of the absence of positive measures to ensure persons belonging to national minorities can participate politically.

168. It appears that Roma and Egyptians are almost entirely absent from the sphere of political participation at national level, albeit there are representatives in some areas at local level. Persons belonging to these minorities however continue to make allegations of vote-buying by mainstream political parties, although the Central Electoral Commission (CEC) has informed the Advisory Committee that this has now been explicitly criminalised. With the support of international actors including the Council of Europe, election materials have also been produced in minority languages. Further positive examples include the planned hiring of temporary staff belonging to national minorities for the running of elections by the CEC, who have also been active in advocating for free ID cards for Roma – without which they will not be able to vote. They are also planning on having polling

¹⁰⁵ Based on the composition at the time of the Advisory Committee's visit in November 2022.

¹⁰⁶ Previously there had been representatives of the Macedonian and Greek minorities in parliament, in the Macedonian Alliance for European Integration on the Socialist Party list and the Human Rights Party (Greek). At the last parliamentary elections, these individuals lost their seats.

stations as close as possible to minority communities who live in more isolated localities.

169. The Advisory Committee reiterates that, “for the credibility of consultative bodies, it is essential that their appointment procedures are transparent and designed in close consultation with national minorities. State Parties are encouraged periodically to review the appointment procedures to make sure that the bodies concerned are as inclusive as possible, maintain their independence from governments, and genuinely represent a wide range of views amongst persons belonging to national minorities. It is important to ensure that women belonging to national minorities are involved in consultative bodies.”¹⁰⁷ “Working methods of consultative bodies should be transparent and their rules of procedures clearly defined. Publicity of the work of the consultative bodies should be promoted so as to enhance transparency.”¹⁰⁸ Additionally, “State Parties are invited to take measures to enable persons belonging to national minorities to be aware of the existence, mandate and activities of such consultative bodies.”¹⁰⁹

170. Whilst the Advisory Committee welcomes the legal certainty provided by the Law, and the subsequent bylaws governing various aspects of elections, and praises the individual commitment of members of the Committee on National Minorities to advocating for the rights of national minorities, the Committee as an institution clearly has more to do in order to effectively function as a representative body of national minorities and ensure its own credibility. It is vital that this institution functions properly for persons belonging to national minorities in Albania, as there very limited other avenues for political participation or bringing minority concerns to the national agenda or the attention of the government. A clear set of rules of procedure would be a first step towards ensuring the effective governance of the Committee, and contribute to a better structuring of work, with a view to ensuring the Committee’s role is carried out properly and subsequently publicised. However, some of the issues are more structural, notably in terms of the appointment procedures, and a review should be carried out to ensure that the Committee is independent, and is also seen to be independent. That should mean, as a first step, having the Chair and Deputy appointed not by the Prime Minister, but independently. It is also important to reflect the diversity within minorities, especially gender and age. In this respect, the Advisory Committee considers that some positive

measures to increase the number of women on the Committee (from two) would be welcome.

171. In addition to national structures, regional and local consultative mechanisms have, in some circumstances, proved to be a useful additional channel for the participation of persons belonging to national minorities in decision-making, especially in areas of competencies where decision-making powers have been decentralised. In such situations, it is important that local and regional authorities regularly and effectively involve these consultative bodies in their decision-making processes, when dealing with minority issues.¹¹⁰ In this light, and in view of the localised implementation of minority rights in Albania, it is particularly regrettable that no local consultative mechanisms or representative bodies have been set up. The Advisory Committee considers that this would be a particularly useful way of ensuring persons belonging to national minorities have their voices heard at a level where most minority rights are implemented.

172. The Advisory Committee emphasises the importance of ensuring the participation of persons belonging to national minorities in electoral processes as a way to ensure their voices are heard when policy is made. It is also important that their concerns appear on the public agenda. Bearing in mind the wide margin of appreciation on this matter, this may be achieved either through the presence of minority representatives in elected bodies, through ensuring their concerns appear in the agenda of elected bodies, or following other effective consultation procedures with minority representatives.¹¹¹ It is particularly concerning that persons belonging to national minorities have very few opportunities to have their voices heard at national level, and positive measures to ensure or facilitate representation would be welcome. The low level of participation among persons belonging to Roma and to a lesser extent Egyptian minorities is particularly concerning, as are the reports of abuse of the electoral process through vote buying and their consequent lack of trust in the processes. The Advisory Committee welcomes that this latter problem has been explicitly criminalised and that materials have been produced in minority languages – this is a practice which should be continued in a timely manner for all future elections. In general terms, the Advisory Committee commends the work of the CEC to engage with minority voters and develop ways to ensure their enfranchisement.

173. The Advisory Committee calls on the authorities to review the appointment procedures

¹⁰⁷ [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 111.

¹⁰⁸ ACFC Thematic Commentary No. 2, para. 116

¹⁰⁹ ACFC Thematic Commentary No. 2, para. 117.

¹¹⁰ ACFC Thematic Commentary No. 2, para. 115.

¹¹¹ ACFC Thematic Commentary No. 2, para. 81.

for the leadership of the Committee on National Minorities to ensure its independence. They should also develop precise rules of procedure to enable it to efficiently and effectively carry out its mandate. Further attention should also be paid to the diversity of the membership in terms of gender and age, and to ensure it is reflective of the diversity of opinion within minorities.

174. The Advisory Committee strongly encourages the authorities to implement local national minority consultation mechanisms in areas where persons belonging to national minorities reside.

175. The Advisory Committee strongly encourages the authorities to explore possible positive measures and other ways to increase the political participation of persons belonging to national minorities at all levels, notably the national level, and with a focus on the Roma and Egyptian minorities, with a view to ensuring their concerns appear on the public agenda.

Access to adequate housing (Article 15)

176. The Law on Social Housing, adopted in 2018, provides for the planning, provision, administration and distribution of social housing programmes to create adequate and affordable housing.¹¹² It also defines resettlement procedures and evictions, providing also for the procedures to be followed in case eviction is necessary, prohibiting forced eviction without prior notice, as well as providing for the subsequent “relocation” – the provision of alternative, appropriate housing. Per Decision of the Council of Ministers 361 of 29 May 2019, where an eviction will be carried out, the evicting authorities are also required to inform the People’s Advocate, who will then monitor the process of the eviction to ensure it is compliant with the law and no violations occur. One of the National Action Plan’s priority areas is housing. It aims to ensure that 5% of the beneficiaries of social housing will be Roma and Egyptians by the end of 2025. It also aims to increase to 492 (from 171) the number of Roma and Egyptian families benefiting from the rent subsidy programme by the end of 2025,¹¹³ to better support local government units to improve the housing situation of Roma and Egyptian minorities in their

areas, including through increasing by 16 the number of legalised settlements, obliging local authorities to draft annual monitoring reports and 5-year housing plans, and to ensure Roma and Egyptian families benefit from infrastructure improvements.¹¹⁴

177. The People’s Advocate’s representative informed the Advisory Committee that the Law in itself was welcome, including the duty to inform them of a planned forced eviction. They expressed regret, however, that the Law provides no timeframe for notifying them, and they have recommended authorities to do so ten days in advance – which has been accepted by the relevant public body.¹¹⁵ They also informed the Advisory Committee that no notification under this provision had so far been received by the People’s Advocate, and that most probably, forced evictions have taken place without the People’s Advocate being informed, and hence without independent monitoring. This institution has also stated its concern at the access to adequate and safe housing for minority women, notably in terms of its risks to health and life.¹¹⁶ A study from the European Centre for Minority Issues has additionally highlighted that during the height of the Covid-19 pandemic, Roma were at heightened risk of having their utilities cut off for not having paid the bill – with 17% of Roma having reported this in Albania (compared to an average in the countries surveyed of 8.5%).¹¹⁷

178. Roma and Egyptian¹¹⁸ representatives stated that the Law on Social Housing had started to improve the situation for persons belonging to the minorities, but that there remained significant gaps. They also confirmed that forced evictions had continued since the Law entered into force, often due to the lack of legalisation of informal or even formal settlements, in spite of long-standing requests to have such buildings and infrastructure legalised. They also emphasised the link between delays in the legalisation process and the current policy of strategic investment and urban (re-)development taking place across Albania (see also socio-economic participation below). Representatives have also expressed concern that the rehousing policy for procedures after an eviction takes place may not be correctly followed. They reported that Roma

¹¹² State report, para. 213.

¹¹³ [National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians 2021-2025](#), p. 81.

¹¹⁴ The aim is for 210 families to benefit from such improvements. See National Action Plan for Roma and Egyptians, pp. 82-83.

¹¹⁵ Submission of the People’s Advocate to the Advisory Committee, 2/11/22.

¹¹⁶ Ombudsman of Republic of Albania (People’s Advocate), Alternative report on the implementation of the CEDAW Convention in Albania (period 2016-2020), 2021, paras. 1.57-1.60, at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FIFN%2FALB%2F44251&Lang=en.

¹¹⁷ Craig Willis, Economic Effects of the COVID-19 Pandemic on Roma Communities in Albania, Bosnia & Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Ukraine, ECMI Research Paper #122, October 2020, p. 17-18.

¹¹⁸ Representatives and others have pointed out that Roma face greater difficulties in access to adequate housing than Egyptians, although they too have some difficulties, but not to the same extent as Roma. The Advisory Committee will therefore, in this instance, emphasise the issue facing persons belonging to the Roma minority.

may be rehoused in inappropriate accommodation – for instance disused factories, abandoned military tunnels with a reported risk of radioactivity, or dormitories in which 10 families are made to share just two toilets.¹¹⁹

179. One further element which is clear from the discussion under Article 12 on school segregation is the prevalence of spatial segregation of Roma and Egyptian housing, with persons belonging to these minorities often living separated from majority populations in communities all together. This in turn creates the conditions for school segregation to take root.

180. In order to access rehousing programmes, an applicant must be effectively homeless. Whilst many Roma may live in substandard and inadequate accommodation, this may not meet the threshold of homeless and they may hence not have access to support. Furthermore, in order to access rent subsidies, tenants need to have a legitimate housing contract. The Advisory Committee was informed that many landlords do not do this for tax purposes or other reasons, and hence Roma individuals are not able to access the rent subsidies to which they are entitled.

181. The Advisory Committee was also informed by Roma representatives of the inadequacy of much of the housing in which they live across Albania. Statistics from 2017 show that 48% of Roma have access to piped drinking water inside the home (compared to 90% for non-Roma living nearby), and 62% access to public sewerage or wastewater tank (compared to 76% for non-Roma living nearby).¹²⁰ Whilst they also emphasised that in rural localities, majority Albanians may have problems with, for example, electricity and water supply, this problem was particularly acute for Roma, even in urban or semi-urban environs. For instance, the Advisory Committee visited one Roma community without access to drinking water because of the poor state of the infrastructure for supplying it. Roma representatives also explained that, whilst subsidies are available for vulnerable groups, these may not be made use of because in order to receive them, a household must first pay the bill and then receive reimbursement. If individuals do not have the funds to pay the bill in the first instance, they cannot receive the rebate, and their supply will ultimately be cut off. To reinstate supply, families are asked to immediately repay half of their debt – which is often not possible.

They thus go without drinking water for several months.

182. The Albanian Helsinki Committee and others also informed the Advisory Committee about the threats posed by environmental pollution and climate change to Roma communities. There are several examples of Roma living near factories and processing centres, for instance for the extraction of lime for the construction industry, and hence suffering from the environmental pollution produced as a by-product.¹²¹ In the absence of heating, Roma individuals themselves may turn to burning carcinogenic or other dangerous substances to keep warm, all of which poses a serious risk to health. Additionally, Roma communities may be at increased risk of flooding and other impacts of climate change as weather becomes more severe¹²² – especially given the insecure housing conditions and examples of Roma communities living on riverbanks, which also have led to private wells drilled in the absence of public drinking water supply being polluted with river water and spreading illness among the community concerned. Finally, the impact of the 2019 earthquake appears to have been particularly felt by Roma individuals, who may have lost their houses and could then not subsequently prove their ownership of the lost house in order to benefit from reconstruction funds. In general, there is no independent or state-collected data relating to the impacts of environmental pollution or indeed climate change on persons belonging to national minorities.

183. The Advisory Committee reiterates that “[s]ubstandard housing conditions, often coupled with the physical/spatial separation of persons belonging to certain national minorities, in particular Roma, considerably affect their ability to participate in socio-economic life and can result in their further poverty, marginalisation and social exclusion. This is frequently made more acute by the lack of legal provisions securing their residency rights and by their vulnerability to forced evictions, including as a consequence of processes of property restitution.”¹²³ The Advisory Committee therefore welcomes the legal provision in the Law on Social Housing, and the definitions given to forced eviction and the emphasis placed on relocation. Measures contained in the National Action Plan are also positive, especially the obligations imposed on local authorities. The requirement of notifying the People’s Advocate is a novelty and a welcome

¹¹⁹ The Advisory Committee was informed of these examples in Pogradec (military tunnels) and Korçë (dormitories).

¹²⁰ World Bank, [Regional Roma Survey Briefs](#), Europe and Central Asia, Albania, February 2019, p. 2.

¹²¹ The Albanian Helsinki Committee has brought a case concerning the production of lime for the construction industry in Kruje municipality.

¹²² See also: 2022-2026 UN Sustainable Development Cooperation Framework; <https://unece.org/sites/default/files/2021-08/Final%20Albania%20CF%202022-2026.pdf>.

¹²³ ACFC Thematic Commentary No.2, para. 57.

development. However, in line with the Advocate's recommendation, the timing of this notification should be more clearly specified and sanctions applied (for example, annulment of the eviction order and compensation of evictees) if this limit is not respected or in case of failure to notify the People's Advocate. This is especially important in light of the troubling reports of forced evictions which do not respect basic human rights, and reports of rehousing in wholly inappropriate and even dangerous accommodation. In this respect, the Advisory Committee underlines the importance of legal security of tenure as an element of adequate housing, which includes legal protection against forced eviction.¹²⁴

184. The Advisory Committee is troubled by the housing situation facing Roma on the ground and the large number of administrative and bureaucratic barriers – whether in terms of legalisation, access to subsidies or paying bills – which in practice deprive Roma of adequate housing, whether through the threat of forced eviction, paying unaffordable rent, or lacking access to drinking water or electricity. The Advisory Committee also considers that authorities should pay increased attention to the impact of climate change and extreme weather patterns on persons belonging to national minorities, in particular in their impact on access to adequate housing. This may mean prioritising for rehousing those persons living in particularly precarious situations, notably on riverbanks or other zones at risk, to ensure that their lives are not put at risk by continuing to live in areas which were once safe, but may no longer be.

185. The Advisory Committee urges the authorities to ensure access to adequate housing for Roma, in particular through securing investment for guaranteeing access to drinking water and electricity in areas where Roma live. The authorities should pay particular attention to ensuring safe living conditions also in light of the risks posed by environmental pollution and climate change, and legal security of tenure. In this context, the regularisation of the ownership of property owned or inhabited by persons belonging to Roma and Egyptian minorities is particularly important. Public authorities concerned should respect the obligations to report any planned eviction to the People's Advocate and to provide adequate alternative accommodation, and sanctions should be applied if these obligations are not fulfilled.

186. The Advisory Committee calls on the authorities to find ways and means of ensuring access to rental subsidies for persons belonging to the Roma minority, including through better enforcing regulations on contracts between landlords and tenants.

Access to healthcare (Article 15)

187. The authorities state that 300 health centres are being reconstructed to improve the access of persons belonging to Roma and Egyptian minorities to healthcare along with other measures to improve access to healthcare, notably for women.¹²⁵

188. The People's Advocate has recommended that data be collected on the health situation of persons belonging to Roma and Egyptian minorities and that raising awareness about healthcare among these would be valuable. Moreover, the relationship between the possession of an identity card and access to health insurance has created problems, and many members of the Roma and Egyptian communities do not have health insurance cards due to the fact that they are neither regularly employed nor registered as unemployed.¹²⁶ Data shows that Roma had significantly worse health insurance coverage than their non-Roma counterparts (27% compared to 43%) and only 57% of Roma women reported good or very good health.¹²⁷ Persons belonging to the Roma minority reported that antigypsyism plays a role in them not receiving proper levels of healthcare from hospitals and clinics, unless a doctor or nurse happens to be Roma. It is reported that 60% of Roma felt discriminated against at their last medical appointment, and 80% have paid a bribe in order to see a doctor.¹²⁸ A further barrier is the lack of formal employment which prevents Roma from having access to health insurance and hence free healthcare. They also indicated that family planning services should be more easily accessible to Roma. As mentioned above under housing, living conditions and employment conditions (for instance waste collection) also contribute to worsen the health and life expectancy of Roma, although such data is not available.

189. It has also been reported that health services in rural or remote areas may not be sufficiently provided, having an impact on a range of persons belonging to national minorities. Gynaecological services are particularly impacted in this respect, and women have to

¹²⁴ UN CESCR, General Comment No.4, para. 8(a).

¹²⁵ State report, para.236.

¹²⁶ Submission of People's Advocate to Advisory Committee, November 2022.

¹²⁷ Compared to 63% Roma men and 67% of non-Roma women. World Bank, [Regional Roma Survey Briefs](#), Europe and Central Asia, Albania, February 2019, p. 2.

¹²⁸ Submission by "Social Justice" Organisation to the Advisory Committee, October 2022.

travel long distances if they wish to access their basic reproductive health rights. Roma women are particularly affected by this owing to their stigmatisation by wider society and prevalent patriarchal norms within the community which pose an additional barrier to accessing reproductive healthcare services.¹²⁹ Additionally, sexual education often takes place in the schoolyears after which many Roma girls and boys have dropped out of education, meaning they may also lack the education and awareness of sexual and reproductive healthcare. The consequences of this are reflected in stark statistics: 19.2% of Roma women and 10.9% of Egyptian women have experienced the death of a child, and 51% of Roma women and 25.8% of Egyptian women receive no health support when giving birth.¹³⁰ Greek representatives reported a heavy reliance on charity and voluntary organisations providing social and other services with funding from Greek businesses as local authorities were not providing sufficient services. They also reported that social services are not provided in minority languages even in areas where minorities live in substantial numbers. This means children belonging to national minorities may be taken into care into an Albanian-speaking environment, when they only have knowledge of their first language.

190. Concerning Covid-19, some Roma and Egyptian civil society organisations have reported that they provided some help for those with Covid during the pandemic, and that many Roma and Egyptians with Covid could not get proper oxygen treatment, reportedly meaning that they now face greater difficulties with long Covid or post-Covid conditions.¹³¹

191. The Advisory Committee has concerns about the healthcare situation facing Roma and Egyptians, especially their lower rates of registration with health insurance. It however recognises the connection of this issue with others – notably housing and employment. It further considers that effective and non-discriminatory access to health care, including sexual and reproductive health services for women belonging to national minorities, should also be ensured, including in minority languages. In light of the lack of data, including on the impact of Covid-19, the Advisory Committee refers here to its findings and conclusions under Article 4. The Advisory Committee is also concerned about the situation in social care for children belonging to national minorities, and considers that the authorities should seek to provide Greek language services to the children affected.

192. The Advisory Committee calls on the authorities to step up their efforts to provide effective access to healthcare services for persons belonging to the Roma and Egyptian minorities, including sexual and reproductive healthcare services. They should also provide training to healthcare professionals on avoiding antigypsyism, and explore ways to provide healthcare for persons without relevant documentation, or provide ways to access such documentation cost-free.

Socio-economic participation – employment and regional development (Article 15)

193. The authorities report some developments in socio economic participation at the local level, notably through employment programmes for Roma and Egyptians in Tirana which offered grants to young people and women who wish to open small businesses, or provide work in the service sector. The programmes targeted 22 Roma and Egyptian minority young people and 17 women belonging to these minorities. The municipality also employs 50 individuals from minorities in the waste recycling sector – where they also receive a bonus if they attend literacy classes. A second-hand clothing market was opened in Shkoza, Tirana, in 2019, providing work for 107 individuals from the two minorities, and a second such market is planned, having been approved by the municipal council. The National Action Plan also contains measures addressing employment, notably young people in the public administration.¹³²

194. Roma and Egyptian minorities' representatives reported that persons belonging to these minorities accrue most of their income via informal means, and that there are difficulties for them in adapting to formal work (notably the low salary, non-compliance with the labour code by employers, discrimination, and not managing a monthly salary well – having gotten used to being paid on the day for informal work). They have also asked that Roma and Egyptian employment mediators are engaged by local employment offices, as has been done in Elbasan with positive results. Some representatives have expressed regret that employment programmes do not offer salaries or subsidies equivalent to what individuals would earn by working in the informal sector, meaning that said individuals continue their informal work too. Representatives also expressed exasperation that they continue to undergo training to gain qualifications and experience, but once on the job market, continue to be

¹²⁹ AgroPuka, AgriNet and AmaroDrom, Submission to UN CEDAW, 2022.

¹³⁰ Civil Society Organisations report for implementation of the Beijing Platform for Action, July 2019.

¹³¹ See: <https://www.who.int/europe/news-room/fact-sheets/item/post-covid-19-condition>.

¹³² National Action Plan, pp. 107-108.

discriminated against due to antigypsyism. Furthermore, they noted with regret the near-total absence of persons belonging to Roma and Egyptian minorities from the public administration, in particular young people, underlining that most Roma graduates in particular end up working in the NGO sector and that the authorities have never developed any definition of positive measures to employ more persons belonging to Roma and Egyptian minorities in the public administration.¹³³

195. Greek minority representatives have emphasised the particular social isolation of Greek minority women living in rural areas, whose families may have emigrated and who may have no opportunities to work, leaving them with few opportunities to effectively participate in social or economic life. Representatives of local authorities in areas where persons belonging to the Greek national minority live compactly, themselves belonging to this minority, have expressed regret that their areas are not included in the Albanian Investment Fund's workplan and thus are not being targeted with investment to benefit from the burgeoning tourist industry.

196. The Advisory Committee reiterates that effective participation in line with Article 15 also requires "that State Parties promote participation of persons belonging to national minorities in economic and social life and in benefits and outcomes in the social and economic spheres."¹³⁴ It emphasises that disaggregating social and economic statistics by ethnic group and rural/urban divides facilitates evidence-based policymaking, increases accountability, and can help to build trust across ethnic lines. The Advisory Committee regrets that very little data on the socio-economic participation of persons belonging to national minorities is collected, and considers this a vital first step to planning adequate and effective policy in this field.

197. The Advisory Committee considers the initiatives carried out in Tirana as good practices which should be extended elsewhere in Albania. They strike the right balance between respecting the traditional trades of Roma and Egyptian minorities, whilst offering training to conduct said trades in a safe and contractually stable manner. However, the authorities should ensure that these programmes offer an appropriate alternative to informal work, especially by working to ensure, as far as possible, that they are more financially beneficial than work in the informal sector might pay.

198. The Advisory Committee further reiterates that state parties should ensure that economic regional development initiatives targeting particular regions are designed and implemented in a manner that also provides benefits to those in need among persons belonging to national minorities who live in such regions. In order to ensure this, studies should be undertaken to assess the possible impact of development projects on persons belonging to national minorities. Particular attention should be paid to the situation of women and young people from national minority backgrounds.

199. The Advisory Committee also reiterates that "public administration should, to the extent possible, reflect the diversity of society. This implies that state parties are encouraged to identify ways of promoting the recruitment of persons belonging to national minorities in the public sector [...]. Participation of [such] persons [...] in public administration can also help the latter better respond to the needs of national minorities".¹³⁵ The authorities should hence pay close attention to achieving this outcome of the National Action Plan as it is also fundamental in furthering the effective inclusion of persons belonging to these minorities. In light of the lack of data, the Advisory Committee refers, here too, to its conclusions under Article 4 relating to data collection.

200. The Advisory Committee strongly encourages the authorities to ensure that the Albanian Development Fund is open for investment to areas inhabited by persons belonging to national minorities, and that such funds provide effective possibilities to participate in socio-economic life, with a particular focus on women and young people belonging to national minorities and with their full and effective participation.

201. The Advisory Committee invites the authorities to implement the Roma and Egyptian employment programme across the country, to promote their employment in the private sector, and to take positive measures to promote the participation of persons belonging to the Roma and Egyptian minorities in the public administration.

Territorial and administrative reform (Article 16)

202. The 2014 reform of administrative boundaries consolidated the number of municipalities to 61. The Advisory Committee has previously described this situation, whereby smaller administrative units with substantial

¹³³ See Albanian Helsinki Committee strategic litigation on Roma collecting recycling waste:

<https://ahc.org.al/litigim-strategjik-kunder-diskriminimit-te-anetareve-te-komunitetit-rom-qe-sigurojne-jetesen-nga-mbledhja-e-materialeve-te-riciklueshme/>

¹³⁴ ACFC Thematic Commentary No.2, para. 27.

¹³⁵ ACFC Thematic Commentary No. 2, para. 120.

numbers of persons belonging to national minorities were merged with units in which the majority was in the numerical majority, in its last opinion, and regretted the lack of consideration for the impact of this reform on access to minority rights.¹³⁶ As was the case in 2018, minority rights remain only substantially accessible in three out of the 61 municipalities: Pustec, Dropull and Finiq. Hence, given the reliance on thresholds for access to rights, the question of territorial and administrative boundaries is particularly relevant. It also appears that the Advisory Committee's previous recommendation to review the impact of the 2014 reform in terms of access to minority rights has not been carried out. A 2021 report of the Congress of Local and Regional Authorities points out that since 2015, local administration and public services are now "more effective", which however did not reflect the impact of the reform on access to minority rights.¹³⁷

203. As the legal situation has not changed, minority representatives maintained their position from the previous cycle, and explained how the reform has deprived them of rights in certain municipalities – notably Himarë and Sarandë, but also elsewhere. The Advisory Committee notes that according to one report, Albania has one of the highest numbers of inhabitants per first (or lowest) tier of government in the region, at 47 054 (compared to the EU 28 average of 5 128, or 19 253 for the Southeast Europe average).¹³⁸

204. The authorities argue that the 20% threshold is in line with generally accepted European norms, based on expert advice. However, the Advisory Committee always favours the lowering of thresholds where they condition access to minority rights, and considers that they should always be applied flexibly and in light of the specific provisions of the Articles of the Framework Convention concerned (see Articles 10 and 11). Moreover, thresholds should be regularly reviewed in light of new available data to ensure they are not prohibitive to access minority rights.¹³⁹

205. The Advisory Committee reiterates the importance of the rights of persons belonging to national minorities being duly taken into account when planning and implementing the reform of territorial administration and ensuring that there is no negative impact on the right of persons belonging to national minorities to participate effectively in public affairs at local level. Whilst acknowledging the reported general improvements in the provision of public services

since the reform,¹⁴⁰ the comparatively high number of inhabitants per first tier of local government is nonetheless concerning in terms of its potential impact of minorities being 'crowded out' of their rights in such large municipalities, and the Advisory Committee considers that a review remains necessary to assess this possible impact. It remains concerned about the impact of the 2014 reform on access to minority rights, especially due to its linkage with the 20% thresholds (see Articles 10, 11, 14, above). On this basis and on the exchanges held with interlocutors, the Advisory Committee therefore reaches the same conclusion as in the previous cycle¹⁴¹ and regrets this state of affairs all the more, now that it can observe the outcome of the 2014 reform.

206. The Advisory Committee calls on the authorities again to review, in consultation with representatives of national minorities, the impact of the administrative and territorial reform of 2014 on access to rights by persons belonging to national minorities, and remedy any shortcomings identified.

Bi- and multi-lateral relations (Articles 17 & 18)

207. No new bilateral agreements have been reported by the authorities during the monitoring cycle. Civil society representatives have informed the Advisory Committee of co-operation between Albanian and Greek individuals, organisations and authorities in support of Greek-language education. However, the Albanian authorities should not see this co-operation as a reason for not taking further concrete actions to guarantee educational rights (see Article 14). Co-operation has been positive in reducing the risk of statelessness of persons belonging to the Roma minority through ensuring that birth certificates issued in Greece could be accepted in Albania (see Article 4), which is a welcome development.

208. The Advisory Committee emphasises that "[t]ransfrontier co-operation [...] can contribute to tolerance and prosperity, strengthen inter-State relations and encourage dialogue on minority issues."¹⁴² Furthermore, bilateral arrangements can constitute channels through which States can share information and concerns, pursue interests and ideas, and further support minorities on the basis of friendly relations and mutual trust.

209. The Advisory Committee strongly encourages the authorities to continue working bi- and multilaterally on matters relating to the protection of national minorities, in a spirit of good

¹³⁶ Advisory Committee, Fourth Opinion on Albania, paras. 157-162.

¹³⁷ Congress of Local and Regional Authorities, Monitoring of the application of the European Charter of Local Self-Government in Albania, Council of Europe, CG(2021)41-14final, 22 September 2021, para. 263.

¹³⁸ Association of Albanian Municipalities, Hanns Seidel Stiftung, '[Local Government in Albania Status Report](#)', Tirana, 2019, p. 23.

¹³⁹ See: ACFC Thematic Commentary No. 3, para. 57.

¹⁴⁰ See above-mentioned report of the Congress of Local and Regional Authorities, 2021.

¹⁴¹ See ACFC Fourth Opinion on Albania, Article 16.

¹⁴² OSCE HCNM Bolzano Recommendations on national minorities in inter-state relations, recommendation 16.

neighbourliness, friendly relations and co-operation between states, whilst respecting the role of multilateral standards and procedures.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Albanian, Bosnian, Bulgarian, Greek, Macedonian, Montenegrin, Romani, and Serbian.

This opinion contains the evaluation of the Advisory Committee following its 5th country visit to Albania.

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