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Summary of Stakeholders' submissions on Albania*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 13 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. The International Campaign to Abolish Nuclear Weapons (ICAN) regretted that Albania had voted against the 2016 UN General Assembly resolution that established the mandate for nations to negotiate the UN Treaty on the Prohibition of Nuclear Weapons, and that it had not participated in the negotiation of the treaty. It recommended that Albania sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.³

B. National human rights framework⁴

3. Joint Submission 4 (JS4) reported that the work of the Ombudsman's (People's Advocate's) Office continued to be limited by lack of funding and personnel. It stressed that the resources of its central and local offices needed to be enhanced to ensure that they could function satisfactorily and urged Albania to increase budget allocations from central government to cover the needs of the newly established Commissioners on Children's Rights.⁵

* The present document was not edited before being sent to United Nations translation services.



C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*⁶

4. Joint Submission 6 (JS6) noted that there had been reports of hate speech and hate crime incidents, and observed that courts had never made use of Article 50 of the Criminal Code providing for increased punishment for racist motivation.⁷

5. Joint Submission 3 (JS3) stated that Article 18 of the Constitution included the grounds for prohibition from discrimination and did not include sexual orientation and gender identity as a prohibited ground for discrimination.⁸ It noted the adoption of the 2015 resolution by the Parliament “On protection of rights and freedoms of persons belonging to the lesbian, gay, bisexual and transgender (LGBT) community in Albania”⁹, of the LGBTI National Action Plan for 2016-2020,¹⁰ and of the 2015 amendments to the Labour Code prohibiting discrimination in employment and professions on the grounds of sexual orientation and gender identity.¹¹ JS3 reported, however, that the Family Code defined marriage only between a man and a woman,¹² and did not guarantee the right of LGBTI couples to adopt or have children via artificial insemination, limiting patrimonial rights.¹³ Despite the development of a manual on detecting hate crimes on grounds of sexual orientation and gender identity, and of a series of trainings for police officers, JS3 observed that the police force remained largely untrained and uninformed on LGBTI rights.¹⁴ The number of reported hate-crime cases on the ground of sexual orientation and gender identity was very low and data collection on hate crimes was still lacking.¹⁵ JS3 also noted the reported frequent use of homophobic slurs and bullying against LGBT students in schools,¹⁶ while school psychologists largely ignored the requests for support and, in some cases, offered conversion therapies.¹⁷ JS3 further noted that transgender students were forced to drop out from schools because of isolation and discrimination.¹⁸

2. Civil and political rights

*Right to life, liberty and security of person*¹⁹

6. JS 4 and Association "Comunità Papa Giovanni XXIII" (APG23) noted the 2015 parliamentary resolution to prevent blood feuds in Albania²⁰ calling on the Government to coordinate efforts to prevent the phenomenon of blood feud, to put in function the National Council for Combating Blood-Feud, to develop a national strategy and to take the necessary legal, institutional, economic and social measures with a particular focus on the needs of children affected by self-confinement due to blood feuds.²¹ APG 23 recommended that Albania, inter alia, support mediation between families who are victims of a blood feud and create of a national reconciliation process through restorative justice and mediation counselling.²²

7. In 2017, the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) reported that despite a positive trend in the country²³, it had received allegations of physical ill-treatment by the police in Durres. Albania had initiated criminal and disciplinary investigations into these allegations.²⁴

8. CoE-CPT also noted that forensic psychiatric patients continued to be held in establishments under conditions which could easily be considered for many patients to be inhuman and degrading. It recommended Albania to provide without further delay a detailed plan for the creation of a forensic psychiatric facility and to take the necessary steps to ensure the speedy setting-up of such a facility.²⁵ It also recommended that Albania take steps to improve the conditions of detention, including by reducing cell occupancy rates.²⁶

*Administration of justice, including impunity, and the rule of law*²⁷

9. In 2018, the Council of Europe Group of States against Corruption (CoE-GRECO) reported of the ongoing vast judicial reform and the vetting process for judges with a view to fighting corruption in the judiciary. It welcomed that the reform resulted in limiting the role

of the President to the formal appointment of High Court judges on proposal of the High Judicial Council. Moreover, it noted that the functioning of judicial administration was no longer within the remit of the Ministry of Justice, but of the High Judicial Council and that the post of the High Justice Inspector was created to deal with complaints, investigate violations, and initiate disciplinary proceedings against all judges. It noted that the latter post remained to be filled.²⁸

10. A number of stakeholders welcomed the adoption of the Law “On Free Legal Aid provided by the State” 111/2017, which broadened the category of persons benefiting from legal aid and introduced primary and secondary legal aid concepts.²⁹ The Council of Europe Commissioner for Human Rights (CoE-Commissioner) was pleased that the authorities had earmarked the budget for the implementation of this law and encouraged the authorities to step up their work on its implementation.³⁰ Joint Submission 1 (JS1) noted that the law lacked bylaws and structures responsible for juvenile justice and legal aid,³¹ and Joint Submission 5 (JS5) stated that the law had not been fully implemented.³²

11. CoE-Commissioner welcomed the adoption in 2017 of the Code on Criminal Justice for Children as a positive step towards child friendly justice in Albania.³³ JS1 noted that many bylaws to the Code had not yet been approved, limiting the scope of its implementation.³⁴ JS1 reported that girl children in conflict with the law continued to be kept in the same premises as women, and that children faced lengthy court proceedings and were treated the same as adults. It stated that there were no specialized institutions, programs and services for children and youth in conflict with the law.³⁵

12. With regard to the issue of missing persons in relation to crimes of the past communist dictatorship, the Albanian Rehabilitation Centre for Trauma and Torture (ARCT) reported that very little progress had been done in the finalization of the lists and records of the missing persons and in the search of the execution places. The potential grave locations still remained closed to the public.³⁶ It reported that there were no investigations or prosecutions requested by any governmental authority regarding the extrajudicial killings in the past, nor a direct engagement of the General Prosecutor’s Office related to the opening of the archives, which reinforced the climate of impunity and lack of truth and justice for the victims.³⁷ ARCT stressed the need for the adoption of the Rulebook on Marking the Sites of Burial and Exhumation of Missing Persons and drafting of a law on the victims of communist dictatorship, as victims of torture and atrocities and as victims whose right to life was violated.³⁸

*Prohibition of all forms of slavery*³⁹

13. In 2016, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) reported that Albania remained primarily a country of origin for victims of trafficking in human beings.⁴⁰ It stated that the number of identified victims of internal trafficking had risen above that of Albanian victims trafficked abroad and was said to be linked to the rural exodus. It also referred to a surge in the number of female victims of trafficking for the purpose of sexual exploitation and child victims trafficked for the purpose of sexual exploitation and/or begging during the tourist season.⁴¹ JS1 noted that although there was a significant lack of data on trafficking in children, there were reports that a considerable number of children from Albania were victims of trafficking and smuggling.⁴²

14. CoE-GRETA noted the numerous training sessions held on the National Referral Mechanism’s Standardized Operating Procedures (SOPs) for the identification and referral of victims of trafficking for the police, prosecutors and judges.⁴³ It urged Albania to, inter alia, step up its efforts to prevent and detect cases of trafficking in human beings during border controls, paying particular attention to unaccompanied children; ensure the timely identification of victims, including ensuring that the SOPs for the identification and referral of victims of trafficking are complied with by the police and all the other actors concerned; provide adequate funding for the assistance to victims of trafficking; reinforce the proactive identification of child victims of trafficking, particularly among children in street situation; adopt measures to facilitate and guarantee access to compensation for victims of trafficking in human beings; ensure that trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions; and ensure that

full use is made of existing measures to protect victims of human trafficking from potential retaliation or intimidation before, during and after criminal proceedings.⁴⁴

15. Joint Submission 2 (JS2) reported that the Criminal Procedure Code was amended by Law no. 35/2017 and for the first time stipulated the procedural rights of victims of trafficking and sexual violence.⁴⁵ It stated, however, that the country's legislation did not guarantee the victims' compensation. Under the Criminal Procedure Code, the State had the sole and exclusive ownership over the assets obtained through the seizure of criminal proceeds. Even though other laws provided for the compensation for the victims of organized crime and trafficking to the extent determined by judicial decision, there was no individual compensation for victims of trafficking allocated from the seized assets.⁴⁶

3. Economic, social and cultural rights

Right to an adequate standard of living⁴⁷

16. SOS Children's Village noted the adoption of the National Social Housing Strategy for 2016-2025, but noted that the budget allocated for (social) housing programmes was limited and did not provide for all proposed actions to be carried out.⁴⁸ In 2018, the Council of Europe Commission against Racism and Intolerance (CoE-ECRI) was informed that the issue of forced evictions were addressed in the Action Plan to the strategy.⁴⁹ JS5 noted the adoption of the Law No. 22/2018 "For social housing", but observed that many municipalities did not offer social housing programs.⁵⁰

17. In its 2015 report, CoE-ECRI noted that the issue of legalisation affected access to housing by the persons belonging to the Roma community, with many of them lacking the opportunity to legalise their houses as they could not provide the required property documentation. Their housing settlements were often situated on publicly owned land or they lived in non-permanent structures. It stated that despite the efforts of the authorities, around 30% of Roma houses were not legalised.⁵¹ CoE-ECRI recommended that the authorities step up their efforts to regularise illegal housing, ensuring that any initiatives taken in this direction also concerned the Roma and Egyptian communities.⁵²

18. JS1 reported that child and youth poverty were reinforced by high unemployment, lack of opportunities and migration.⁵³ It recommended that Albania establish a national programme to support children living in poverty, through a national program for child nutrition in creches, kindergartens and schools,⁵⁴ and increase the number of young people employed nationwide, through the development and implementation of various programs to promote employment.⁵⁵

Right to health⁵⁶

19. Joint Submission 7 (JS7) reported that the Government's spending on healthcare was about 2.6% of the GDP, which was lower than that of countries with similar levels of income.⁵⁷ There were shortfalls in the infrastructure of healthcare services, long distances to access healthcare centers, and lack of access to specialized sexually transmitted infection/HIV and sexual health and rights services. Significant human resource deficiencies were noted in hospitals, especially in rural areas, due to migration of general practitioners and specialists,⁵⁸ and a considerable shortage of diagnostic and treatment equipment and absence of standard list of equipment.⁵⁹ JS7 reported that emergency obstetrical services were limited or absent in small districts leading to the increasing maternal mortality rates. The distance to health services tended to be higher for persons belonging to Roma community, due to the location and the lack of services in the neighborhoods where they were concentrated. The physical distance was reported to be aggravated by the anticipation of negative interactions with health services and fears of discrimination.⁶⁰

20. JS7 reported that LGBTI persons lacked full access to healthcare and experienced poor quality of service due to discrimination, stigmatization and negative attitudes.⁶¹ JS3 specified that transgender persons faced discrimination or refusal of services from health professionals on the grounds of their gender identity,⁶² and that there were no medical multidisciplinary team working with intersex babies nor written protocols for establishing intersex diagnosis.⁶³

21. JS7 also reported that significant numbers of Roma and Egyptian women did not receive any medical care, including antenatal checkups, checkups during pregnancy, post-natal health checks and were affected by various health problems. They also experienced infant mortality due to socio-economic factors and insufficient access to healthcare.⁶⁴ Furthermore, Roma and Egyptian women had less access to comprehensive sexuality education and sexual reproductive health services.⁶⁵

22. JS7 noted that the majority of persons living with HIV in Albania were unaware of their HIV status and thus were unlikely to be accessing treatment or care.⁶⁶ It noted that antenatal services to screen pregnant women for HIV and facilitate early diagnosis, provision of counseling services in mother and child health centers, and free distribution of anti-retroviral medicines were envisaged in the Strategic Document and Action Plan for Sexual Reproductive Health for 2017-2021 and foreseen in the Basic Package of Primary Health Care Services.⁶⁷ According to JS7, beyond the positive legal aspects, mother to child transmission was a growing concern.⁶⁸ JS3 reported that Albania had only one ambulatory outpatient clinic for treatment of HIV, and lacked antiretroviral medications.⁶⁹

*Right to education*⁷⁰

23. JS1 reported that, in 2018, Albania spent 2.9 % of the GDP on education, which is less than other European countries. It also noted that the National Strategy of Pre-University Education for 2014-2020 set ambitious national education priorities, but did not concentrate efforts or mobilize resources for its implementation.⁷¹ JS1 referred to findings by UNICEF indicating a significant number of Albanian children being out of school and called upon Albania to establish a programme that would support integration and welfare of poor children in the country's public education system.⁷² JS1 also stated that girls often had fewer opportunities to attend secondary and tertiary education compared to boys.⁷³

24. JS1 reported that at least 30 percent of Roma children across Albania did not attend school because of family poverty, lack of support from the government and open discrimination in schools.⁷⁴ The CoE-Commissioner made similar observations and recommended that the authorities ensure the inclusion of Roma children in mainstream education by working closely with their parents and increasing efforts to include Roma in pre-school education.⁷⁵

25. JS1 further reported that despite efforts to reform and improve, the education system in Albania continued to face several problems and challenges. This related to the implementation and enforcement of legislation; lack of supporting mechanisms to implement initiatives; decision-making not being based on data, evaluations and research; and unsatisfactory quality of human resources, poor infrastructure and weak financial support.⁷⁶

4. Rights of specific persons or groups

*Women*⁷⁷

26. JS5 reported that domestic violence remained a widespread problem in Albania and exceeded all other crimes as the offence with the largest number of victims.⁷⁸ It stated that there had been an increase in the number of prosecutions for repeat offenses and for violating civil orders for protection.⁷⁹

27. JS5 and JS2 reported that the recent amendments to the Law "On measures against violence in domestic relations" 7/2018, for the first time, provided for Emergency Protection Orders by the State Police.⁸⁰ JS5 also reported that article 130/a of the Criminal Code defined domestic violence, but did not cover current or former partners where the victim and perpetrator were not married or did not live together.⁸¹ Both, JS5 and JS2 reported that the Law "On Free Legal Aid provided by the State" 111/2017, which provided the right for victims of domestic violence to obtain legal assistance,⁸² had not been fully implemented.⁸³ They highlighted the need for the timely adoption of the bylaws pursuant to the amendments made to the law against domestic violence.⁸⁴

28. JS2 stressed the importance of the national referral mechanism and reported that such a mechanism was functional only in certain municipalities.⁸⁵ It noted that the cooperation among the responsible institutions needed to be strengthened for a faster and more efficient

response in following up on the episodes of domestic violence.⁸⁶ In 2017, the Council of Europe Group of Experts on Action against Violence against Women (CoE-GREVIO) made similar recommendations.⁸⁷

29. According to JS5, victims of sexual violence received little protection and few services as the country did not have rape crisis centers or sexual violence referral centers.⁸⁸ Victims also faced problems accessing short-term housing with the number of shelters in the country and their capacity being insufficient.⁸⁹ CoE-GREVIO recommended Albania to set up rape crisis centers and/or sexual violence referral centers in the framework of a multi-sectoral response targeting the community at large, aiming at breaking the existing taboos in regard to sexual violence and encouraging reporting.⁹⁰

30. JS5 further observed that the number of protection orders increased by one third due to increased awareness by victims of domestic violence, as well as the increased accountability of responsible institutions in addressing domestic violence.⁹¹ JS5 noted that courts dismissed an alarming number of protection order cases mostly because the petitioner had asked to withdraw the request or because the offender had failed to show up to the court hearing⁹² or following reconciliation.⁹³ CoE-GREVIO made similar observations and recommended to identify further areas of improvement by analysing the reasons behind the high numbers of victims who do not pursue their protection under the emergency barring order/protection order mechanism.⁹⁴

*Children*⁹⁵

31. A number of stakeholders welcomed the adoption of the Law on the Rights and the Protection of the Child in 2017⁹⁶, but noted that very few bylaws to fully implement the law were adopted.⁹⁷ The law required the establishment of a nation-wide child protection system, but only half of the municipalities of Albania had established child protection structures.⁹⁸ CoE-Commissioner stressed the need to move from the fragmented, issue-based to a systematic approach for prevention and protection of children from harm.⁹⁹ JS1 and the SOS Children's Village noted the adoption of the National Agenda for Children's Rights for 2017-2020, which promoted stronger governance in the protection of children's rights,¹⁰⁰ while noting that there was no funding available either for the implementation of the child protection policy or for the support of the child protection system in Albania.¹⁰¹

32. SOS Children's Village stated that the 2016 National Action Plan for Child and Family Social Services was focused on replacement of institutional care. One of the main developments in this field was the extension of age of young people leaving care from 15 to 18 years.¹⁰² The CoE Commissioner was concerned that some 700 children still lived in care institutions, sometimes for very long periods of time without clear prospects for leaving before they became adults. She recommended accelerating the deinstitutionalization process and preventing the placement of children in state care, including by providing more support to families raising children and by developing an effective system of family-type services.¹⁰³ SOS Children's Village reported that one of the main challenges of the public institution was that, in some cases children were placed far away from their previous location/school/city and that siblings were mostly separated due to the fact that care institutions remained organized according to the age.¹⁰⁴

33. SOS Children's Villages reported that the number of families included in the foster care scheme had increased and while foster care was promoted by the state social services, it needed to be further developed and regulated.¹⁰⁵ It also stated that there was not enough funding to support reunification of children with biological families and no clear legislation and guidelines for such process and for monitoring of families after reunification.¹⁰⁶

34. CoE Commissioner noted with satisfaction that Albania had banned all forms of violence against children - including corporal punishment - in all settings. However, the Commissioner remained concerned at the high rate of such violence that was still reported and called on the authorities to tackle this problem in a more systematic and effective manner.¹⁰⁷ JS1 made similar observations.¹⁰⁸ CoE-Commissioner and JS1 reported the lack of capacity of social protection authorities, including to identify violence at an early stage.¹⁰⁹ JS1 noted that very few legal actions were taken by the responsible agencies to report the perpetrators and provide remedies to children.¹¹⁰

35. JS4 stated that a significant percentage of children had reported psychological violence, bullying and harassment, noting that Albanian legislation did not deal with all aspects of violence against children in a comprehensive way.¹¹¹ CoE-Commissioner and CoE-GREVIO were concerned about the negative impact of domestic violence on children and certain reported shortcomings in relevant domestic proceedings related to the prosecution of such violence.¹¹² CoE-Commissioner supported the CoE-GREVIO conclusion that authorities should take the necessary measures to ensure that in all cases where a protection order is issued for victims of domestic violence, the situation of child witnesses is systematically examined to determine whether they too should benefit from a protection order.¹¹³

36. JS1 reported of constantly increasing numbers of crimes of sexual nature, including against children. It stated that the low rate of reporting to the police and consequently to the justice system was mainly due to the associated shame.¹¹⁴ CoE-Commissioner noted the amendments to the Criminal Code which provided for safeguards for the protection of children from sexual crimes and economic exploitation, increased the maximum sentence for crimes of child sexual abuse and added a new offence criminalising violence of a sexual nature in the Criminal Code.¹¹⁵

37. JS1 noted the National Action Plan for Child Safety Online for 2018-2020 aimed at increasing the capacities of teachers and law enforcement agencies to protect and inform children from the dangers they faced online, and establishing a national mechanism for reporting inappropriate or illegal content online.¹¹⁶ JS1 stated, however, that the Albanian Parliament so far had failed to enact new amendments to the Criminal Code to address shortcomings and introduce new criminal offences related to crimes committed against children online.¹¹⁷

38. JS4 reported that although the employment of children was illegal, child labour remained a major concern, including in hazardous occupations such as agriculture, domestic work and illegal activities, for excessively long hours or under dangerous conditions.¹¹⁸

*Persons with disabilities*¹¹⁹

39. CoE-Commissioner noted the improvement of the legislative framework for the protection and inclusion of persons with disabilities, in particular the adoption of the 2014 Law on Inclusion of and Accessibility for Persons with Disabilities and the 2016 National Action Plan on Persons with Disabilities. Notwithstanding these positive developments, the Commissioner was concerned that persons with disabilities were confronted with significant difficulties, owing in particular to shortcomings in the implementation of the existing legislation, structural problems in the social care system, and poor access to quality education and to employment.¹²⁰ CoE-Commissioner recommended a better implementation of legislation, resolving structural problems in the social care system, and improving access to quality education and to employment.

40. While noting that there were persons with intellectual and psycho-social disabilities in institutions, CoE-Commissioner recommended drawing up and implementing a comprehensive plan to deinstitutionalize persons with intellectual or psychosocial disabilities and replace institutions with community-based services, providing the necessary protection and support to individuals and their families after they leave institutions and abstaining from any new placement of persons with disabilities in institutional settings.¹²¹ She also called on the Albanian authorities to review the legislation that makes it possible to deprive persons with intellectual or psychosocial disabilities of their legal capacity and, as a consequence, of their civil and political rights¹²² and develop laws and policies to replace the regime of substituted decision-making with supported decision-making.¹²³

41. JS1 reported that children with disabilities were often victims of discrimination at school and in society at large.¹²⁴ A large proportion of children with disabilities did not regularly or at all follow compulsory education because of a lack of access or availability of supporting teachers.¹²⁵ JS1 stated that slightly more than one third of schools were accessible to children with disabilities.¹²⁶ CoE-Commissioner called on Albania to provide children with disabilities with the necessary individual support and reasonable accommodation in mainstream education settings.¹²⁷

*Minorities and indigenous peoples*¹²⁸

42. According to JS6, a pattern of institutional racism against Roma was reflected both in the way the inclusion of Roma was perceived and pursued by state authorities and by the lack of urgency to address some of the most critical challenges disproportionately faced by this community.¹²⁹ JS6 recommended Albania to ensure that its legal framework was equipped to identify and prevent the multiple discrimination faced by stateless Roma¹³⁰ and to address structural discrimination against Roma in order to ensure that Roma are not directly or indirectly discriminated against in their access to documents, enjoyment of their right to a nationality, and all other human rights.¹³¹

43. Council of Europe (CoE) noted the National Action Plan for the Integration of Roma and Egyptians for 2016-2020 and the law 96/2017 on the “Protection of National Minorities in the Republic of Albania”, under which Roma were officially recognised as a national minority.¹³² In 2015, CoE-ECRI stated that the Albanian Egyptians did not enjoy any minority status but experienced similar integration challenges and benefitted from Roma-related projects.¹³³ CoE-ECRI recommended Albania to ensure that the Plan of Action for Roma and Albanian Egyptian communities is accompanied by an evaluation of all integration projects implemented over past years, on the basis of comprehensive equality data. In addition to timely consultation with the Roma and Egyptian communities, it recommended that there should be a clear division of responsibility between central and local authorities and civil society organisations.¹³⁴ CoE-ECRI found it difficult to assess the result of Roma integration policies, in the absence of comprehensive and coherent data. However, it noted that statistics collected from different sources indicated some progress, in particular, with regard to civil registration.¹³⁵

44. JS4 reported that due to factors such as malnutrition, difficult living conditions, absence of prenatal and preventive healthcare, low level of educational attainment, as well as marriages and childbirth at a very early age, Roma and Egyptian children were one of the most vulnerable groups in Albania. The health status of pregnant Roma women was also a cause of concern.¹³⁶

45. Democratic Union of the Greek National Minority (DEEEM – OMONOIA) noted the adoption of the Law on Protection of National Minorities (96/2017) in October 2017,¹³⁷ observing, however, that the law restricted the geographical scope of the protection of minorities.¹³⁸ It also raised number of other issues concerning the rights of the Greek minority, including their right to education in minority languages¹³⁹, use of the minority language¹⁴⁰ and property rights.¹⁴¹

*Migrants, refugees, asylum seekers and internally displaced persons*¹⁴²

46. In its 2015 report, CoE-ECRI noted the adoption of the Law No. 121/2014 on Asylum, which provided for the conditions and procedures for granting asylum, subsidiary protection and temporary protection, the rights and obligations of those who have been granted protection, as well as measures for their integration.¹⁴³ It encouraged the authorities to adopt the by-laws under Article 86 of Law No. 121/2014 so that refugees’ access to education, employment, housing and health was guaranteed in practice.¹⁴⁴

47. JS1 reported that migration and the desire of young people to leave Albania for a better life was another major challenge for the country. Surveys conducted reported that over 70 percent of young people wanted to leave Albania for a better life in another country mainly due to the economic conditions.¹⁴⁵

Stateless persons

48. JS6 reported that the definition provided by the law “On Foreigners” fell short of the international law definition of a stateless person as someone who was “not considered as a national by any state under the operation of its law”. The failure to include the phrase “under the operation of its law” in the Albanian law was a significant gap as those who under the letter of the law should have a nationality but had been denied their nationality due to non-implementation (or discriminatory implementation) of the law, may not be considered to be stateless. It stated that in the absence of a procedure to identify and protect stateless persons, the impact of this gap to be significant, as it could result in stateless persons not being

identified and as a consequence being denied protection. The gap in the definition identified above, together with the lack of a statelessness determination procedure, prevented stateless persons from being recognised as such, and from the protection and rights this entailed, such as the right to a travel document and legal residence.¹⁴⁶ The CoE Commissioner called on the authorities to address the issue of statelessness in line with Albania's human rights obligations, including by establishing a dedicated statelessness determination procedure. Albania was also urged to accede to the Council of Europe Convention for the Avoidance of Statelessness in relation to State succession.¹⁴⁷

49. JS6 stated that although under the Law on Citizenship the acquisition of Albanian nationality should be automatic, in practice, under the law "On Civil Status" birth registration was required as a necessary precondition for the acquisition of Albanian nationality. CoE-Commissioner and JS6 noted this was a requirement that many Roma and Egyptians were unable to fulfil, exposing them to (the risk of) statelessness.¹⁴⁸ JS6 also noted that the birth registration process in Albania could be complex and difficult to access, especially for children of parents who already lacked the documentation needed to fulfill the legal requirements for civil registration in general, including registration of births, deaths, marriages, legal residency transfers, divorces, and child custody.¹⁴⁹ Albanian authorities were generally conscious of the challenges faced by Roma related to accessing civil registration and there had been initiatives to address the problem, such as encouraging early registration through the provision of financial support. Nevertheless, access to civil registration was still unsatisfactory and there were still many cases of late registration of births among persons belonging to Roma community.¹⁵⁰ JS6 identified other barriers to birth registration, including births at home in rural areas, lack of information or awareness about the registration process, prejudicial attitudes among officials and other stakeholders resulting in a lack of action to identify Roma who were unregistered and at risk of being stateless.¹⁵¹ JS6 also noted that challenges related to birth registration were exacerbated in cases of children born abroad, especially for children whose parents lived abroad irregularly. Such children were likely to not have their births registered, or to only receive a birth notification which did not include the basic information (including name) required by the authorities to register their birth.¹⁵² CoE-Commissioner made similar observations.¹⁵³

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

ARCT	The Albanian Rehabilitation Centre for Trauma and Torture, Tirana (Albania);
APG 23 Association	"Comunità Papa Giovanni XXIII", Rimini (Italy);
DEEEM – OMONOIA	Democratic Union of the Greek National Minority- DEEEM – OMONOIA, Sarande (Albania);
ICAN	The International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
SOS Children's Villages	SOS Children's Villages, Tirana (Albania).

Joint submissions:

JS1	Joint submission 1 submitted by: Child Rights Centre Albania (Albania), Albanian Coalition for Education (Albania), Albanian National Youth Network (Albania), Albanian National Child Rights Network "Act for Children" (Albania), Albanian National Child Helpline (Albania), ECPAT Albania, Tirana (Albania);
JS2	Joint submission 2 submitted by: Albanian Women Empowerment Network (Albania), Woman to Woman, (Albania), Useful to Albanian Women Association (Albania), Gender Alliance for Development Center, "Me the woman", Pogradec (Albania), Agritra-Vision Centre – Peshkopi (Albania), Woman's Forum Elbasan (Albania), Jona Association, Saranda (Albania), Office for Boys and Men, Shkodër (Albania), Human Rights in Democracy Centre (Albania), Network of Community Centers "Today for the Future" (Albania), "Different and Equal" Association (Albania), YWCA (Albania), Institute of Social and Economic Development (Albania), Albanian Institute on Public Affairs (Albania), Albanian Center for Population and Development (Albania), Mary Ward Loreto Foundation (Albania), Albanian Committee of Helsinki (Albania), "Children of Today" Center (Albania), Albanian Group for Human Rights (Albania), National Center for Social Services (Albania), "Woman Towards Integration" (Albania), Center for Psychosocial Services "Vatra" (Albania), Roma Women Rights Centre (Albania), Albanian Disability Rights Foundation (Albania), Organization of Professional Women Organization (Albania), "In the Family for Family" Center (Albania), National Organization of Social Workers (Albania), Organization for Persons who live with HIV/AIDS (Albania), Organization for Women with Social Problems (Albania), National Organization "STOP – AIDS" (Albania), Reflections Organization (Albania), Integrated Legal Practices and Services Center (Albania), Counselling Line for men and boys (Albania), Counseling National Line for Women and Girls, 116117 (Albania), Center "Free legal Service", TLAS (Albania), The "Voice of Children" (Albania), 'Ad Litem' (Albania), Center for the Rights of Children in Albania (Albania), ALO 116 (Albania), Center for Development of Rural Women (Albania), Pink Embassy / LGBT Pro Albania (Albania), Center for Legal Civic Initiatives (Albania), Observatory for Children and Youth Rights (Albania), Shelter for Abused Women and Girls-Albania (Albania), Women's Democracy Network Albania (Albania), Albanian Center for Family Development (Albania), Women in Public Services Center, Tirana, (Albania);
JS3	Joint submission 3 submitted by: Aleanca LGBT (Albania),

- PINK Embassy Albania (Albania), Pro LGBT (Albania), Streha (Albania), ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Serbia), ILGA World (Switzerland);
- JS4 **Joint submission 4 submitted by:** the Child led Groups “Voice 16+” (Albania), Children Governments and children in street situation, Tirana, (Albania);
- JS5 **Joint submission 5 submitted by:** Advocates for Human Rights (Albania) and Human Rights in Democracy Center , (Albania);
- JS6 **Joint submission 6 submitted by:** Tirana Legal Aid Society (Albania), European Roma Rights Centre (Hungary), Institute on Statelessness and Inclusion (Netherlands), European Network on Statelessness (UK);
- JS7 **Joint submission 7 submitted by:** Albania Center for Population and Development (Albania), Albanian Association of People Living with HIV/AIDS (Albania), Roma Active Albania (Albania), Stop AIDS, (Albania), Aksion Plus (Albania), National Center for Community Services (Albania), Psicho-Social Center “Vatra” Center (Albania), Act for Society (Albania) and Sexual Rights Initiative (Switzerland).

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);

Attachments:

(CoE-CPT)The report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 2 to 9 February 2017, CPT/Inf (2018) 18;

(CoE-Commissioner) The report by Dunja Mijatović, Commissioner for Human Rights of the Council of Europe following her visit to Albania from 21 to 25 May 2018, CommDH(2018)15;

(CoE-ECRI) European Commission against Racism and Intolerance report on Albania (fifth monitoring cycle), adopted on 19 March 2015, CRI(2015)18;

(CoE-ECRI: Conclusions) European Commission against Racism and Intolerance Conclusions on the Implementation of the Recommendations in Respect of Albania Subject to Interim Follow-Up, adopted on 21 March 2018, CRI(2018)20;

(CoE-GRETA) – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, adopted on 11 March 2016, GRETA(2016)6;

(CoE-GREVIO) Group of Experts on Action against Violence against Women (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) ALBANIA, GREVIO/Inf(2017)13;

(CoE-GRECO) - Group of States against Corruption, Fourth Evaluation Round, Second Compliance Report Albania, adopted on 22 June 2018, Greco RC4(2018)4.

² For relevant recommendations see A/HRC/27/4, paras. 104.1-104.10 and 104.27.

³ ICAN, page 1.

⁴ For relevant recommendations see A/HRC/27/4, paras. 104.11- 104.23, 104.27, 104.97, 105.1-105.4, 105.7-105.10, 105.19 and 106.1.

⁵ JS4, page 3.

⁶ For relevant recommendations see A/HRC/27/4, paras.104.28-104.29, 104.31-104.33, 104.37-104.39, 105.12-105.14, 105.29-105.30, 106.4-106.7.

⁷ JS6, para. 28.

⁸ JS3, para. 13.

⁹ JS3, para. 15.

¹⁰ JS3, para. 16.

- 11 JS3, para. 23.
- 12 JS3, para. 26. See also JS3, para. 28.
- 13 JS3, para. 31.
- 14 JS3, para. 40.
- 15 JS3, para. 42.
- 16 JS3, para. 52.
- 17 JS3, para. 52.
- 18 JS3, para. 48.
- 19 For relevant recommendations see A/HRC/27/4, paras.104.41-42, 104.74-104.75, 105.15-105.18 and 106.9.
- 20 APG23, pages 2-3 and JS4, page 7.
- 21 JS4, page 7.
- 22 APG23, page 4.
- 23 CoE-CPT, page 10.
- 24 CoE-CPT, pages 3-7.
- 25 CoE-CPT, pages 4-8.
- 26 CoE-CPT, page 4.
- 27 For relevant recommendations see A/HRC/27/4, paras. 104.70-104.73, 104.76-104.77, 104.80-104.81, 105.31 and 106.16.
- 28 CoE-GRECO, para. 85.
- 29 CoE-Commissioner, page 3, JS1, page 12, JS2, para. 8, JS5, para. 40 and COE-ECRI, page 1.
- 30 CoE-Commissioner, para. 90 and CoE submission, page 4.
- 31 JS1, page 12.
- 32 JS5, para. 40.
- 33 CoE-Commissioner, page 1 and para 34.
- 34 JS1, page 7.
- 35 JS1, page 12.
- 36 ARCT, page 3.
- 37 ARCT, page 3.
- 38 ARCT, page 4.
- 39 For relevant recommendations see A/HRC/27/4, paras. 104-61-104.64, 105.23-105.27, 106.12-106.14.
- 40 CoE-GRETA, para. 13.
- 41 CoE-GRETA, para. 14.
- 42 JS1, page 12.
- 43 CoE-GRETA, paras. 30-33 and 195.
- 44 CoE-GRETA, pages 40-41.
- 45 JS2, para. 3.
- 46 JS2, para. 6.
- 47 For relevant recommendations see A/HRC/27/4, para. 106.17.
- 48 SOS Children's Villages, page 1.
- 49 CoE-ECRI: Conclusions, page 6. See also SOS Children's Villages, page 1.
- 50 JS5, para. 40. See also SOS Children's Villages, page 1 and CoE-ECRI: Conclusions, page 6.
- 51 CoE-ECRI, page 26.
- 52 CoE-ECRI, page 2.7.
- 53 JS1, page 4.
- 54 JS1, page 15.
- 55 JS1, page 16.
- 56 For relevant recommendations see A/HRC/27/4, paras. 104.87 and 105.5.
- 57 JS7, para. 20.
- 58 JS7, para. 29.
- 59 JS7, para. 31.
- 60 JS7, para. 30.
- 61 JS7, para. 18.
- 62 JS3, para. 55.
- 63 JS3, para. 63.
- 64 JS7, para. 19.
- 65 JS7, para. 25.
- 66 JS7, para. 41.
- 67 JS7, para. 43.
- 68 JS7, para. 44.
- 69 JS3, para. 65.
- 70 For relevant recommendations see A/HRC/27/4, paras.104.88-104.89, 104.96, 105.34-105.35.
- 71 JS1, page 9.

- 72 JS1, page 10.
- 73 JS1, page 14.
- 74 JS1, page 5. See also JS1, page 10.
- 75 CoE-Commissioner, paras 39, 49 and 56. CoE submission, page 3.
- 76 JS1, page 10.
- 77 For relevant recommendations see A/HRC/27/4, paras. 104.30, 104.34-104.36, 104.44-104.52, 104.54-104.60, 105.11, 105.20-105.22, 105.32-105.33, 105.36 and 106.11.
- 78 JS5, para. 1.
- 79 JS5, para. 2.
- 80 JS5, para. 34 and JS2, para. 7.
- 81 JS5, para. 37.
- 82 JS2, para. 8.
- 83 JS5, para. 40.
- 84 JS2, para. 13.
- 85 JS2, para. 20.
- 86 JS2, para. 26.
- 87 CoE-GREVIO, para. 84.
- 88 JS5, para. 43.
- 89 JS5, para. 41.
- 90 CoE-GREVIO, para. 110. See also IC-CP/inf(2018)3, page 4.
- 91 JS5, para. 49.
- 92 JS5, para. 50.
- 93 JS5, para. 51.
- 94 CoE-GREVIO, para. 188.
- 95 For relevant recommendations see A/HRC/27/4, paras. 104.25-104.26, 104.43, 104.65-104.69, 104.78-104.79, 104.86, 105.6, 106.2-106.3, 106.8, 106.10 and 106.15.
- 96 SOS Children's Villages, page 1, JS1, page 6 and CoE-Commissioner, page 1 and para. 10.
- 97 JS1, page 6. See also CoE-Commissioner, page 1.
- 98 JS1, page 6.
- 99 CoE-Commissioner, para. 12.
- 100 JS1, page 8 and SOS Children's Villages, page 1.
- 101 JS1, page 13.
- 102 SOS Children's Villages, page 3.
- 103 CoE-Commissioner, page 1 and CoE submission, page 3.
- 104 SOS Children's Villages, page 3.
- 105 SOS Children's Villages, page 4.
- 106 SOS Children's Villages, page 4.
- 107 CoE-Commissioner, page 1, paras. 52 and 15, and CoE submission, page 3.
- 108 JS1, page 11.
- 109 CoE-Commissioner, para. 17 and JS1, page 11.
- 110 JS1, page 11.
- 111 JS4, page 6. See also CoE-Commissioner, para. 19.
- 112 CoE-GREVIO, paras. 190.
- 113 CoE-Commissioner, para. 22 and CoE-GREVIO, paras. 190-191.
- 114 JS1, page 11.
- 115 CoE-Commissioner, para. 24.
- 116 JS1, page 9.
- 117 JS1, page 12.
- 118 JS4, page 5.
- 119 For relevant recommendations see A/HRC/27/4, paras.104.90-104.94.
- 120 CoE-Commissioner, page 2 and paras. 60-61 and 64.
- 121 CoE-Commissioner, page 2, and paras. 82, 83 and 86, and CoE submission, page 3.
- 122 CoE submission, page 3 and CoE-Commissioner, page 2.
- 123 CoE-Commissioner, para. 85.
- 124 JS1, page 5.
- 125 JS1, page 5.
- 126 JS1, page 10.
- 127 CoE submission, page 3.
- 128 For relevant recommendations see A/HRC/27/4, paras.104.95, 104.98-104.103, 105.22-105.23, 106.18-106.2.
- 129 JS6, para. 41.
- 130 JS6, para. 43.
- 131 JS6, para. 43.
- 132 CoE submission, page 6-7.

- ¹³³ CoE-ECRI, page 21.
¹³⁴ CoE-ECRI, page 40.
¹³⁵ CoE-ECRI, page 23.
¹³⁶ JS4, page 10.
¹³⁷ DEEEM – OMONOIA, para. 2.
¹³⁸ DEEEM – OMONOIA, para. 4. See also DEEEM – OMONOIA, para. 6.
¹³⁹ DEEM-OMONOIA, paras 12-15.
¹⁴⁰ DEEM-OMONOIA, paras 16-18.
¹⁴¹ DEEM-OMONOIA, paras 19-26.
¹⁴² For relevant recommendations see A/HRC/27/4, paras.104.104-104.105.
¹⁴³ CoE-ECRI, p.30.
¹⁴⁴ CoE-ECRI, page 30.
¹⁴⁵ JS1, p.14.
¹⁴⁶ JS6, para. 19.
¹⁴⁷ CoE submission, page 3.
¹⁴⁸ JS6, para. 20 and CoE-Commissioner, para. 49.
¹⁴⁹ JS6, para. 21.
¹⁵⁰ JS6, para. 24.
¹⁵¹ JS6, para. 27.
¹⁵² JS6, para. 30.
¹⁵³ CoE-Commissioner, para. 50.
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