

REPUBLIC OF ALBANIA

OMBUDSMAN

SPECIAL REPORT

ON MINORITY RIGHTS

IN ALBANIA

Tirana, December 2014

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1. Introduction

From the very beginning of this report we would like to quote the claim articulated in 1930 by the Permanent Chamber of International Justice, which states that: "The existence of a minority is a question of fact and not a matter of right, not a purely legal matter".

In this sense, the existence of minorities in Albania is a historical and actual reality, and therefore special attention is paid to concretize a good relationship, expressing tolerance, coexistence and understanding between members of the respective minorities and the rest of the population. This regard, cultivated in the mentality of the Albanian society, with its elements of diversity as an important part of its cultural heritage, reflected a harmonious and tolerant coexistence, without the presence of ethnic, racial, or religious conflicts.

With the establishment of the democracy in Albania, the treatment of minorities has taken a new dimension, a fact that is evident in the commitments the Albanian state has taken to this end.

There are today in Albania two types of minorities, the national ethnic minorities, including the Greek minority, Macedonian minority and Serbian-Montenegrin minority, and the ethno-linguistic minorities, including the Vlach minority and the Roma minority. Besides this, the reality of our society recognizes "de facto" some other communities, different from the ethnic Albanian population, as the Bosnian community, the Egyptian community, or the Gorani community.

In fact, the Constitution of the Republic of Albania, in the Article 20, refers only to the persons belonging to national minorities, which creates a debate on the extended recognition by the state of the category of ethno-linguistic minorities.

The whole discussion in this regard is focused on two aspects: first, the legal notion the definition of the minority and second, the will of the state, formally expressed in the official recognition of certain communities living in the Republic of Albania, in reality being Albanian citizens but having in their lifestyle and heritage elements differing from those of the ethnic Albanian population.

As for the judicial notion of setting of a definition on minorities, one can state that the existence of many international texts, but also of a number of international acts addressing this issue, do not provide any general definition of the notion of minority, including all minority groups. On the other hand, the international experience has shown that it is difficult to give a definition including all categories of minorities, because of the great diversity of minority groups and the objective difficulties to classify them homogeneously. This has also led to a lack of a general definition in international laws on minorities.

However, the lack of this definition has not prevented different countries, such as Albania, to recognize certain minority categories based on indicators of objective and subjective nature of certain communities in our country. Objective elements are related to the existence, within a given country, of specific population groups who have stable ethnic, religious and linguistic characteristics. While subjective elements are associated with the will to preserve the special character of the group, a fact that avoids its assimilation. On this basis of assessment, which refers to a protocol of the Parliamentary Assembly of the Council of Europe of 1993, where an attempt is made to give a definition on minorities, there is established the fact that those groups who claim their differences, enjoy a special treatment while the assimilated groups remain outside this treatment.

The recognition of minorities stresses the need of their protection, through the affirmation of a variety of rights, granted to them in particular. As for the reality on these rights in Albania, the Constitution of the Republic of Albania has authorized in its Article 3 the pluralism, the national identity and the heritage, the principle of equality in front of the law and the non-discrimination, regardless of the individual in the respective minority. Furthermore, the Article 20, explicitly provides that persons belonging to national minorities exercise in full equality toward the law their rights and freedoms. They have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging, as well as the right to preserve and develop them. The Constitution recognizes them the right to learn and be taught in their mother tongue, as well as to unite in organizations and associations to protect their interests and their identity.

Albania's membership in numerous international organizations with their field of activity in the protection of human rights, as well as the ratification or signing of a significant number of international acts aiming the promotion and protection of human rights, particularly those of minorities, the ratification of the Framework Convention for Protection of National Minorities, show a serious institutional commitment. Since July 13th, 1995, Albania is a member of the Council of Europe, which shows this commitment.

Positive developments have also been identified in meeting the requirements of the Stabilisation and Association Agreement and the whole process of the membership into the EU, while an important institutional step may be assessed the establishment of the State Minorities Committee¹, as an central institution of consultative nature, under the Prime Minister.

Actually, the Albanian society has set a positive balance in terms of the issue and respect for minority rights, ranking among the countries that are engaged in the fulfillment of international standards in this field. Practical implementation of the provisions of the basic acts, and the implementation of international acts, particularly the provisions of the Framework Convention of the Council of Europe for the Protection of National Minorities, directly affect the improvement of minority rights.

But despite the national and international legal provisions in force, we are all aware that there is much to be done to ensure in practice the respect of human rights, the integration and social inclusion of minorities living in our country. In this regard, the role of the Ombudsman takes a special significance.

In fact, the rights of minorities were not included for some time in the list of internationally recognized human rights. This situation has changed materially only over the past decade, while the emancipation of minority rights can not be regarded as finally resolved even today.

A special attention is paid by us to the rights of Roma minority living in Albania, which is considered as an ethno-linguistic minority. A big part of the Roma population does not figure registered in the register of civil status, a more common phenomenon for people born after the 90s. The interventions of the Ombudsman concerning the rights of this minority have been constant over the years, but it should be highlighted that these recent years can be considered as the years in which the rights of this minority have taken priority in the work of the institution and they are treated in a multidimensional view. This activity concluded with several recommendations toward public administration bodies, at local and central level, as well as the preparation of a special report for the Parliament, about the problems of the Roma

¹ *This committee was set up based on the provision made in the Decision of the Council of Ministers no.127 dated 11.03.2004. The Council of Ministers decided to establish this committee to further encourage the participation in the public life of persons belonging to national minorities, and to suggest measures for the exercise and protection of their rights and freedoms.*

community in Albania. The vision of the institution of the Ombudsman has included an extensive and close cooperation with NGOs operating in our country, within the framework of the Roma rights.

We judge that, besides the institutional impact, one of the most positive indicators achieved during these institutional interventions is the society and media awareness about the issues concerning today the Roma minority in Albania. The most significant action the Ombudsman has undertaken raising the awareness on the situation of this minority rights, has been the symbolic housing for several weeks of some Roma families in the offices of our institution, in early 2012. Although seemingly a controversial move, it was the first act showing clearly the role of the institution, the ways it can pursue in protecting the rights of individuals belonging to minorities and the realistic view the treatment of problems of this minority should have.

The application of principles of good governance plays a vital role in the inclusion of minorities in our society, but also in the protection of their rights and interests. Through recognition, dialogue and participation, all citizens in a diversified society can form a greater understanding of each other's concerns. In these cases too, the local authorities of human rights, but legislators, governments, civil society and media too, have an important role to play. In this regard, the role of the Ombudsman receives a special significance, because it is hard to find another institution which can deal more than it does with the idea that the weak need to be protected by the strong and powerful ones.

Based on the jurisdiction and powers set forth in the organic law "On the Ombudsman", the activity of the Ombudsman regarding the respecting of minority rights during these years is mainly based on investigations "ex-officio" he has taken time after time for this purpose. This approach is also conditioned by the fact that the number of complaints from individuals belonging to minorities has proved to be low. For this reason, the Ombudsman tended to be close to these communities by going and contacting with individuals belonging to them, in their places of residence, either in individual cases, or by organizing open days in their residential areas. Concerning the national minorities, we note that, despite the normative legal basis in force, a definition of national minority is lacking. Actually, the process of recognition of these minorities in our country is based on the criteria set by international conventions, as well as on the objective criteria related to the existence of specific and consistent ethnic, cultural, religious, linguistic characteristics, different from the rest of the population, as well as the demonstration of the will to preserve their culture, traditions, religion and language, and the criteria implying the personal choice to be part of the minority. The Framework Convention of the Council of Europe for the Protection of National Minorities, as defined in the relevant opinions of the Committee of Ministers of the Council of Europe², it is not selfapplying, but it needs for other adopted additional measures and regulations to make possible the implementation of its provisions. This Convention does not provide a definition, according to which minorities can be recognized, but leaves it at the discretion of the member states of the Council of Europe, to carry out the regulation of this aspect through their interior laws, depending on the respective configuration of minorities in every country. As it turns out, our country has not yet issued any internal normative act specifying the definition or criteria for the recognition of minorities, which are "de jure" recognized by the Albanian state. In

² *The Advisory Committee of the Council of Europe for the Framework Convention for the Protection of Minorities emphasized in all its three opinions, the necessity of adopting a specific law for minorities. The Committee of Ministers of the Council of Europe, in its resolution RESCMN (2005) 2 and that of 2009, emphasizes the need for further development of legal and administrative framework for minorities, especially the use of their languages and alphabets, their education, discrimination, the media, representation in public life, etc. The European Commission against Racism and Intolerance too, recommended in its report the adoption of such a law.*

these conditions, it is necessary to regulate a specific law, which will expressly provide this moment. This law will have its effect and will require reflection on the provisions of a series of other laws in force, by ensuring a real and active participation and representation of minorities in Albania.

In the framework of meeting the the regulatory legal basis, the requirement remains for the signature by the Government of the European Charter "For regional or minority languages".

Challenges encountered in the implementation of minority rights are numerous. They start from the real possibility of the institution of the Ombudsman to be steadily and sensibly present with them, where they are located; the establishment of mutual trust between the actors operating in this field; the change of mentality on the acceptance of the new realities and the respecting of the rights of individuals who represent them; the creation of an appropriate institutional environment which enables real equality of individuals as members of minorities differing to the rest of the population in our country and their integration.

Another challenge is avoiding of temporary and frivolous propaganda campaigns and the configuration of a continuous process in monitoring the respecting of the rights of minorities and facilitating their exercise.

In all our initiatives and recommendations, we have emphasized that the most important elements in solving the issues which the Albanian society is facing, are the constructive and continuous dialogue, and the intercultural cooperation between state institutions, civil society and citizens, in order to address the problems and so that the process of analyzing and solving them to be as comprehensive as possible and accepted by all. This way of thinking and acting brings us increasingly closer to the European community, where we aspire to soon become a member.

Not being the only kind of independent institutions, created in defense of human rights in Albania, the Ombudsman must show conspicuous individuality in his role in protecting and promoting the rights and freedoms of the individual, which really is another challenge in the context of protecting and respecting the rights of minorities. The respect for minority rights is an important part of the European agenda in our country, so we must aim to become part of the great European family, not only by complying institutionally, but also with the practice and legislation for minority rights.

Based on this specific role, drafting and preparation of this report is based on the data of this institution on the issues of minorities and other communities in our country, the official data and the data collected during the inspections that the employees of our institution have done in the main areas where there is a distinct presence of any minority or other communities. These inspections are carried out in the area of Dropulli (Gjirokastra), in the town "Andon Poçi" (Gjirokastra), municipality Pustec (Korça), town Boraka (Shijak), town Vraça and Boriç (Shkodra), in Fier (town Libofsha) and in almost all areas inspected in advance in the framework of the report on the situation of the Roma minority, with Roma and Egyptian inhabitants, in Kukës (Gora region). The first contact was with the residents of the areas, as well as with representatives of civil society of the respective areas, operating in protection of the rights of their communities, to get an idea of how realistic the situation of minority rights and other communities in the country is.

The basis of this report remains the finding of the level of respecting of these rights which are affirmed in the Constitution of the Republic of Albania, and in the Framework Convention of the Council of Europe "For the protection of national minorities". Specifically, attention is paid to the rights of children of minorities, in terms of the above-mentioned legal framework.

The Ombudsman assesses and evaluates the protection of minority rights as one of the top priorities in his work. His vision is based on the very good existing spirit of coexistence

between the majority of population and the minority, considering that the minorities in Albania are a precious national treasure of the past and for the future of our country.

The accession and integration process into the European Union, envisages as one of the main priorities of Albania in this road, the respect for civil and political rights, which require undertaking measures and reforms aiming to ensure in higher levels the rights and fundamental freedoms of the individual, in particular the rights of minorities.

2. The legal basis in guaranteeing the rights of minorities

In this section, we will quote some of the most important international acts on the affirmation of minority rights respecting signed by our country, or which are not yet signed, but which have a great importance in this context, as well as the domestic legal framework.

The presentation of these acts does not constitute an exhaustive list, but can serve as a list of orientation, as a number of general provisions deriving mainly from international acts are fully "absorbed" in the Constitution, as well as in the domestic normative legislation, in a lower hierarchy scale than international conventions.

- ***Constitution of the Republic of Albania.***

This normative and ultimate act for the functioning of the state, is the main guarantee for the promotion and respect of minority rights in our country, with the definition given in its Article 3, where the basis of the state is considered, among others, the "coexistence and understanding of Albanians with minorities" and where the "respect and protection of these values" is considered as an obligation.

- ***International Conventions (other international acts)***

- Universal Declaration of Human Rights (United Nations, 1948. Albania signed it in 1955)

- International Convention on Civil and Political Rights, 1966. (ratified in 1991)

- International Convention on Economic, Social and Cultural Rights, 1976. (ratified in 1991)

- European Convention of Human Rights of the Council of Europe and its Protocols No. 1,2,4,6, 7 and 11.

- Framework Convention of the Council of Europe "For the Protection of National Minorities", 1995, ratified without reservation by the the Law no.8496 dated 3.06.1999 "On the ratification of the Framework Convention of the Council of Europe for the Protection of National Minorities ".

- European Convention on Transfrontier Television, 1995, ratified by Law No. 8525 dated 9.09.1999.

- Convention against Torture and Inhuman, Degrading or Punitive Treatment, which entered into force after the ratification in 1994.

- International Convention on the Elimination of All Forms of Racial Discrimination, 1969 (ratified in 1994).

- International Convention on Civil and Political Rights, 1966.

- International Convention on Economic, Social and Cultural Rights, 1976. (ratified in 1991)

- International Convention on the Elimination of All Forms of Discrimination Against Women, 1980. (ratified in 1996)

- ILO Convention No. 168 "On the encouragement of employment and protection against unemployment", 1988, ratified by Law no.9547 / 2006.

- Convention on the Children Rights, 1989. (ratified in 1992)
- Convention against Discrimination in Education, 1960.
- UNESCO Convention "On protection and development of the manifestation of cultural diversity", ratified by Law no.9613 / 2006.
 - Council of Europe Conventions "For action against trafficking of human beings", ratified by Law no.9642 / 2006.
 - Council of Europe Convention "On protection of children against sexual exploitation and abuse", ratified by Law no.10071 / 2009.
 - European Charter "For regional or minority languages".
 - Final Act of the Helsinki Conference, 1975.
 - The Copenhagen Declaration, 1990.
 - Charter of Paris for a New Europe, 1990.
 - Document of the Moscow Conference, 1991.
 - Opinions ACFC / OP / II (2008) 003 and ACFC / OP / III (2011) 009 of the Advisory Committee of the Council of Europe on the Framework Convention for the Protection of National Minorities.
 - Resolution CM / ResCMN (2014) 1 of the Committee of Ministers of the Council of Europe.

Home legal acts:

- Law no. 8454 dated 4.02.1999 "On the Ombudsman", amended.
- Law no. 9887/2008 "On protection of personal data", amended.
- Law no. 9970/2008 "On gender equality in society".
- Law no. 10019/2008 "Electoral Code of the Republic of Albania".
- Law no. 10039/2008 "On legal assistance".
- Law no. 10221, dated 4.02.2010 "On protection from discrimination".
- Decision of the Council of Ministers no.127 dated 11.03.2004 "On establishment of the State Committee for Minorities", amended.
 - National Plan of SAA - The rights of minorities and protection of minorities "(approved by Decision of the Council of Ministers no. 463 dated 5.07.2006, amended by the Decision of the Council of Ministers no.577 dated 05.09.2007).
 - Decision of the Council of Ministers no. 396, dated 22.08.1994 "On education in mother tongue of persons belonging to minorities".
 - National Strategy for improving the living conditions of the Roma minority.
 - The Decade of Roma Inclusion - National Action Plan, 2010-2015, approved by the Decision of the Council of Ministers no.1087 / 2009.
 - Decision of the Council of Ministers No. 107 dated 10.02.2010 "On publication, distribution and sale of textbooks for pre-university education system".
 - Decision of the Council of Ministers no. 51, dated 2.02.2012, "On transferring the management responsibilities from the Ministry of Defence to the Ministry of Labour, Social Affairs and Equal Opportunities, of several objects and functional land with a total surface of 45,000 m2 , part of the property no. 117, named "Company of detection, of missiles Kt, of the Rapid Reaction Brigade ", located in Sharra, Tirana, and on a change in the Decision no. 515 dated 07.18.2003 of the Council of Ministers "On the approval of the inventory list of statal real estate, which are to be haded over in the responsibility of the Ministry of Defence ", amended.

3. Framework Convention of the Council of Europe “For protection of national minorities”

A very important act, alongside other international acts for the promotion and protection of minority rights is the Framework Convention of the Council of Europe "For the protection of national minorities", which highlights the special attention that this organization has paid to this issue.

The beginning of institutional existence of the Council of Europe is simultaneous with the commitment of the Parliamentary Assembly of this Council for a broader protection of minority rights. It was the Assembly, the relevant structure of the Council of Europe, which in 1961 raised the issue of an additional protocol, for a more extensive treatment of the issue of minorities, by treating this dimension more broadly than the European Convention on Human Rights. It is exactly this protocol the act that paved the way to a broader and more comprehensive treatment for the issue of minorities, leading to the drafting and adoption of the Framework Convention of the Council of Europe "For the protection of national minorities", as an expression of the necessity of international engagement to contribute for peace and stability.

This convention is called a framework convention because enables to different countries to understand its provisions, based on the specific situation of these countries.

The Framework Convention of the Council of Europe "For the protection of national minorities", is the first multilateral instrument, legally binding, which has as its object the minority protection. Its purpose is to establish judicial principles that states undertake to ensure the protection of national minorities, but, behaving as a program, it serves as a framework in dealing with different situations and problems encountered in individual countries, offering to them a margin of action under specific circumstances.

The Convention, although refers to collective rights of national minorities, does not give any definition of the term "national minority". To each Party in the Framework Convention, however, is left room to assess which groups may be included by the Convention within their territories. This selection, however, must be made in good faith and in accordance with general principles of international law and fundamental principles set forth in Article 3 of the Framework Convention.

According to the Convention, individuals are free to decide whether or not they want to belong to a national minority. This does not mean that each person can arbitrarily decide if they are part of a national minority. Individual choice should be based on objective criteria related to the person's identity, such as language, religion and culture.

The Framework Convention of the Council of Europe "For the Protection of National Minorities", was signed by the Republic of Albania on 29.06.1995. It was ratified by the Parliament of the Republic of Albania with the law no.8496 dated 3.06.1999, and after the instruments of ratification were deposited on 28.09.2000, it entered into force on 1.01.2001.³

4. Minorities according to official statistics.

As noted above, in our country there are officially recognized two types of minorities, the ethnic national minorities and the ethno linguistic minorities. This process has been evolving with time, as it has evolved the the data collection for the existence of minorities and the collection methodology. According to the data collected by the Albanian state at various times over the number of people who belong to minorities, there have been used

³ Report submitted by Albania pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, July 26 2001, page 4.

population and housing censuses carried out by specific state institutions, such as the Institute of Statistics (INSTAT).

According to the censuses carried out in several different time periods, the number of the population belonging to national minorities in our country turns out to be:

Year 1960 44.570 (individuals) 2.7% (of the total population, in Albania)

<i>Year 1979</i>	<i>54.687</i>	<i>2.1%</i>
<i>Year 1989</i>	<i>64.816</i>	<i>2.0%⁴</i>

Thus, according to these statistics, the report does not include the number of population for the Roma and Vlach communities.

In April 2001, a new census on population and housing is carried out in our country, but it did not include the declaration of nationality and religion. While the census conducted in 2011, the ethno linguistic minorities of Roma and Vlachs are included, and, according to this census, minorities in Albania result in 52.700 individuals, or 1.9% of the population in the country.

According to data released by the census on the resident population, the situation of ethnic and cultural groups results as follows:

<i>Greek Minority</i>	<i>24.243 (individuals)</i>
<i>Macedonian Minority</i>	<i>5.512</i>
<i>Montenegrin Minority</i>	<i>366</i>
<i>Aromanian (Vlach) Minority</i>	<i>8.266</i>
<i>Roma Minority</i>	<i>8.301⁵</i>

In the form of the census conducted in 2011, there was included a question on ethnicity, which means self-declaration as a criterion to identify the ethnicity of the population.

A jurisprudential development, which raised controversy, especially in groups or associations representing the minorities in our country, while preparations for the 2011 census were under way, was the Decision No. 52, dated 01.12.2011, of the Constitutional Court, which decided "the abrogation, as incompatible with the Constitution, of the term "nationality" in Articles 6/1, 8, 42/2, letter "e" and the complete abrogation of the Article 58, of the law no.10129, dated 11.05.2009, "On Civil Status"."

Despite the figures declared on the minority population in that census, the disagreement with them of the representatives of political parties or associations protecting exclusively the rights of minorities has been evident and public, a fact which is noted by our side in the meetings with residents or representatives of civil society protecting the rights of minorities in all the main areas of the country where there is a presence of minorities or other communities.

5. Some other data on minorities and other communities in Albania.

*** Greek Minority**

⁴ Report submitted by Albania pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities, July 26 2001, page 4.

⁵ These data may be found in the website: www.instat.gov.al/al/census/census-2011/te-dhenat-e-census-2011.aspx

The Ethnic Greek minority is one of five minorities, officially recognized by the Albanian state. The minority, since its recognition in the framework of the Albanian state with the declaration of November 21st, 1921 in the League of the Nations, has made constant efforts for the preservation of its national identity, of the Greek native language, its cultural traditions, customs and habits. Since the day of its inclusion in the framework of the Albanian state, it has shown a spirit of cooperation and tolerance, has set and strengthened friendly relations and has played a positive role in the field of peaceful coexistence with the Albanian population.

Members of this community have historically resided in all the territory of the Republic of Albania, but it is mainly concentrated in the districts of Gjirokastra (minority municipalities of Dropulli i Sipërm, Dropulli i Poshtëm and Pogon) and Vlora (Saranda, Delvina, Himara). In the Vlora district, it is mainly concentrated in the municipalities Livadhja, Aliko, Dhivër (district of Saranda) and municipalities Finiq and Mesopotam (Delvina district). It must be stressed the existence of two villages of the Greek minority in Përmet (Vlahopsiloterë and Viovizhda).

In Albania there also live other minorities too, but the Greek minority is the largest group in number. Concerning the number, one may not have an accurate assessment. According to the census done in 1989, the entire population of Albania amounted at that time to 3,182,400 inhabitants, of whom 3,117,600 were Albanians and 58,758 were Greeks. Of course, these data must be updated, as years have past and they have changed. There has been demographic movements and a considerable part of the Greek minority population has moved out to Greece.

Minority organizations sharply contested the 2011 Census due to claims for violation of the principle of free self-declaration and called for a boycott. According to official census data, the number of persons belonging to the Greek minority is 24,243 people, or about 0.87% of the total population.

Greek minority exercises its right to education in their mother tongue. Currently, in the pre-university education system in public schools in the districts of Gjirokastra, Saranda and Delvina, there are about 1,000 students. There are three high schools in Dervician, Bularat and Livadhja, where the main lessons are taught in Albanian language, but there are classes of language, literature, history and geography in Greek language. In Gjirokastra, in the secondary pedagogical school "Pandeli Sotiri", there is a department of Greek language.

Also, in Gjirokastra, in the University "Eqrem Çabej", there exists the department of Greek Language, Literature and Culture. In Himara and Korça, there are private schools "Omiros", where some of the classes are taught in Greek.

Albania and Greece have signed the Treaty of friendship, cooperation, good neighborly relations and security, in March 1996 and this treaty has brought a new atmosphere in Greek-Albanian relations, which is positively reflected in the position of the Greek minority. It should be appreciated as an important milestone in the interest of both parties.

In this Treaty, the question of human and minority rights is considered part of the "pan-European heritage". Beside that, the Treaty speaks about the Greek minority in Albania and the Albanian immigrants in Greece, as a "bridge of the ongoing development of relations between both parties". The Parties undertake to develop their relationships based on trust, cooperation and mutual respect, and declare their commitment to the inviolability of borders, adding that "the border between the two countries will be a border of peace and friendship".

The status and condition of the Greek minority population in the south of Albania, has been the subject of frequent contacts between the parties.

****Macedonian Minority***

The Macedonian national minority in the Republic of Albania lives mainly in the district of Korça (Municipality Pustec), in Devoll (town Vërnik), but also in the cities of Korça, Pogradec, Bilisht, Tirana, Durrës, Bilisht, Kukës, Librazhd, etc. Macedonian minority members also live in the area Golloborda (Peshkopia) and in the area of Gora (Kukës). Macedonian minority living in the municipality of Pustec and in village Vërnik is recognized by the Albanian state since the early years after the liberation (in 1945) and to it was accorded the right to freely use the Macedonian native language, the education of children up to the fourth grade of primary school in this language, the preservation and development of cultural traditions, customs etc. Leaders and representatives of local government in the area have been and are from this minority.

The position of the Macedonian minority in Albania has not historically always been the same, because, during the period from the beginning of the Albanian state, until the end of World War II, this minority was not recognized by the Albanian state. After the end of World War II, from 1945 until 1948, when Albania had good relations with the Federal People Republic of Yugoslavia, the Macedonian minority was officially recognized in the area of Prespa, in the area of Golloborda and in the village Vërnik, in Devoll area.

With the democratization of life in our country, there began the process of the affirmation and gradual integration of the Macedonian minority. There were created favorable conditions for the organization and actions of the Macedonian minority in Albania, particularly in terms of the protection of national and ethnic identity, the cultivation of national culture and tradition.

The democratic state, after 1991, based on international conventions and internal laws, further enriched its rights, mainly in the field of education, complementing the curricula for the education of the Macedonian minority children until the eighth grade (about 60% of subjects are in the Macedonian language) and in the first two years of the general high school in the minority area, minority native language and literature are taught as separate subjects. Lesson plans were enriched with the subject "History of Macedonia", as well as with knowledge in geography of Macedonia, etc.

There are several organizations and associations for the protection of the rights of the Macedonian minority in our country⁶. These associations try in several ways to preserve the most important features of their national origin, culture, traditions, customs, language, folklore etc.

Macedonian minority has preserved and developed its own culture and traditions. Folk music groups of this minority have participated in many national folk festivals during the communist times, and in many national and local cultural activities after 1991. The area of Prespa has been declared by the Decision of the Council of Ministers no. 80 dated 18.02.1999, a national park of the second category, which is the largest in Albania, with a total area of 27,750 ha. Prespa residents deal mainly with agriculture, farming and fishing.

The free movement after 1991 brought new developments for the Prespa minority residents in all areas of life, but the lack of investment has not allowed the use of the great potentials of the beauty of nature and tourism. The implementation of many projects in the economic and educational fields, is expected to bring new developments.

⁶ After 1991, these associations were created: in Prespa was created the Association for the Protection of the Rights of Macedonians in Albania "Drushtvo Prespa", in Tirana were created the associations "Brastvo" and "MIR", in Gora, the association "Gora", and in Devoll the association "MED. These four Macedonian associations, in March 2002, created the Union of Macedonians in Albania and in June 2005 there was created the Party Macedonian Alliance for European Integration. Later there were created other associations like the Association "Ilinden" in Tirana, the Association "Sonce" in Korça and the Association "Most" Trebishte of Golloborda.

* *Serbian-Montenegrin Minority*

The history of the existence of the Serbian-Montenegrin ethnic minority in official documents dates from 1416 and afterward⁷. As confirmed in the reports of the Albanian state in implementing the provisions of the Framework Convention "For Protection of National Minorities", this minority is generally concentrated in the north of Albania, in the cities of Shkodra and Koplik, and in the communes of Gruemirë and Vrakë etc. However, persons belonging to this minority are also located in the district of Lezha, Durrës, Tirana, Elbasan, Librazhd, Fier etc.

When talking about the Slavic population in Albania during the nineteenth century, we can see its division in three categories:

The first category comprises the population holding the Turkish citizenship, regardless of the religious affiliation. This population was concentrated in northern Albania. The most popular centers were Shkodra, Vraça and Shtoji.

The second category of the Slavic population in Albania comprises the population moving to Albania during the nineteenth century, mostly for economic reasons. According to the data existing from that period, hundreds of people emigrated from Montenegro and Serbia.

The third category of the Slavic population in Albania is represented by Muslims coming from Montenegro, Bosnia and Herzegovina⁸.

Religious affiliation of these populations is also diversified. In Shkodra, there are those of orthodox religious affiliation living mainly in the city and in the municipality of Gruemira, while in the city there are also Muslims who came during the Balkan wars, the so-called Podgoriçanë.

The Serbian-Montenegrin minority, during the past century, has been the subject of injustices by the state structures of that time, while institutional repressive measures led to discrimination and attempts to assimilate this minority. This repressive policy of assimilation begins with the regime of King Zog, who banished schools in Serbian language and continued with the communist regime, when the Serbian-Montenegrin nationality was forbidden, alongside with the names and in particular the family names ending with the characteristic suffix "ich", as well as the right of education and the right of information in their mother tongue, the right to maintain contacts with the mother country, the right of religion etc.

After the years 1990s, to the Serbian-Montenegrin minority was given the opportunity of free movement in the territory of former Yugoslavia, which led to the development of trade and welfare of this community. Agriculture and trade with Serbia and Montenegro, are the main sources of income for the members of this community.

Closely associated with the customs of this minority are their holidays, such as the Feast of the Baptism. Members of this minority celebrate Christian and Muslim religious festivals, Eid, Easter, Christmas, etc. according to their religious affiliation. They rarely invite friends, but acquaintances and godfathers visit each other very often. Orthodox holidays were once celebrated for 7 days, and now for 3 days. The priest is usually present in all religious celebrations, accompanied by the householder, he performs the ceremonies such as lighting candles, dividing cakes and visiting and thurifying other homes. Many toasts are raised for everyone's health. But most important are two: those for the householder and for the glory of God and saints⁹.

Official statistics, which are generated by the General Census of Population and Housing of 2011, show the existence of 366 Montenegrins and 142 Serbs. Minority organizations, including those of the Serbian-Montenegrin minority, boycotted the Census because of the

⁷ Webiste: st.glovara.com/dip_upload/UV10002391_158085.pdf

⁸ See <http://www.minoriteti.kombetar.serbo-malazez.com>

⁹ Webiste: st.glovara.com/dip_upload/UV10002391_158085.pdf

unfulfilment of their demands on the explicitly excluding of the declaration on the question of ethnic and religious affiliation as an administrative infraction, on their participation in the groups of registration, on providing them a copy of the declaration forms for the section on ethnicity for any person interested, etc.

Based on the evaluation of the organizations of this minority, it is claimed that in Albania actually live about 30 thousand people of Serbian-Montenegrin origin¹⁰.

The language is preserved through the communication within the community, but in absence of education, young generations are losing the ability to communicate and to know the native language.

Actually, "There is a vacuum in the data on the participation of the Serbian-Montenegrin minority in Albania's public life."¹¹

Associations dealing with issues of Serbian-Montenegrin minority are: the Association of the Serbian-Montenegrin minority "Moraça-Rozafa", the Association of the Montenegrin minority "Duklja", the Orthodox Association "St. Jovan Vladimir" based in Shkodra, and the Association of Serbs of Albania "Jedinstvo".

*** *Vlach (Aromanian) Minority***

Vlachs consider themselves as the distant descendants of the inhabitants of Roman province of Dacia, which is the today's Romania, after having been displaced by Goths invasions in the III and IV centuries AD. They led a nomad lifestyle, crossing the Balkan Mountains, to come in the current settlements, including the actual Albania. But this is only one of the opinions on the relocation of Vlachs, because, if one may take a look to the map showing the locations of Dacian tribes in the centuries I-VI AD, the southern Dacia borders go to their western side to Lissus (Lezha) towards Scupi, Serdica until Tomis (Constance of today) at the Black Sea. In these conditions, their migration may have occurred before, around the I and II centuries AD, as a result of Roman conquests. However, this is a dark period in history, for Aromanians and for other Balkan peoples, too. In this period, from the years 107 to 271, when the Roman rule in Dacia was present, the Emperor Aurelian, under the pressure of Goths, moved the latinized population from all regions he had taken over the river Danube, ie from actual Romania, and settled them in the south of Danube.

On the historical version of the arrival of Vlachs in Albania with the invading Romans prof. Antonio Baldacci has written in his book of 1914, "I Romeni dell Albania".

It was a time where the whole eastern region of Tomori mountain became a small but compact Aromanian principality, with a flourishing trade. Voskopoja was part of it and had 20,000 households, alongside with other centers around loke Grabova, Llënga, Niça, etc, with 7-12000 homes. Burileanu, regardless of the veracity of the figures, confirmed the tradition existing in these areas with Aromanian population.

Burileanu in his work writes: "These Aromanians, though few in number, live together with Albanians and in friendly relationship with them, have a life of their own, distinguishable from out- and inside; renowned and independent scholars who do not know their language are surprised why this latin population wears clothes different from Albanians."

After leaving permanently the Romanians of Dacia, a separation that may have occurred probably between VII and X centuries, their language began to change. To the name "Rumen" was added an "a", a known phenomenon in this dialect. Thus, their name was changed to Arumen and later to Armën. This name was generally used by all Aromanians. For example, Aromanians living in Albania, call themselves Romenë, Rëmën or Rumenë, without the vowel

¹⁰ The term "Serbian-Montenegrin minority" intends a population group with identically ethnic characteristics living in Albania.

¹¹ Arqile Bërxoli, "Minoritetet në Shqipëri", Tiranë, 2008.

“a”. The name Armën has not undergone major changes. But the word Aromanian comes mainly because the population of the Balkans was a Rumeli population (from Rumelia, which was a name for the Balkans. So Rëmëns who were Latins, were not Rumeli population but were an a-rum (non Rumeli) population. Thus, the first name this population was Rëmëns ose Romens - population from Rome, then Vlachs coming from Wallachia and the third one is Aromanian. While the name "Macedorëmën" comes from the fact that most of Rëmëns lived in the ancient kingdom of Alexander the Great of Macedonia.

The starting point of the creation of the Romanian language has been the vulgar Latin, the language spoken by the population of the Lower Danube at the beginning of the first millennium (III century)¹². The inrush of Slavs and their colonization of the Balkans during the first two decades of the VII century was a crossroad moment regarding the fate of the Danubian Latin language. Slavs pushed Latins in the south of Danube from their territories by breaking the unity of Latin on both banks of Danube. In the following centuries, other occupants arrived, as the Magyar conquest, the Ottoman invasion, etc., who affected the compact nature of the eastern Latin and created the ground for the birth of four dialects of the Romanian language: one in the north of Danube, three others in the Balkans.

Today, the Vlach minority lives across all over our country but there are still some urban centers in which there is a distinct Vlach community. So we can mention cities like Tirana, Elbasan, Korça, Gjirokastra, Vlora, Selenica, Fier, Gramsh, but also historically known villages as Voskopoja, Grabova (Gramsh), "Andon Poçi" (Gjirokastra, etc.).

The recorded data for the Vlach population in our country, according to the census of 2011, are strongly disputed by representatives of associations and parties formed with a focus of their activity on the protection of Vlach minority.¹³

***Roma Minority**

The Roma are a unique ethnic group, settled in the Albanian territory a long time ago. They managed to preserve their language and culture. According to historical and linguistic sources, they migrated from the northern parts of India in various successive waves since the IX century until the XIV century. Some historical documents show that the Roma came to southern Europe via Persia, the Caucasus, and the Byzantine Empire. In some sources, it appears that some Roma families should have arrived in the Balkans about the XIV century (Kolsti, 1991) and they were situated in the territory of Albania about the XV century (Koinova, 2000).

Although the First Roma Congress in 1971 defined the term "Roma", today in Albania they are known by different names¹⁴. Based on the roads Roma have followed to enter in

¹² Stefan Fisher-Galaci, Dinu K. Xhiuresku, Ioan Aurel Pop "History of Romania" page 57

¹³ Through contacts with these representatives, different data are offered: According to Prof. Kostandin Noe in french language, in 1913, there were 83.233 Aromanians/Vlach.

1. In the Italian Encyclopedia Treccani of 1929 here are registered 200.000 Aromanians/Vlach.
 2. In the big Sovietic Encyclopedia of 1950 there are about 300.000 Aromanians/Vlach.
 3. In the French Encyclopedia Larousse of 1966 there are 350.000 Aromanians/Vlach
 4. The Census of 1955 in Albania shows 4.200 Aromanians/Vlach.
 5. The Census of 1959 in Albania shows 10.000 Aromanians/Vlach.
 6. The Census of 2001 in Albania shows 992 Aromanians/Vlach.
 7. The Geographic Atlas of Albania gives the number 139.000 Aromanians/Vlach.
- Last data of December 2012 show 0,3% Aromanians...or about 8.266 pesons.

¹⁴ Terms "gabel", "arixhi", "evgjit", "jevg" are historically used to describe respectively Roma and Egyptian as inferior communities. This is the reason why still today, in a general way, these terms are considered as insulting for this community and therefore their use should be avoided (Taho 2002).

Albania and their socio-economic state, their linguistic dialects, lifestyle, occupation, skills, habits, etc., they are organized in tribes, which in Albania are known as: *meçkar*, *çergar*, *arlinj*, *bamillë* and *kurtofë*.

In Albania there has never been realized any official recording of the number of people belonging to the Roma minority, with the exception of the self-declaration of 2011, which failed to reveal indisputable results. The Albanian Government in its strategy to improve the conditions of the Roma people, adopted in 2003, cites different sources to estimate the Roma population between 60 thousand and 120 thousand people¹⁵.

Although Roma have traditionally been known as nomads, starting from the years 30s of the XX century, most of their tribes gradually turned into semi-nomadic, or completely sedentary (Hasluck, 1938). This nomadism and their many-centuries movement has been done for economic reasons, has been partly structural and closely related to their culture (Liegeois, 2009). Eventually, they settled in stable dwelling places during the years 1960-1970.

During the period of post-socialist transition, as a result of the collapse and closure of state-owned enterprises and because of the nature of their skills, as well as their low level of education, without excluding here prejudice and discrimination, Roma have fallen from a relatively good situation, in extreme poverty. Because of socio-economic situation and discriminatory attitudes, they were forced to make a life of wandering for a longer time than other ethnicities, not having the opportunity to establish a state administration, which could be cared for documenting the history of the Roma people.¹⁶

This was the reason why a part of the history of Roma was written by non-Roma, not being based on historical research, but on the image and perceptions towards Roma. For centuries, historians referred to each other, having always the same perception towards Roma as a people without culture, as travelers, while in recent years some researchers analyzed and rejected the century-long hypothesis, by offering new explanations on the history of Roma people, which confirmed the theses presented some decades ago by linguists. However, the situation shows the strength of the images and stereotypes in public opinion, it shows to what extent these perceptions have ruled for centuries in the history.

Just as the history of the Roma people, their image too is built and used by the majority, as well as by the Roma population.¹⁷

- Other Communities:

***Bosnian Community:** Bosnian community arrived in Albania in 1878. Bosnians or, as they were known with the Turkish name Muhajir (refugees), live in the area near Shijak, in the villages Koxhasë and Borakë. They live from more than a century in our country, but if one meets with Bosnians, one understands they have not forgotten the language and many other traditions.

The census made in 2011 has not given any number of people of the Bosnian community living in Albania, but representatives of civil society protecting the rights of this community

¹⁵ Based in French sources, in 1980 there were 62 thousand Roma people in Albania.

¹⁶ Despite the origin from India, the Indian state has not recognized the Roma people as compatriots.

¹⁷ During World War II, almost half a million of Roma people from different countries of Europe were executed or died in Nazi concentration camps (Ringold et al., 2003). In Albania, their treatment was better than in neighboring countries, where besides the deportation in the Nazi camps, Roma had to cope with ethnic cleansing, too.

declare that throughout the country there live around 10,000 Bosnians. This number includes individuals with Bosnian ethnicity living in Tirana, Durres and other Albanian cities, while the majority of them is located in the village of Borakë, near the town of Shijak.

Bosnians initially bore the names of their original families, so they were Muslim surnames, but referring to some data on Bosnians located in villages near Shijak from the census of 1918, their names were no more preserved in Slavic language, but have been adapted according to the Albanian language. The cases where the name preserved its Slavic origin were few. These original names could be found in electoral lists, too.

To protect their rights, the Bosnian community has created the Association "Zambak", which was established on October 28, 1995. "Zambak" is an association created as an initiative of a group aiming to promote and develop cultural cooperation between the two nations, Bosnians and Albanians. The combination of the Albanian and Bosnian cultures, and further development of cultural and social cooperation is one of the main principles of the Association.

With its creation, members of the Association "Zambak" aim consulting each other on professional needs and social or economic problems. With a dynamic group of members and thanks to the continued support of sympathizers, the association "Zambak" intends to promote and support the development of the Bosnian community in Albania, in order to increase the social, economic, cultural and educational level, as well as creating links between Albanian and Bosnian peoples and cultures.

***Egyptian Community:** One of the main problems has been the name of this community in the Balkans, originally from Egypt, although the Egyptians living today in the peninsula have not evident ties with Egyptians living in the Arab Republic of Egypt.

The Egyptian migration toward Balkans occurred before VII century, when Islam widespread in Egypt. This community has particular ethnographic, ethnic and cultural differences from other communities in the Balkans, for this reasons, they are called today "Balkan Egyptians."

This community is spread in all the Balkans, living today in Albania, Kosovo, Macedonia, Montenegro, Greece, Bulgaria and Serbia.

The main dwelling places of this community in the Republic of Albania, are currently the cities of Tirana, Berat, Gjirokastra, Vlora, Durres, Shkodra, Elbasan and several other small towns, without excluding certain villages.

Currently, the Egyptian community in Albania has not a language of its own, as happens to be with the Roma minority. This community, wherever it is settled across the Balkans, speaks the language of the host country.

The profession of blacksmith and metal processing has been the traditional occupation of most of the Balkan Egyptian population, but this does not exclude other professions. This particular community is also distinguished in the field of music and in its traditions in family feasts, which distinguish it from other communities in our country.

***Goran Community:** This community lives mainly in an ethnographic area known with the name Gora, in the east of Kukës. Despite being far away from the main roads, Gora geographical position allows the connection with Luma, with Tetovo, Dibra and Kosovo. Traces of inhabitants in this area are found since antiquity, while a part of the villages of Gora are inhabited since the second half of XII century, during the reign of the Byzantine Emperor Mihail Komneni. Since the XIV century, where it was first mentioned, and so far, it appears with the unchanged name, Gora.

Currently, the area has a mixed population of Slavic and Albanian communities. Neighbors call local residents as "Goran", "Torbeshi", "Shkije" and "Poturë" while the inhabitants call themselves "Gorani" and "Nashinci".

Regarding the Slavic origin of this population, the predominant view is related to the defeat of the heretical movement of Bogomils (southwestern Bulgaria, XII century), which was followed by persecution of stigmatized populations from the church.

Gora compact Slavic population of Kukës lives in villages Borje, Cernalevë, Kosharisht, Orgjost, Oreshek, Oçikël, Pakisht, Shishtavec and Zapod. Slavic population of this area is also located in the cities of Kukës, Tirana, Durrës, Fier, Elbasan, Lushnja, Patos, Korça, Kavaja, Shkodra, etc.

This area preserves a spiritual culture of Slavic nature (language, folklore, mentality, ornaments) but it also presents, on the other hand, a close relationship with the material culture and choreographic folklore of Albanians. The language used today, according to studies of several authors, is considered as a dialect of the language used in southwestern Macedonia.

6. Problems finded from Ombudsman inspections in main localities of minorities and other communities.

Based on the gathered experience from the everyday activity of the institution, and especially on the finding and perception taken by the representatives of civil society that protects the rights of minorities and other communities in our country, this part of the report will address some problems identified in issues primarily relating to the recognition and respecting of minority rights, as affirmed in the Framework Convention of the Council of Europe "For the protection of national minorities".

Under this scheme, the identified problems show the implementing and respecting of the rights related with the non-discrimination; the preserving of the identity of the minority, namely the measures for the preservation and development of culture, religion, language, traditions and cultural heritage; the participation in the State educational system; the press and local broadcast media in the minority language; the exercise of freedom of assembly and association, the expression of conscience and religion; the free use of the minority or community language; the free contacts with persons outside the borders, who are of the same nationality as minorities or with other nationalities; specifically, the rights of children related to their access to public education, textbooks and their content, the prospective bilingual system of education and the possible discrimination against them during the learning process.

The data collected through questionnaires formulated for this purpose and through contacts with residents of areas where minorities or other communities live, show that:

Greek Minority:

- Regarding the issues of discrimination, it is a fact that the current situation is improved in this direction, but in some individual cases can be found elements of discrimination by the majority population toward the minority population.

- Regarding the knowledge of the main legal acts affirming and protecting the rights of the minority, the given answers show obvious shortcomings and an insufficient knowledge.

- Regarding the measures to be taken by the state to protect the identity of the minority, namely the measures for the development and preservation of culture, religion, language, traditions and cultural heritage. The given answers affirm that appropriate measures have been taken on this issue by the state, but they are insufficient.

- Regarding the participation in the state education system, it turns out that there are no problems.

- Regarding the existence of printed and audiovisual media in the minority language. It is claimed that, concerning the printed media, problems arise mainly because the lack of funding by the state and the weak existing capacities for its financing by private individuals. There are weekly programs broadcast in Greek language on regional private television channels, as well as a fixed timing in this language broadcasted by Radio Gjirokastra (RTSH).

- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms have been freely exercised by minority members.

- Regarding the freely use of minority language, the conclusion is that minority language is freely used.

- Regarding the free demonstrating in public of the minority language, of the name, family name, signs, inscriptions or other informations of a personal nature, answers show a free exercise of these rights.

- Regarding the free maintaining of contacts with persons of the same nationality as minorities or other nationalities outside the borders, it is confirmed that connections are persistent and very good.

- Regarding the inclusion in textbooks of knowledge about the culture, history, language and religion of minorities, and the opportunity to learn in the minority language in the state education system, it is found that in elementary (9-years) state schools, the process of education is performed in the minority language too. Meanwhile, the textbooks provided by the Ministry of Education and Sports have no materials on the above-mentioned elements.

- Regarding the access of minority children in the state education system, the given answers show unrestricted exercise of the right to education.

- Regarding the textbooks in their mother tongue, the answers show that they exist and are provided by the Ministry of Education and Sports. These textbooks are provided free of charge, while in the high school there are no books in their mother tongue.

- Regarding the possible existence of a bilingual system in the public education and the possible discrimination in the learning process, it is found that there are schools with bilingual system and that there is no discrimination.

Macedonian Minority:

- Regarding the issues of discrimination, the fact is highlighted that there are elements of everyday life that give to the members of this minority the perception of an existing inequality between the current state of the Macedonian minority and the rest of the majority population (representation in central and local government, mother-tongue education in public schools in the Prespa area, etc.).

- Regarding the knowledge of the main legal acts which affirm and protect the rights of the minority, the given answers confirm a satisfactory knowledge of them.

- Regarding the measures to be taken by the State to preserve the identity of the minority, which means, the measures for preservation and development of culture, religion, language, traditions and cultural heritage, the opinion expressed is that the necessary measures are not taken and that, despite the creation in 2010 of the Minority Culture and Diaspora Department at the Ministry of Culture, this department has not supported any project for the Macedonian minority during the recent years.

- Regarding the participation in the state education system, it turns out that there is no difficulty. As for the printed and audiovisual media in the minority language, answers show that there are published periodically every two or three months some 1000 copies of the newspaper "Prespa" in Macedonian language, an organ of the Union of Macedonians in

Albania, and the online newspaper "Makedonium", an organ of Macedonian Association "SONCE", published in two languages, in Macedonian and Albanian. These papers have no support from any Albanian institution.

- Regarding the exercise of freedom of assembly and association, expression of conscience and religion, the answers given show that there are no obstacles.

- Regarding the free use of minority language, answers show that the minority language is freely used. It is argued that, in private life, the language of the Macedonian minority is widely and freely used. In the areas of Prespa, Gora and Gollobërda, the language used in the everyday private and public life is the Macedonian language. Likewise, it is claimed that children in these areas until the age of 7 do not speak Albanian and begin to learn it in school. No problems have been encountered in this regard.

- Regarding the free demonstrating in public of the minority language, of the name, family name, signs, inscriptions, or other information of a personal nature, it is found that things have improved, despite the problems encountered.

- Regarding the free contacts with persons of the same nationality as minorities or other nationalities outside the borders, it asserted that connections are persistent and very good.

- Regarding the inclusion in the school textbooks of knowledges about the culture, history, language and religion of this minority, and the opportunity to learn in the minority language in the public education system, it is found that in the Prespa area, where children of Macedonian minority have the rights to learn the Macedonian language, in recent years has been introduced the subject "History of Macedonia".

- Regarding the access of the minority children in the state education system, the given answers show that there is an unrestricted and unobstructed exercise of this right to education.

- Regarding the textbooks in their mother tongue, the answers show that in the area of Prespa, in the Municipality Pustec, there is a lack of textbooks to teach classes in Macedonian language. In the schools of the area, Macedonian minority children have the right to learn the Macedonian language and according to the Decision of the Council of Ministers no. 396, dated 22. 08. 1994 "On the 8-years education in Native Tongue of Minorities", all teaching in the area should be 60% in Macedonian and 40% in Albanian language. But this decision was never implemented due to lack of textbooks for subjects that should be in the Macedonian language. In Prespa area, children have texts in Macedonian language and these textbooks are approved by the Ministry of Education and Sports¹⁸. Textbooks for minority children are free of charge.

- Regarding the existence of the possible bilingual system in the state education and possible discrimination in the learning process, it is shown that in Prespa area and in the Municipality Pustec, all primary schools and two secondary schools are in a two-languages system and according to the Decision of the Council of Ministers no. 396, dated 22.08.1994 "On the 8-years education in Native Tongue of Minorities", all teaching in this area should be 60% in Macedonian and 40% in Albanian and that there is no discrimination.

Serbian-Montenegrin Minority:

- Regarding the issues of discrimination, it is confirmed the fact that there is a partially discriminatory perception, particularly in the areas of education and sport.

¹⁸ According to the data obtained by the Association "Sonce" defending the rights of the Macedonian minority, from 55 textbooks the Ministry of Education and Sports should publish in Macedonian language, only 22 texts were published, 8 textbooks are prepared but not published, while 33 textbooks and neither prepared nor published.

- Regarding the knowledge of the main legal acts which affirm and protect the rights of the minority, the given answers confirm a satisfactory knowledge of them.

- Regarding the measures to be taken by the State to preserve the identity of the minority, that means, the measures for preservation and development of culture, religion, language, traditions and cultural heritage, the opinion expressed is that appropriate measures have not been taken and that during the past years there have been problems, but there is a hope that the situation will improve.

- Regarding the participation in the state education system, it turns out that there are no difficulties in this direction but there are no written press and audiovisual media in the minority language.

- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles in the formal process, but they emerge in certain individual cases in their free exercise.

- Regarding the free use of minority languages, it is shown that the minority language is freely used, despite isolated incidents that may occur.

- Regarding the free demonstrating in public of the minority language, of the name, family name, signs, inscriptions, or other information of a personal nature, it is found that there are limitations but during the recent years things have been improving.

- Regarding the free maintaining contacts with persons of the same nationality as minorities or other nationalities outside the borders, it is shown that connections are persistent and very good.

- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of minorities, and the opportunity to learn in the minority language in the state education system, it is found that these elements in textbooks are lacking, (but recently this is promised to be fulfilled by the Ministry of Education and Sports and the Ministry of Foreign Affairs), in the areas where the Serbian-Montenegrin minority lives.

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of this right to education.

- Regarding the textbooks in their mother tongue, the answers show that they exist and are provided free by civil society for the minority children, they are not used in the state education system, but in the courses to learn their mother tongue that the relevant associations are organizing. It is claimed that there is no public school of bilingual system in the area of Vraka, Shkodra.

- Regarding the existence of the possible bilingual system in the state education and the possible discrimination in the learning process, it is claimed that there is no public school of bilingual system in the area of Vraka, Shkodra (and this applies for the area Libofsha, Fier), and that generally there is no discrimination.

Roma Minority:

- Regarding the issues of discrimination, the fact is confirmed that the general perception is that equality exists, but the daily life offers exclusion and discrimination cases from the access to equal rights.

- Regarding the knowledge of the main legal acts affirming and protecting the rights of minorities, it was noticed that there this knowledge on the most important documents already exists.

- Regarding the measures to be taken by the State to preserve the identity of the minority, which means, the measures for preservation and development of culture, religion, language, traditions and cultural heritage, it is found that the state has taken actions, but they are considered as insufficient.

- Regarding the participation in the state education system, there are problems related to the subjective side of the issue, such as school dropout or non-attendance, as well as the creation of a non judgmental and accepting environment for Roma children in school.

- Regarding the existence of printed and audiovisual media in this minority language, it is shown that RTSH Korça broadcasts a program in the Roma language, with a fixed timing, but there is a need to spread on such programs in other areas inhabited by Roma.

- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms are exercised freely by members of the minority.

- Regarding the free use of the minority language, it is shown that the minority language is freely used.

- Regarding the free demonstrating in public of the minority language, the name, family name, signs, inscriptions, or other information of a personal nature, the answer is that there are no obstacles.

- Regarding maintaining free contacts with persons of the same nationality as minorities or other nationalities outside the borders, it is asserted that the connections are persistent and very good.

- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of the minority, and the opportunity to learn in the language of the minority in the state education system, it is confirmed that there are some efforts but they are considered of poor quality and inadequate. In the state education system one can not be taught in the Roma language.

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.

- Regarding the textbooks in their mother tongue, the answers say that they do not exist.

- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there is no school with a bilingual system and that there is no discrimination.

Actually, the problems concerning this minority today are widely treated in a special report on the situation of Roma in Albania, submitted to the Parliament of Albania at the end of 2013, which we are attaching to this report.

Vlach Minority:

- Regarding the issues of discrimination, it stated that there are elements of everyday life that give the perception of an existing inequality between the current state of the Vlach minority and the rest of the majority population majority (representation in state administration, or political representation).

- Regarding the knowledge of the main legal acts affirming and protecting the rights of this minority, the answers confirm a poor knowledge of them.

- Regarding the measures to be taken by the state to preserve the identity of this minority, which means, the measures for the preservation and development of the culture, religion, language, traditions and cultural heritage, the view expressed is that no appropriate measures are taken. According to these affirmations, the state has not taken necessary positive measures which may directly impact on this regard, because they have been mainly private commitments from the minority members, as for example, for the education in the minority language.

- Regarding the participation in the state education system, it turns out that there are no difficulties. As for the printed and audiovisual media in the minority language, it is asserted

that the Vlach minority is privately publishing the newspaper "Fratia" and the magazine "Aromanians Durrës".

- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms and rights are freely exercised.

- Regarding the free use of minority language, it is shown that the minority language is used freely and there are no problems.

- Regarding the free demonstrating in public of the minority language, the name, family name, signs, inscriptions, or other information of a personal nature, it is shown that there are no problems.

- Regarding the maintaining of free contacts with persons of the same nationality as minorities or other nationalities outside the borders, it is asserted that connections are persistent and very good.

- Regarding the inclusion in textbooks of knowledges about the culture, history, language and religion of minorities, and the opportunity to learn in the language of the minority in the state education system, it is said that no such elements are included in textbooks. Also, it is stated that currently can not be taught in the Vlach language in the state education system.

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.

- Regarding the textbooks in their mother tongue, the answers show no such books offered by the state. Only some private language summer courses are organized.

- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there are no such schools and that there is no discrimination.

- ***Other Communities: Bosnian (Boraka) Community:***

- Regarding the issues of discrimination, it is confirmed the fact that there are no elements of discrimination compared to the rest of the population.

- Regarding the knowledge of the main legal acts affirming and protecting the rights of the minority, it is found a good knowledge on the main acts.

- Regarding the measures to be taken by the state to preserve the identity of the minority, which means the measures for the preservation and development of culture, religion, language, traditions and cultural heritage, the answers given confirm satisfactory measures.

- Regarding the participation in the state education system, it turns out that there are no problems.

- Regarding the existence of printed and audiovisual media in the minority language, it is shown that there is no written press in the language of the community, but a private cable system has made possible the television channel "Hajat TV".

- Regarding the exercise of the freedom of assembly and association, and that of the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms are exercised freely by members of the community.

- Regarding the free use of minority language, it is shown that the community language is used freely and without obstacles.

- Regarding the free demonstrating in public of the minority language, of the name, family name, signs, inscriptions, or other information of a personal nature, answers show that this freedom exists and is exercised without interference by the state.

- Regarding the free maintaining contacts with persons of the same nationality as minorities or other nationalities outside the borders, it is asserted that connections are persistent and very good.

- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of the community, and the opportunity to learn in the language of the community in the state education system, it is found that there is no such involvement. But the fact is mentioned that the children of this community can learn the Bosnian language in school, at the nine-years school "Adem Sabli" , Shijak.

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.

- Regarding the textbooks in their mother tongue, the answers are that they exist in the nine-years school "Adem Sabli", Shijak, and that they are provided free of charge by the Ministry of Education of Bosnia.

- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there is a bilingual school system and that there is no discrimination.

Egyptian Community:

- Regarding the issues of discrimination, the completed questionnaires confirmed that the equality formally exists, but the daily life show exclusion and discrimination cases from the access to equal rights.

- Regarding the knowledge on the main legal acts affirming and protecting the rights of minorities, it is shown that there are knowledges on the main acts.

- Regarding the measures to be taken by the state to preserve the identity of the minority, which means the measures for preservation and development of culture, religion, language, traditions and cultural heritage, it is found that the state has not fully taken the measures found necessary, and this is related with the non-recognition of the minority status.

- Regarding the participation in the state education system, it turns out that, in general, there is no problem meanwhile there is no written press and audiovisual media in this community language, because there is no such language for the Egyptian community.

- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms are exercised freely by the members of the community.

- Regarding the maintaining of free contacts with persons of the same nationality as minorities or other nationalities outside the borders, it asserted that connections are persistent and very good.

- Regarding the inclusion in school textbooks of knowledge about the culture, history, language and religion of this minority, it is confirmed that no textbook has such knowledges.

- Regarding the access of children of this community in the state education system, the answers given show unrestricted and unobstructed exercise of the right to education, up to the university.

- Regarding the potential existence of discrimination in the educational process, it is found that, in certain cases, there is discrimination by teachers described as "irresponsible".

Goran Community:

- Regarding the issues of discrimination, the fact is confirmed that the general perception is that there is inequality in the daily life.

- Regarding the knowledge of the main legal acts affirming and protecting the rights of the minority, it is shown that this knowledge exists for the most important documents.
- Regarding the measures to be taken by the state to preserve the identity of the minority, which means the measures for preservation and development of culture, religion, language, traditions and cultural heritage, it is said that the state has not taken the necessary measures.
- Regarding the participation in the state education system, it turns out that there are no problems.
- Regarding the existence of printed and audiovisual media in the minority language, it is shown that there is no press and audiovisual media in the language of this community.
- Regarding the exercise of freedom of assembly and association, the expression of conscience and religion, the answers given show that there are no obstacles and that these freedoms are exercised freely by the members of the community.
- Regarding the free use of the community language, it concluded that the language is used freely in the daily life of the community, but not in the public life.
- Regarding the maintaining of free contacts with persons of the same nationality as minorities or other nationalities outside the borders, it asserted that connections are very good.
- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of the minority, and the opportunity to learn in the language minority in the state education system, it is confirmed that there is no such knowledge in textbooks.
- Regarding the access of children from this community in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.
- Regarding the existence of textbooks in their mother tongue, the answers are that they do not exist.
- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there is no bilingual school system and that there is no discrimination.

In addition to the general picture taken by the meetings held with the respective communities during the conducted inspections for the preparation of this report, some other problems are shown, dealing with:

- The lack of a process of population registration (the census), uncontested and accepted by minorities and other communities, which would give the real figures of the minorities or other communities population.
- The real integration of minorities and other communities in the daily life, especially in governance structures at the local or central level.
- The lack of consultations and real consideration of the requests of representatives of minorities and other communities during the process of the territorial reform in our country.
- The creation of conditions for increasing the welfare in the areas inhabited by minorities and other communities, including the funding by a more appropriate budget for local governments where minority communities and other communities compose a distinctive mass compared to the rest of the majority population.

7. Children rights in minorities and other communities

One of the inclusive commitments of all societies and their governing mechanisms today is the investment and the work for a dignified world for children, so they begin their life in the best possible way, where all of them have numerous opportunities to develop their individual skills in a healthy and encouraging environment. It is this environment which

should serve as a stimulation for the physical, psychological, spiritual, social, emotional and cultural development of children, as an issue constituting now a global priority. The Albanian society is part of this global commitment, in a different and uneven reality in different regions, where a significant number of children live in miserable conditions and, often, without the support of their parents. The Albanian reality presents a society where social problems are acute, where the well-being and the environment we are living in are issues affecting us on daily basis, but which stress every day the need for a multifaceted intervention state-society, where layers and different vulnerable social categories require more equity and integration with the rest of the society.

The evident poverty remains a major obstacle in facing the needs, in protecting and promoting the rights of children, because children are more vulnerable to poverty, which affects the roots of opportunities for development, their bodies still in growing process and their fragile minds. Discrimination is also a reality from which children can never escape, regardless of their belonging.

In these conditions, the respect and consideration for the dignity of children in general, is inextricably linked to the promotion and respecting of their human rights and fundamental freedoms, in a society aspiring every day the establishment and consolidation of the democratic values. An irreplaceable guide in this vital and global effort for democratic societies are the principles of the best interest for the child, those of non-discrimination, participation, survival and development.

In this context, we estimate in this report that a modest part of it should be focused in the the treatment of some children's rights of minorities and other communities in our country. It is obvious that this does not represent an exhaustive treatment of all their rights, but covers some of those rights that children in minorities and other communities should specifically enjoy because of their different origin and belonging, in the various elements addressing the cultural and linguistic diversity from the rest of the majority non-adult population in Albania.

The data collected through questionnaires formulated for this purpose and from the contacts with residents of areas where there is a majority population of these minorities or other communities, show that:

Greek Minority:

- Regarding the participation in the state education system, it turns out that there are no problems. This is a very important element of the process of educating the minority children, which is related to the right to education.

- Regarding the free use of minority language, it is shown that minority language is freely used. This is one of the elements affecting the formation of personal identities in children, according to their their specific origin.

- Regarding the inclusion in school textbooks of knowledge about the culture, history, language and religion of the minority and the opportunity to learn the minority language in the state education system, it is found that in nine-years schools the teaching process takes place in minority language, too.

- Regarding the textbooks in their mother tongue, the answers show that they exist and are provided by the Ministry of Education and Sports.

- Regarding the existence of the bilingual state education system and the potential discrimination in the learning process, it is found that there are schools with bilingual system and that there is no discrimination.

Macedonian Minority:

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.
- Regarding the free use of minority language, it is shown that the minority language is freely used. It is argued that, the language of the Macedonian minority is freely used in the private life. Likewise, it is claimed that the children in areas of Prespa, Gora and Golloberda, until the age of 7, do not speak Albanian and begin to learn it in school.
- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of this minority, and the opportunity to learn the minority languages in the state education system, it is found that in the Prespa area, where children of Macedonian minority have the right to learn the Macedonian language, during the recent years the subject "History of Macedonia" has been introduced. In Prespa area, children possess texts in Macedonian language and these books are approved by the Ministry of Education and Sports. Out of 55 textbooks the Ministry of Education and Sports should have published in Macedonian language, only 22 texts are published, 8 textbooks have been prepared but not published, and 33 textbooks, are neither prepared nor published. Textbooks for minority children are free of charge.
- Regarding the existence of the possible bilingual system in the state education and possible discrimination during the learning process, it is shown that in Prespa area, municipality Pustec, all primary schools and two secondary schools apply a two language system and that there is no discrimination .

Serbian-Montenegrin Minority:

- Regarding the access of minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education and, up to the university.
- Regarding the free use of minority language, it is shown that the minority language is used freely, despite isolated incidents that may occur.
- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of this minority, and the opportunity to learn in the minority language in the state education system, it is found by the gathered information that there are no such elements in the school textbooks, but recently the Ministry of Education and Sports and the Ministry of Foreign Affairs have promised to fulfill it), for the areas where the Serbian-Montenegrin minority lives.
- Regarding the textbooks in their mother tongue, the answers show that they exist and are provided by civil society, free of charge for the minority children.
- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there are schools with bilingual system in the area of Vraka, Shkodra, and that generally there is no discrimination.

Roma Minority:

- Regarding the access of the minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education. There are problems related with the subjective side of the issue, such as the school dropout, or non-attendance by Roma children, as well as the creation of a non-judgmental and accepting environment for Roma children in school.

- Regarding the free use of the minority language, it is shown that the minority language freely used.
- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of this minority, and the opportunity to learn in the minority language in the state education system, it is confirmed that there are some efforts but they are considered of poor quality and inadequate. In the state education system there is no teaching process in the Roma language.
- Regarding the textbooks in their mother tongue, the answers are that they do not exist.
- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there is not a bilingual school system and that there is no discrimination.

Vlach Minority

- Regarding the access of the minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.
- Regarding the free use of the minority languages, it is shown that the minority language is used freely and there are no problems.
- Regarding the inclusion in textbooks of knowledge about the culture, history, language and religion of minorities, and the opportunity to learn in the minority language in the state education system, it is stated that that there are no such elements included in textbooks. Also, it is stated that currently, in the state education system, one can not be taught in Vlach language.
- Regarding the textbooks in their mother tongue, the answers show that there is no such offer from the state.
- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that such schools do not exist and that there is no discrimination.

- ***Other Communities: Bosnian Community (Boraka):***

- Regarding the access of the minority children in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.
- Regarding the free use of the minority languages, it is shown that the language is used freely and without hindrance.
- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of the community, and the opportunity to learn in the community language in the state education system, it is found that there is no such involvement. But the fact is mentioned that the children of this community can learn the Bosnian language in school, only in the nine-years school "Adem Sabli" in Shijak.
- Regarding the textbooks in their mother tongue, the answers are that they exist in the nine-years school "Adam Sabli", Shijak, and that they are provided free of charge by the Ministry of Education of Bosnia.
- Regarding the possible existence of a bilingual system in the public education and the possible discrimination in the learning process, it is found that there is school of bilingual system and that there is no discrimination.

Egyptian Community:

- Regarding the inclusion in school textbooks of knowledges about the culture, history, language and religion of this minority, it is confirmed that there are no such knowledges in the textbooks.

- Regarding the access of the children of this community in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.

- Regarding the potential existence of discrimination in the educational process, it is found that, in certain cases, there are discrimination attitudes by teachers described as "irresponsible".

Gorani Community:

- Regarding the access of the children of this community in the state education system, the answers given show an unrestricted and unobstructed exercise of the right to education.

- Regarding the free use of the community language, it is said that the language is used freely in the daily life of the community, but not in public life.

- Regarding the inclusion in textbooks of knowledges about the culture, history, language and religion of the minority, and the opportunity to learn in the minority language in the state education system, it is confirmed that textbooks have no such knowledges.

- Regarding the textbooks in their mother tongue, the answers are that they do not exist.

- Regarding the possible existence of a bilingual system of public education and possible discrimination in the learning process, it is found that there is not any bilingual school system and that there is no discrimination.

A wider overview on the problems of respecting the children rights, is found in the special report "On the rights of orphan children, including the children living in residential institutions of social care, and the rights of children who are exploited for work ", but we would point out the problems of Roma children, who are exploited to work in the streets, begging or doing small jobs, while they are exposed at a higher risk for trafficking.

8. The European Charter of Regional or Minority Languages

Many European states have in their territories regional autochthonous groups speaking different languages from the majority of the population. This is an outcome of historic processes, where creation of states has not happened on basis of lines clearly linked with the language, and small communities have overwhelmed big ones.

Despite how the situation was in the past, threats these regional or community languages face nowadays are often caused by the inevitability of the standardizing influence of the modern civilization, especially the mas-media, and the non-friendly environment or an assimilating policy.

It is true that the Convention for the Protection of the Human Rights and Fundamental Freedoms, in its article 14, envisages the principle of non-discrimination, especially the aspect of enjoying the rights and freedoms guaranteed by the Convention, excluding every discrimination caused by language or the connection to a national minority.

Even though highly important, the Convention gives individuals the right not to be subject to discrimination, but it does not create a system protecting the minority languages and the communities speaking them, as stressed by the Consultative Assembly in resolution no. 136, year 1957.

In 1961, the Parliamentary Assembly, by recommendation 285, called for the compilation of a protective measure to complete the European Convention in order to guarantee the right of minorities to enjoy their culture, open their schools and so on.

Afterward, in year 1981, the Parliamentary Assembly of the Council of Europe approved recommendation 928, on educational and cultural problems and dialects in Europe, and the same year the European Parliament approved a resolution on the same issues.

Preceded by these developments, the compilation of the Charter was made concrete by Resolution no. 192 (1988), of the Permanent Conference, where it was proposed the Charter's text, which was afterward projected to have the status of a convention.

The European Charter of Regional or Minority Languages was approved as a Convention by the Committee of Ministers during the meeting of 478 deputy ministers in June 25, 1992, and it was ready for signing in November 5, 1992 in Strasbourg. As defined in its introduction, the Charter's goal is the cultural aspect, protection and encouragement of regional and minority languages, as a threatened aspect of the European cultural heritage.

The Charter predicts protection and development of regional or minority languages, but not of the language minorities.

It does not define individual or collective rights for speakers of regional or minority languages. It should be stressed out that the Charter does not treat the situation of new languages, often non-European languages, which may have emerged as result of recent migrating fluxes, mainly due to economic reasons, in the signing states.

Language diversity is one of the most precious elements of the European cultural heritage. The cultural identity of Europe can not be built on basis of the language standardization.

On the contrary, protection and consolidation of the traditional regional and minority languages represent a contribution to constructing Europe, which according to the ideals of the members states of the Council of Europe, can have its foundation laid only on pluralist principles.

Effectively, Albania has not signed the European Charter of Regional or Minority Languages, yet.

9. Information of proposals and recommendations on domestic minority issues

In the framework of the activity on respect of the minority rights in our country, besides treating and considering individual complaints, the Ombudsman Institution has prepared and sent the following main recommendations:

- *Improvement and completion of the legal framework on protection of minorities:*

1. Recommendation on several legal improvements for including as causes of discrimination the nationality, the declared goal to discriminate, incitement of discrimination and support of discrimination.

One of the basic freedoms and rights guaranteed by article 18 of the Constitution of the Republic of Albania is equality before law and stop of discrimination, a provision, which in the framework of equality, prevents also the unfair discrimination due to gender, race, religion, ethnicity, language, political or religious convictions, education, social or economic situation or parental belonging.

The hierarchy of domestic normative acts, which guarantee equality before law, has acknowledge adequate detailing by entry into force of Law no.10221 dated 4.02.2010 "On protection against discrimination". This law, besides the definitions about understanding

equality, also sets the elements of non-respect or intentional separation of which leads to discrimination.

In this context, we can say that it actually exists the legislative basis sanctioning this right and fundamental freedom, which includes the Constitution of the Republic of Albania, international conventions signed and ratified by our country, that have to do with equal treatment, non-discrimination, protection and respect of human rights and freedoms, such as the European Convention on Human Rights, Protocol no. 12 of the Convention of Protection of Human Rights and Fundamental Freedoms “On the general stop of discrimination”, signed and ratified in year 2010, Law no. 10221, dated 4.02.2010 “On protection against discrimination” as a framework law that regulates general rules and measures for protection against discrimination, while other existing legal acts regulate non-discrimination in relation to the exercise of other specific rights.

On the basis of this approach, there should be stressed the fact that from 2012 year and on, the Ombudsman Institution has recorded and treated a high number of complaints presented by individuals of vulnerable communities, such as members of the Roma minority and the disabled, which result the most exposed to the phenomenon of discrimination. Besides the fact that these individuals claimed infringement of certain rights, the examined cases carried elements of violation of equality or negative discrimination, which have served as a cause of violation of other rights claimed by complainers.

There have also been complaints by other individuals outside of the aforesaid groupings, which carried the same problems. In an analytic viewpoint of the problem, we point out that article 1 of the Law “On protection against discrimination” foresees a wider gamma of causes that can lead to discrimination than the Constitution (considering this as a positive development in the aspect of the progress of the minimal standard of protection and guaranteeing the human rights and fundamental freedoms), but again it does not envisage causes that may lead to certain forms of discrimination.

The examined complaints, but also the cases made public by the media have brought about the need for exact law provisions on protection against of all forms of discrimination, and concretely on prevention of discrimination based on nationality, declared goal to discriminate as well as incitement and support of discrimination, Effectively, the causes cited above are not foreseen in the Law “On protection against discrimination”.

Regarding the aforesaid, the Ombudsman Institution stresses out that the Law “On protection against discrimination” must include causes that lead to discrimination based on nationality, declared goal to discriminate, as well as incitement and support of discrimination.

Respectively, a recommendation has been sent to the Justice Minister and to the Minister of Labor, Social Affairs and Equal Opportunities on realization of the legislative initiative about some improvements in article 1 of Law no.10221, dated 4.02.2010 “On protection against discrimination”, including in this article the nationality, the declared goal to discriminate as well as the incitement and support of discrimination as causes for discrimination.

After repeating this recommendation in 21.12.2013, only the Justice Ministry responded on daet 30.01.2014, expressing its willingness for cooperation and assistance as regards drafting of the requested improvement in coordination with other relevant institutions. But there has been no response from the Ministry of Labor, Social Affairs and Youth, yet.

2. On fulfillment of the legal framework on acknowledgment and protection of minorities in our country in compliance with the definitions of the Framework Convention of the Council of Europe “On protection of the national minorities”.

The vital reality of the Albanian society has always been the ethnic, cultural, religious or even language minorities, which treatment has adopted a new dimension after the '90s, and this is clearly obvious in the commitments the Albanian state has taken for this purpose.

In this framework, the Constitution of the Republic of Albania defines the principle of equality before law and non-discrimination despite of individual belonging.

Besides the other existing legal basis, playing a primary role in this context is the Framework Convention of the Council of Europe “On protection of minorities”, ratified by our country by law no. 8496 dated 3.06.1999.

But, despite of these institutional commitments and existing legal national and international laws, we are all aware that there is still much to be done to guarantee in practice the respect of rights, integration and social inclusion of minorities that live in our country.

Concretely, as regards the national minorities it is noticed that despite of the existing normative legal basis, there is still missing a definition for the national minorities.

The process of acknowledging domestic minorities is based on criteria defined by international conventions, such as objective criteria that are related to the existence of certain and stable ethnic, cultural, religious and linguistic features that distinguish minorities from other part of the population, and criteria related to the revelation of the willingness to protect the culture, traditions, religion and language and the criterion that implies the personal choice to be part of a certain minority.

The framework Convention of the Council of Europe “On protection of minorities”, as defined also in the relevant opinions of the Committee of Ministers of the Council of Europe, is not self-applicable, but it needs adoption of other legal and sub-legal measures to enable implementation of its provisions. This Convention does not set any definition on which basis minorities are acknowledged, but it implies that it is up to the member countries of the Council of Europe to regulate this aspect through internal legal acts, depending on the respective configurations of minorities in every member country.

Currently, our country has not taken “the necessary legislative measure”, yet, as it has not issued any normative act setting definition or criteria of acknowledgment of minorities, which have been “de jure” indirectly accepted by the Albanian state as such, if we refer to the criteria of selecting the membership of the State Minority Committee.

Under these conditions, regulation under a specific law, which will envisage this moment¹⁹, is a must.

In order to fully guarantee the rights of minorities in the country, in 2013, we suggested to the former Prime Minister and to the current Prime Minister the need to carry out a legislative initiative to approve a law that foresees the definition and criteria of the “de jure” acknowledgment of minorities, in compliance with the predictions of the Framework Convention of the Council of Europe “On protection of the minorities”, ratified by law no. 8496 dated 3.06.1999.

The Office of the Prime Minister sent a written response no. 2389 dated 16.06.2014, stressing that the analysis for the recommendation would be subject to the work of the inter-institutional task force, established by Prime Minister's Order no. 117 dated 10.03.2014 “On establishment of the inter-institutional task force for assessing legal framework and policies on minorities”. This task force is operating for some months now and it is close to deadlines set for sending relevant recommendations to the cabinet of the Prime Minister.

- *Improvement of living conditions of the Roma minority:*

¹⁹ *The resolution of the Parliamentary Assembly of the Council of Europe, respectively Resolution 2019 (2014), article 13.1, stresses out that the Assembly “recommends to the Parliament of Albania to adopt a more flexible and adequate system in acknowledgment of national and ethnic minorities”.*

1. Recommendation on improvement of the living conditions of the Roma minority in Albania.

Fulfillment of the obligations deriving from the National Strategy on Improvement of the Living Conditions of the Roma Minority, so that this community lives with the same standards with the rest of the population in our country, is in the focus of the Ombudsman's activity.

Even though the rights of the Roma community are guaranteed by the Constitution of the Republic of Albania and existing laws, one of the most sensitive aspects of the current situation of the Roma minority in Albania is related to the living conditions of this community in those centers that nowadays are known as residing centers for the community in different parts of the country. It should be taken into account that the Ombudsman has followed this problem that includes several fundamental rights, which outcome can be defined with "the quality of life" term that directly affects the human fundamental right to live, as guaranteed by article 21 of the Constitution.

After our Institution has continuously visited and inspected some of the aforesaid centers, and after considering the complaints represented by members of this community, it results that the living conditions in those centers are hard, because they lack connection with the zonal electricity distribution systems and potable water system, they lack sewage system and road infrastructure as well. This fact has been pointed out even in a UNICEF study carried out in 2011 in 108 Roma communities in Albania to the account of the Ministry of Labor, Social Affairs and Equal Opportunities. Main known residential centers of Roma communities are situated in Fushë-Kruja, Tirana, Rrapishta in Elbasan, Gosë village in Kavaja, Rom village in Fier, Peqin, Cërrik, Berat, Rrogozhina and fewer in Korça and Bilisht.

To the judgment of the Ombudsman, the lack of the minimal living conditions seen in those residing centers of the Roma minority, does not exclude the possibility that there exists a serious problem not only for those communities, but also as regards the way our state and society is offering to integrate the Roma into the society. This situation makes the minority to feel discriminated, unequal with the rest of the population and hopeless for the future.

Strategic documents formulated for this purpose, such as the National Action Plan 2010-2015, "The Decade of the Roma inclusion", present some recommendations on stable improvement of the sheltering conditions for the Roma population: such as priority funding of the secondary road infrastructure in areas inhabited by the Roma, and these measures are in compliance with fulfillment of the political criteria the European Union has set for our country in relation to the European integration process.

Nevertheless, work has been low or even in-existing as regards fulfillment of these responsibilities that require efficient coordination of the work through bodies of public administration, in central and local level, without excluding the un-substitutable role of the interested Roma communities themselves.

Regarding the above-mentioned, in order to guarantee a better life quality for the Roma community in our country, specifically in areas where Roma residing centers are established, we have recommended to the Minister of Public Work and Transports to adopt concrete measures, envisaged by the National Strategy on Improvement of the Living Conditions of the Roma Minority and National Action Plan 2010-2015 "The Decade of Roma inclusion", in order to enable improvement of the living conditions for the Roma minority as soon as possible.

We haven't had any response to this recommendation, yet, even though it was sent again to the Minister in 23.12.2013.

2. Recommendation on some law improvements that envisage and guarantee integration of the Roma children into the education system, from preschool to other higher educational levels.

The Ombudsman, in continuation of the exercise of his constitutional authority in protection of human rights and freedoms, has given high priority to the Roma minority in Albania, but also to the respect of the right to education, which takes a special importance when it comes to Roma children's access to the educational system.

It should be stressed out that the formal equality, sanctioned by the Constitutional provisions, is in reality presented as inequality because of several objective and subjective situations that condition the effective realization of the formal equality, which can lead to indirect discrimination against the members of this minority.

Concretely, basing on complaints presented to the Ombudsman Institution from members of the Roma community, we have noticed that most of them are uneducated, or have attended only the elementary school.

Because of the lack of the education, the Roma population finds it difficult to integrate into the labor market, while its labor force capacity is on increase, in comparison to the majority of the population. Such a thing has created a vicious circle that generates illiteracy and poor education for the Romas, which deepens their marginalization in the society. Even though if compared to other south and central European countries, Romas represent a smaller percentage in the population, their increasing extreme poverty negatively affects the social stability and cohesion.

To the judgment of the Ombudsman, the education of members of this minority, should be seen not only as a constitutional obligation but also as one of the most efficient ways for their full integration into the society. The low educational level is a serious problem that hampers integration of this community into the society. Most of the Roma children are illiterate because of the problems they face with the language, the poor economic situation, the long distance between places they reside and schools, and the wrong mentality of their parents.

The characteristics of the living conditions of the Roma families considerably affect children, who not taking the proper education, do not adapt to the labor market demand and have more restricted opportunities than the other part of the population, leading to poor economic situation and several other social problems. Their frequent moves from a dwelling place to the other, has made them unable to benefit from the state social protection system, and their children not only have abandoned schools, but also are being exploited on streets.

The right way to guarantee the frequent attendance of school by children, in general, and Roma children, in particular, is sanctioning the attendance of the preschool education and promoting the frequent attendance of the domestic educational system by those children.

The existing legal framework has been recently completed in this aspect, with the entry into force of Law no. 69 dated 21.06.2012 "On the pre-university educational system in the Republic of Albania", which covers the sphere of preschool and school education, up to the moment of transition into the higher education. But despite of the fact that his law sanctions formal equality, there does not exist the fundamental equality, and this is why, under these conditions, the state is obliged to carry out positive measures to guarantee real and effective equality for the members of the Roma minority as regards the access they should have in the domestic educational system, starting from the preschool education and on.

There should be stressed that adoption of these measures is in compliance with the fulfillment of the political criteria the European Union has set to our country, as a condition for Albania's integration into the EU. Concretely, one of the conditions is related to the improvement of the human rights and socioeconomic conditions, including the Roma minority. At the same time, adoption of this legal framework is in compliance with the forecast of the National Action Plan 2010-2015, "The Decade of Roma inclusion", article 1, clause 4.1.3. Future recommendations and actions entitled "Guaranteeing the right of the Roma children and youth to equal access all levels of the educational system".

As regards the above-mentioned, in order to guarantee the right to education and the continuous access of the Roma minority members to the educational system of the Republic

of Albania, we have recommended to the Minister of Education and Science to carry out a legislative initiative about some improvements to the Law no. 69 dated 21.06.2012 “On the pre-university educational system in the Republic of Albania”, which will guarantee the integration of the Roma children into education, from preschool to the other higher educational levels.

We have no answer for this recommendation, yet.

3. Recommendation on the change of Council of Minister's decision no. 787/2005 “On definition of the criteria, procedures and amount of economic assistance” (amended) – (addressed to the Minister of Social Welfare and Youth).

The basis of the recommendation: Clause 2 of article 52 of the Constitution defines that who gets jobless because of the causes out of his willingness and has no other living means, has the right of benefiting assistance under conditions set by Law no. 9355 dated 10.03.2005 “On social assistance and services” (amended), and relevant sub-legal acts define the schemes of economic assistance and social services.

The reason: From January 2012 on, the Roma community members have presented to the Ombudsman complaints related to the issue of benefiting from social protection programs. Frequent move from one area to the other is part of the Roma minority's way of living and culture. Under these conditions, basing on predictions of the existing laws, it is difficult for the Roma to benefit economic assistance in accordance with the criteria defined by relevant legislation in relation with the change of place of abode and procedures to be followed because of this change.

Recommended solution: Carrying out a legislative initiative on change of the Council of Ministers' decision no.787/2005 “On definition of criteria, procedures and amount of benefit of the economic assistance” (amended), and defined criteria for economic assistance. These changes will help for a transitory period the attraction of Roma family to the social protection system and their social integration. These specific temporary measures, combined with other measures of social protection system or policies of employment for this community, will enable improvement of the situation of this community, which will gradually bring about elimination of their problems.

We don't have a final official response as regards this recommendation, despite of the process the Ministry of Social Affairs and Youth has carried out for this purpose.

4. Recommendation for adoption of measures to register members of the Roma minority in the civil registry in the local units they reside (addressed to the Minister of Interior)

The basis of the recommendation: Article 15 of the Constitution, Law no. 10129 dated 11.05.2009 “On the civil registry” (amended).

The reason: The Ombudsman Institution has treated the known problem where members of the Roma community dealing with accumulation of the recyclable waste have raised the concern about the sequestration and stop of the means of work of this community from the Tirana municipal police, and it is carried out a process of assessing of the way this community can be helped to get integrated into the system of the Albanian society. The change of the place of their abode, the lack of documentation that proves their stay in a certain territory and the lack of houses become an obstacle to the registration of their dwelling place and deprive them from benefiting from the programs of social protection, employment, housing etc. Out of the complaints presented to the Ombudsman, it results that a part of the Roma community members don't have an abode in the places they live. We have also noticed that the lack of information, negligence and the lack of financial resources to

follow the aforesaid legal procedures, in many cases, has led to situations that these citizens do not even result to be in the civil registry close to the place they reside, or have not changed the address after they moved the place they used to live in.

Recommended solution: Carrying out the initiative to amend Law no. 10129 dated 11.05.2009 “On the civil registry”, so that it becomes possible that in a limited time frame (at least up to 31.12.2015), to ease them from deadlines envisaged by the law and to acknowledge them the chance of being registered in the current dwelling place or to register the change of dwelling, even though, they do not fulfill the documentation foreseen by law on this purpose.

We still have no official answer regarding this recommendation, yet.

Recommendation without an official response.

5. Legislative recommendation to amend Law 9232/2004 “On social programs of housing of inhabitants in urban areas” (amended) – (addressed to the Minister of Urban Development and Tourism).

The basis of the recommendation: The right to sheltering, Article 15 of the Constitution, Law 9232/2004 “On social programs of housing of inhabitants in urban areas” (amended).

The reason: From January 2012 on, the Ombudsman Institution has received complaints from Roma community members in relation with the issue of housing and benefiting from social housing programs. They have said they live in very difficult economic conditions, fulfilling no minimal needs of the daily life. Most of them live in huts, whereas others have no shelter. The criteria needed to benefit housing cannot be met by the Roma minority members, and the law practically does not guarantee them shelter.

Recommended solution: Since according the existing laws, the Roma community members will have it impossible to benefit from the housing programs, we suggest that Law 9232/2004 “On social programs of housing of inhabitants in urban areas” (amended), includes some transitory provisions that will be considered as special temporary measures for this community, until it gets socially integrated . We concretely suggest as follows:

1. Fulfillment and clarification of clause 2 of article 4, clause 1 of article 6 and clause 1 of article 19 of Law 9232/2004, or delegation of the regulation of the issue of income limit through a sub-legal act.

2. At article 39/1, “Transitory provisions”, Law 9232/2004 “On social programs of housing of inhabitants in urban areas” (amended), we suggest adding of definitions that will regulate the housing process for the Roma citizens within a period of more than 4 years. By the end of this period, this deadline should be reassessed in full accordance with the governmental policies of social inclusion of the Roma minority.

The time proposed by the Ombudsman Institution can be reassessed by your institution, on the basis of its implementation into practice, targeting integration of the Roma community into the society.

Following are some issues we propose to be added:

“6. Up to 31.12.2017, the local governance units should foresee in their housing programs that at least 5 percent of the housing capacities should go to the Roma minority. The definition of the quota over 5% should be carried out by local governance units, basing on the number of families that declare that belong to the Roma minority, while they apply and meet the criteria to benefit from the social programs of housing.

7. Families that declare they belong to the Roma community, should be considered a priority in the social housing programs, given all criteria envisaged by article 5 of the law, and given all priorities set by local governance units that implement this law, up to 31.12.2017.

8. Benefiting from the social housing program, within the quota set by clause 6 of this article up to 31.12.2017, should be the families of the Roma minority that have incomes under the level defined in articles 6 and 19 of the law.

9. Families, who declare they belong to the Roma minority, benefit subvention according to article 24 of the law, at an amount worth 100% of the rent's value. This subvention amount gets lower for the benefiting family, depending on the inclusion of the adult family members in active programs of employment promotion. The reduced subvention amount is defined by decision of the local unit council, depending on the incomes of the family after its members' inclusion in the active programs of employment promotion.

10. The Council of Ministers defines the documentation the families of the Roma community must present in order to benefit from social housing program and housing bonus.

There is an official response to this recommendation by the Ministry of Urban Development and Tourism, with protocol number 2872 dated 11.06.2014, which, after an analysis, concludes that the problems of the Roma minority are not supported by Law 9232/2004, amended, since it guarantees the right to housing even for the Roma individuals, but the issue is much more complex.

9. Conclusions and Recommendations:

α) Conclusions:

1. The existence of minorities in Albania is a historical and actual reality, which has been dedicated a special attention in order to make concrete a good relationship, where tolerance, co-existence and understanding are dominant between members of the relevant minorities and the other part of the population. By establishing democracy in the country, the treatment of the minority has adopted a new dimension, which is clear also in the commitments of the Albanian state to this purpose.

2. There are two kinds of minorities in Albania, the ethnic minorities, including Greek, Macedonian, Serbian and Montenegrin minorities, and the ethno-linguistic minorities, including Rumanian and Roma minorities. There are also some other communities different from the ethnic Albanian population, such as the Bosnian community, the Egyptian community or the Goran community. Especially, other communities result to be in a stage where they have officially attained some rights that effectively belong to the officially known minorities, while they do not enjoy the minority status or are seeking to gain it without being legally oriented to the path they should follow.

3. A general definition of minorities is actually missing in the international acts. Nevertheless, this has not hampered different states and our country to acknowledge certain categories of minorities on the basis of objective and subjective indicators of certain domestic communities.

4. Acknowledging minorities brings about the need for their protection, through affirming several rights that are endowed upon minorities. In our country, the Constitution of the Republic of Albania and the existing legal framework guarantee these rights and other several signed or ratified international acts. The Framework Convention of the Council of Europe "On protection of the national minorities" plays an important role in this process.

5. Challenges faced in implementation of the minority rights are many. They start from the real possibility of the Ombudsman Institution to continuously be present close to them to creation of the mutual trust between stakeholders that act in this field, mentality change, creation of a proper institutional environment that enables real equality for members of different minorities and their integration.

6. Most important elements in solving issues the Albanian society is actually facing are constructive dialogue and intercultural cooperation amid state institutions, civil society and

citizens to address problems, and the process of analyzing and solving these problems in order the solution is comprehensive and acceptable. This way of thinking and acting progressively approaches us to the European community, where we aspire to adhere.

7. The Ombudsman Institution considers it a priority to protect minority rights. Its vision is based on the very good spirit of coexistence between the majority population and the minority one, and it considers that minorities in Albania are a national precious heritage for the country's past and future.

8. Despite of the positive steps taken in the framework of approving an affirmative normative basis on minority rights, still there is a need for improving and enriching this legislation.²⁵

9. Despite of the state processes of registration of the population (including the census of 2011 year), we are facing a debate on official declaration of the figures of minority population from one side and their non-acceptance from the minorities themselves in the other side. This moment points out the lack of exact statistical data of the minority population, which must be acceptable by all sides.

10. Basing on minority rights as guaranteed by the Constitution of the Republic of Albania and international acts such as the Framework Convention of the Council of Europe "On protection of the national minorities", the following is the result gathered for this report:

- The general perception existing in minorities and other communities in the country is that formal equality exists but there are elements of daily life that identify the lack of fundamental equality.

- Knowledge of the normative acts that guarantee minority rights is not at a satisfactory level.

- As regards the measures the state must take to preserve minority identity (such as measures for preserving culture, religious belief, language, traditions and cultural heritage), it results that the state has general taken measures, but they are considered insufficient from minorities.

- Participation in the state educational system is free and presents no obstacles. The same situation exists as regards exercise of the right of gathering, organization in associations or express of religious belief and awareness. It is also noticed a free use of minority languages or even of personal information in daily life. Contacts with other persons of the same nationality or other nationalities abroad are open.

- There is a lack of existence of the press and audiovisual media in minority languages, mainly because state does not fund them and there are only a few possibilities for private funding.

- As regard the inclusion of knowledge on minorities in school books, it is observed that this inclusion is insufficient and not only all minority children are taught in their mother language while attending the state educational system. Bilingual schools do exist, but not for all minorities and they are mainly elementary schools.

- The rights the children of minorities and other communities must enjoy because of their origin and belonging are respected, but as mentioned in the special Report on the Roma minority situation, exploitation of this minority's children for work remains a problem as it is their low attendance of school and the trafficking cases (See the aforesaid report, attached to this report).

²⁵ This need is also expressed in clause 13, of the Resolution 2019 (2014) of the Parliamentary Assembly of the Council of Europe.

b) Recommendations:

- Improving the legal framework for the protection of minorities remains one of the main issues since there are observed some shortages. In this context, it is a must to approve a law that sets the definition and the criteria of the “de jure” acknowledgment of minorities in accordance with the Framework Convention of the Council of Europe “On minority protection”, ratified by law no. 8496 dated 3.06.1999.

- It is necessary to start and complete a process for ratifying the European Charter on Regional or Minority Languages.

- Improving the legal framework for the protection against discrimination, focusing on some improvements of article 1 of Law no. 10221 dated 4.02.2010 “On protection against discrimination”, including in this article the nationality, the declared goal to discriminate, the incitement and support of discrimination as causes for discrimination.

- Taking adequate measures and enhancement of opportunities for the education of minorities, including teaching of minority languages, promotion of identity and development of minority culture.

- Adopting concrete legal and administrative measures to improve the access to housing programs, educational services and participation in public life, especially for the Roma minority, but also for other minorities and communities in the country. Real integration of minorities and other communities in the daily life, especially in local or central governance structures.

- Guaranteeing minority rights and adopting measures to respect them in daily life and protecting the vulnerable population.

- Developing a constructive and continuous dialogue, and intercultural cooperation amid state institutions, civil society and members of minorities in order to address problems, and a process of analysis and solution for these problems that can be comprehensive and widely acceptable.

- Carrying out a process of population's registration (a census) that is widely acceptable even by minorities and other communities, a process that would present the real figures of the minority population and other communities.

- Creating conditions for increasing welfare in areas inhabited by minorities and other communities, including funding by a more adequate budget the local governance units, where minorities and other communities are more dominant than the other part of the majority population.

- Increasing the role and the activity of all state institutions in the framework of respect of minority rights, especially enhancing the activity of independent institutions that protect human rights, and their support in the context of affirming, acknowledging and respecting the minority rights.