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

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**OPINION ON ALBANIA**

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Albania on 26 July 2001 (due on 1 January 2001), the Advisory Committee commenced the examination of the State Report at its 11th meeting, on 10-14 September 2001. In the context of this examination, a delegation of the Advisory Committee visited Albania from 29 April to 3 May 2002, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Albania at its 15th meeting on 12 September 2002.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that Albania has, in many respects, made commendable efforts in the protection of national minorities, including in the field of education and the provision of schools and classes for the Greek and Macedonian national minorities in set areas. The Advisory Committee also notes that, in general, a spirit of tolerance prevails in Albania.

Notwithstanding the adoption of important legal guarantees pertaining to some of the articles under the Framework Convention, further efforts will be required to complete the legal and institutional framework and to ensure its full realisation in practice.

A clearer legal and administrative framework will need to be adopted in order to deal with a number of shortcomings in relation to the use of minority languages in relations with administrative authorities and the display of traditional local names, street names and other topographical indications.

The lack of statistical information concerning national minorities and the issues affecting them seriously hampers the monitoring and the design of policy and practice in relation to national minorities. The Advisory Committee considers that accurate statistical information on the number and location of persons belonging to national minorities, such as can be gathered through a national census, are required in Albania.

The Advisory Committee notes that despite the historic presence of Egyptians in Albania, they appear to have been *a priori* excluded from the protection of the Framework Convention. This approach is not compatible with the Framework Convention and the Advisory Committee considers that the Albanian Government should, in consultation with those concerned, examine this issue further.

Supplementary measures are required to improve, in particular, access to sound radio and television broadcasting for persons belonging to national minorities. Further measures are also required to extend minority language education, where there is a need and a demand, for Montenegrin, Roma and Aromanian / Vlach minorities, and also Greek and Macedonian minorities in areas where such education is not available.

Notwithstanding that there are plans to establish a national strategy for Roma, some problems remain for persons belonging to the Roma community in terms of discrimination and prejudice in a number of societal settings, and there is an increasing socio-economic gap opening up between them and the rest of the population.

The Advisory Committee is concerned about the effective participation of persons belonging to national minorities in economic life and in public affairs and it is of the opinion that an analysis is required of this situation, which should be followed by appropriate action, as required.

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## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of Albania (hereinafter: the State Report), due on 1 January 2001, was received on 26 July 2001. The Advisory Committee commenced the examination of the State Report at its 11th meeting, on 10-14 September 2001.

2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Albanian authorities on 4 March 2002. The Government's partial reply to this questionnaire was received during the visit of a delegation of the Advisory Committee to Albania (see below).

3. Further to an invitation from the Albanian Government, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Albania from 29 April to 3 May 2002 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.

4. The Advisory Committee subsequently adopted this opinion at its 15th meeting on 12 September 2002 and decided to transmit it to the Committee of Ministers<sup>1</sup>.

5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12th meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new Section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. While noting that the State Report was submitted with a few months delay, the Advisory Committee welcomes the efforts made by the Albanian authorities to include in the Report information not only on legislation but also on the relevant practice relating to the application of the Framework Convention. The Advisory Committee notes, however, that notwithstanding the efforts made by the Albanian authorities to provide as much information as possible, the quantity and quality of information concerning national minorities available in Albania is limited.

7. The Advisory Committee obtained a fuller picture of the situation from the Government's partial written reply to the questionnaire and from the above-mentioned visit to Albania. The additional information supplied by the Government and other sources, especially the representatives of national minorities, was most valuable, particularly in connection with the practical implementation of the relevant norms. The Advisory Committee finds that the meetings during the visit provided an excellent opportunity to have a direct dialogue with various sources. These meetings took place not only in Tirana, but also in Gjirokaster, Himare and Fier. The Advisory Committee recognises the co-operative spirit shown by the Albanian authorities in the process leading up to the adoption of this opinion.

8. The Advisory Committee regrets, however, that although NGO materials were used in preparing the State Report, the Albanian authorities did not consult extensively with national minority representatives when preparing the State Report. The Advisory Committee hopes that wider consultation will take place in the future.

9. The Advisory Committee also notes that a recurrent complaint from persons belonging to national minorities is that their requests on different issues are often not taken up or not replied to by the authorities. The Advisory Committee considers that the Albanian authorities should ensure that these requests are always given a response and the issues raised followed-up with appropriate action.

10. The Advisory Committee furthermore encourages the Government to take additional measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through the wider dissemination of the State Report and other relevant documents.

11. The Advisory Committee wishes to specify that in examining the implementation of the Framework Convention by Albania, it has taken into account the serious economic difficulties the country continues to face. Aware of the importance of socio-economic conditions on the implementation of policies and measures that generally necessitate adequate financial resources, the Advisory Committee nonetheless welcomes the efforts made by the Albanian authorities to implement the Framework Convention.

12. The Advisory Committee is however of the view that there is an important need for the Albanian authorities to gather further information, including statistical information, concerning national minorities and the issues affecting them. In this respect, the Advisory Committee notes with concern the extremely wide variation in statistics relating to the numbers of persons belonging to national minorities. These figures vary from 2% of the total population, according

to Government sources, to over 20%, according to some other sources. The Advisory Committee considers that a national census could contribute to clarifying the statistical situation and such a census could, at the same time, provide an important opportunity for persons belonging to national minorities to express their identity. Bearing in mind that the last census took place in 2001 and that no question concerning ethnicity was included in the census, the Advisory Committee considers that steps should be taken to gather accurate statistical data concerning national minorities.

13. The Advisory Committee considers that in the collection of such statistical data, it is important that the results are interpreted and processed in a manner that accommodates, to the extent possible, persons' subjective choices with respect to their affiliation with a particular group. It is equally important that the right freely to choose to be treated or not to be treated as a national minority should be exercised without any disadvantage resulting from this choice. Furthermore, in the collection of this data, the Albanian authorities should be mindful of the principles contained in the Committee of Ministers' Recommendation No. 97 (18) concerning the protection of data collected and processed for statistical purposes. Finally, the Advisory Committee considers it important that persons belonging to national minorities should be consulted on practical arrangements leading up to the collection of such data, including on the questions to be posed, whether these be in a census or another statistical exercise.

14. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signaling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

15. The Advisory Committee notes that Albania has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### **Article 2**

16. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### Article 3

17. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Albanian Government is therefore deemed to be the outcome of this examination.

18. Whereas the Advisory Committee notes, on the one hand, that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes, on the other hand, that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

19. For this reason, the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

20. The Advisory Committee notes from the State Report that the Albanian authorities recognise as national minorities the Greek, Macedonian and Montenegrin national minorities and that the Roma and Aromanians / Vlachs<sup>2</sup> are recognised as linguistic minorities. The Advisory Committee understands that, according to the Government, the Framework Convention is applied equally to these groups of national and linguistic minorities without distinction or discriminating effect. It understands that the designation of the Roma and Aromanians / Vlachs as linguistic minorities rather than national minorities is based on the assumption that they do not have a kin-state. Notwithstanding this explanation, the Advisory Committee has learnt that some members of these communities are not satisfied with this term “linguistic minority” as it does not reflect the essential elements of their identity that go beyond a purely linguistic connotation. The Advisory Committee encourages the Government, in consultation with those concerned, to re-examine the question of the designation of the Roma and Aromanians / Vlachs as linguistic minorities, as opposed to national minorities, ensuring at the same time that this distinction has no impact on the application of the Framework Convention to these communities.

21. The Advisory Committee has learnt that many persons belonging to the Egyptian community consider themselves to be a national minority distinct from both the Roma community and the Albanian community. The Advisory Committee notes, in this respect, that persons belonging to this community define themselves by their ethnic background, their stated historical roots as descendants of persons from Egypt, their traditions and their cultural heritage. The Advisory Committee notes the Government’s contention that the Egyptian community is well integrated into Albanian society and their members only speak Albanian, having lost their minority language over time. Persons belonging to the Egyptian community have, however, made it clear to the Advisory Committee that they would like to receive recognition as a national minority.

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<sup>2</sup> The Advisory Committee is aware that certain persons belonging to the Aromanian/Vlach minority consider that two distinct groups exist within this minority, while others consider there to be one single group.

22. The Advisory Committee considers that, given the historic presence of Egyptians in Albania and the desire of persons belonging to this group to identify themselves as persons belonging to a national minority, and given their ethnic background, history, traditions and cultural heritage, persons belonging to this group should not, *a priori*, be excluded from the personal scope of application of the Framework Convention. The Advisory Committee considers that such an *a priori* exclusion is not compatible with the Framework Convention and encourages the Government, in consultation with those concerned, to re-examine the question of their possible designation as a national minority.

23. The Advisory Committee notes that, with the exception of the Egyptian community, the Albanian government did not provide information on any linguistic or ethnic groups (whether they consist of citizens or of non-citizens living in the country), which are not considered to be national minorities. The Advisory Committee believes, however, that it would be possible to consider, where appropriate, the inclusion of persons belonging to other groups, including non-citizens as appropriate, in the application of the Framework Convention on an article-by-article basis, and takes the view that the Albanian authorities should, as appropriate, consider this issue in consultation with those concerned.

24. The Advisory Committee notes that, according to the Government, national minorities are recognised and protected throughout the territory of the Republic of Albania without reference to any geographical criteria. While this may be the official position, the Advisory Committee understands that the application of "minority zones", which existed both during and before the former communist regime, covering areas where national minorities lived traditionally, continues to have a certain currency, in particular in relation to the teaching in and of minority languages (see also under Article 14 below). The Advisory Committee is of the view that steps are needed in order to ensure that no undue limitations are placed on the rights of persons belonging to national minorities who live outside these formerly identified "minority zones" and that it is necessary to clarify this matter with those concerned in both governmental and non-governmental circles.

#### **Article 4**

25. The Advisory Committee notes that the Albanian Constitution establishes the fundamental principle of equality before the law (Article 18) and guarantees freedom from discrimination on the basis of, *inter alia*, race, religion, ethnicity, language, social status or ancestry. These provisions coupled with provisions under criminal law, civil law and administrative law, provide important elements for a body of legislation aimed at combating discrimination. The Advisory Committee, however, notes that there remains scope for extending this legislative framework further. For example, as suggested by the European Commission against Racism and Intolerance (ECRI) in its Second report on Albania<sup>3</sup>, the possibility exists of defining racially motivated offences as specific offences and explicitly providing for racial motivation to be taken into account as an aggravating factor by the courts.

26. The Advisory Committee notes that the possibility exists of bringing together all relevant legislation concerning anti-discrimination into a comprehensive body of legislation aimed at combating discrimination. The Advisory Committee encourages the Albanian authorities to give further thought to this matter, taking into account, once completed, the results

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<sup>3</sup> ECRI Second report on Albania adopted on 16 June 2000, paragraph 6.



of the Non-Discrimination Review under the Stability Pact for South-Eastern Europe, which is currently being conducted by a group of independent Albanian experts.

27. More generally, the Advisory Committee notes with interest that the Albanian government plans to establish an *ad hoc* working group, consisting of governmental and non-governmental representatives, to review current Albanian legislation concerning national minorities. The Advisory Committee welcomes this step, in particular as there remain certain specific areas in which legislation is currently lacking concerning the protection of persons belonging to national minorities (see also comments under Articles 10 and 11 below). In this respect, the Advisory Committee encourages the Albanian authorities to consider, at an appropriate moment, the merits of preparing a specific law on national minorities which would not only allow the authorities to fill certain gaps in the legislation, but would also give visibility and raise awareness of the Albanian authorities' commitment and policy towards the protection and promotion of the rights of persons belonging to national minorities in Albania.

28. Notwithstanding that discrimination is not generally seen to be a major problem in Albanian society today, the Advisory Committee is aware of some complaints by persons belonging to national minorities of discrimination in a number of different fields, ranging from employment, to access to basic facilities (water, electricity, etc.), education, housing, social services and access to land distribution schemes. The Advisory Committee also notes that according to the Albanian authorities, shortages and restrictions in the availability of services are problems faced by all Albanians. Without accurate statistical data, however, it is difficult for the Advisory Committee to comment on whether this is a general problem or one where discrimination occurs (see also paragraph 30 below). However, the Advisory Committee, is nonetheless concerned that a contributing factor to the problems faced by persons belonging to national minorities is the widespread use of bribes and the need for family or other contacts to obtain State provisions in many areas of life. The Advisory Committee considers that the Albanian authorities should ensure that all appropriate measures are taken to stamp out such practices as they lead to an increased likelihood of both direct and indirect discrimination taking place as persons belonging to national minorities are often more vulnerable to having to pay bribes and do not have the relevant family or other contacts.

29. The Advisory Committee is sensitive to reports of prejudice and discrimination faced by persons belonging to the Roma community and notes in this respect that similar problems are also faced by persons belonging to the Egyptian community. The Advisory Committee considers that there is a need for further monitoring of the situation and that there is a need for greater awareness of the situation by, amongst others, government officials, judges and the police.

30. The Advisory Committee is concerned at the increasing socio-economic gap that is opening up between the Roma and the rest of the population in Albania. This is particularly the case in relation to education, housing, employment, access to social services, access to health care and access to basic facilities (matters dealt with also under Articles 12, 14 and 15 below). In order to assess the full extent of the problem, accurate statistical data is required, not just for the Roma but for all persons belonging to national minorities. The Advisory Committee considers that the lack of reliable statistical data can seriously hamper the ability of the State to target, implement and monitor measures to ensure the full and effective equality of persons belonging to national minorities. Without such data, it is also very difficult for remedial policies and programmes to be implemented and for the international monitoring bodies to ascertain whether Albania meets its obligations flowing from the Framework Convention. The Advisory Committee therefore considers that the Government should try to identify the most appropriate

ways and means of obtaining reliable statistical data, broken down by age, gender and location (see also related comments under the General Remarks above).

31. The Advisory Committee nonetheless recognises that the Albanian authorities are taking a number of measures to deal with the particular situation of the Roma and reminds the Albanian authorities of the need to take into account the Committee of Ministers' Recommendation (2001) 17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe. The Advisory Committee welcomes the steps being taken to establish a national strategy for the improvement of the living conditions of the Roma by the National Minority Office of the Ministry of Foreign Affairs. The Advisory Committee encourages the Albanian authorities to step up its efforts in this respect and ensure that a maximum amount of consultation and participation takes place in devising and implementing this strategy, not only amongst governmental departments, but also amongst representatives of civil society and representatives of the Roma community. In this context the Advisory Committee hopes that the participation of Roma women in this exercise will be ensured and that appropriate funding will be allocated to this strategy.

32. The Advisory Committee notes the important role that can be played by non-governmental organisations and also institutions such as the People's Advocate. In this respect the Advisory Committee notes the work being undertaken by the recently established office of the People's Advocate and its potentially useful role in identifying and combating discrimination. The Advisory Committee notes with interest that this office has examined a number of cases concerning national minorities, although none of the complaints examined so far have been upheld. The Advisory Committee also notes that the People's Advocate may appoint a representative of his office to the south of Albania, in an area where there is a sizeable Greek minority. In view of the importance of informing people of the work of the People's Advocate, the Advisory Committee welcomes the plans to disseminate leaflets containing such information in minority languages. The Advisory Committee encourages the People's Advocate to continue to develop his work covering national minorities and to give due attention to the possibility of extending the outreach of the office of the People's Advocate, *inter alia*, by appointing a representative to the south of the country.

## **Article 5**

33. The Advisory Committee notes from the State Report the important role that non-governmental organisations, including organisations representing national minorities, play in promoting the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity. The Advisory Committee is also aware of the support provided by kin-states to persons belonging to national minorities in Albania, including the publication of school text books and their free distribution to pupils, support for cultural and artistic activities, etc.

34. The Advisory Committee notes that the above support by third parties is facilitated by the Albanian authorities, particularly at a local level, and that certain direct measures are also taken by the authorities, including by the Ministry of Culture Youth and Sports which finances a number of projects presented to the Ministry and supports activities of the International Center of Folk Activity. The Advisory Committee nonetheless has received calls from persons belonging to national minorities for greater support from the Albanian authorities. The Advisory Committee considers that further direct initiatives, including funding of such initiatives, should be taken by the authorities in consultation with representatives of the different national

minorities, and that there should not be an over-reliance, either on civil society initiatives or on kin-state support from abroad.

35. The Advisory Committee is concerned by reports that certain persons claim that the Aromanians / Vlachs are totally assimilated in Albania. The Advisory Committee considers it important that all appropriate action is taken to negate these claims. In this context, the Advisory Committee reminds the Albanian authorities of the importance of Recommendation 1333 (1997) of the Parliamentary Assembly of the Council of Europe on the Aromanian culture and language, in particular with regard to learning of the mother tongue, practising of religion in the mother tongue, support for cultural associations and support for media in the mother tongue (see also under Articles 9 and 14 below).

## Article 6

36. The Advisory Committee welcomes that, in general, a spirit of tolerance prevails in Albania and that there are few reported cases of threats or acts of discrimination, hostility or violence as a result of a person's ethnic, cultural, linguistic or religious identity.

37. The Advisory Committee has however received information indicating that persons belonging to the Roma minority face a certain level of prejudice in their daily lives (see also under Article 4 above) and that examples exist of prejudice and negative stereotyping in the media (see also under Article 9 below). Furthermore, according to allegations from certain sources, persons belonging to this group may be particularly vulnerable to ill treatment and extortion by some law enforcement officers.

38. The Advisory Committee notes that the scope of Article 6 is wide and that it is also relevant to consider the situation of the Egyptian community, which appears to face many similar problems to those of the Roma community. This is particularly so in relation to discrimination and prejudice in a wide range of societal settings, ranging from employment to access to basic services, access to social services, portrayal in the media and access to education, where Egyptian children allegedly have lower achievement levels and attendance levels and are said to be sometimes marginalised in the class.

39. The Advisory Committee also notes a number of incidents of hostility concerning the Greek minority, including the tension and nationalistic rhetoric that arose between the Albanian majority and Greek minority during the local government elections in Himare in October 2000<sup>4</sup>, as well as the defacing of a number of signposts in Greek in the south of the country.

40. In the light of the above, the Advisory Committee is of the opinion that the Government should be mindful of the need for constant vigilance in this area, paying particular attention to problems faced by the Roma and Egyptian communities, and be ready to take additional measures when and where required. These could include education to encourage tolerance and raise awareness of the needs of these groups, in particular among professional groups, such as law enforcement officers, the judiciary and the media. More particularly in relation to the media, the Advisory Committee refers to the principles set out in the Committee of Ministers' Recommendation (97) 21 on the media and the promotion of a culture of tolerance, and the need for the proper implementation of these principles. Concerning law enforcement officers, the

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<sup>4</sup> As reported in the « Report of the local government elections in Albania » of the Standing Committee of the Congress of Local and Regional Authorities of Europe, paragraph 68 (Doc. CG/CP (7) 13 rev).

Advisory Committee considers that the improved functioning of a police complaints process, including an independent police review process, could be an effective way in which to address accusations of ill-treatment by law enforcement officers, which is seen as a general problem in Albania and also affects persons belonging to national minorities.

41. The Advisory Committee is also particularly concerned by disturbing reports it has received of trafficking of children, in particular girls, belonging to the Roma and Egyptian communities. The Advisory Committee considers that this is an issue that the Albanian authorities should investigate fully as a matter of priority, in consultation with the communities concerned, in order to eradicate such trafficking.

#### **Article 7**

42. The Advisory Committee welcomes the fact that a new law (Law No 8580 dated 17 February 2000) on Political Parties has recently come into force, abrogating Law No 7502 (dated 25 July 1991), which restricted national minorities from establishing their own political parties (see also under Article 15 below).

#### **Article 8**

43. The Advisory Committee has received information concerning the difficulties faced by certain national minorities in relation to the return of church property, including the lands surrounding church property. In this respect the Advisory Committee notes, in particular, the claims of the Greek and Aromanian / Vlach minorities. The Advisory Committee recognises that Albania, like many countries in the region, has had to tackle the difficult question of restitution of property, including church property, and considers that the authorities should continue the process of restitution bearing in mind the need to draw a careful and fair balance between the interests of all those concerned. The Advisory Committee considers further that this policy should be carried out without any form of discrimination impacting upon persons belonging to national minorities.

#### **Article 9**

44. The Advisory Committee notes that freedom of expression is guaranteed under Article 22 of the Constitution of Albania and that The Law on the Press amended by Law No 8239, dated 3.09.1997 has only one article saying that “The press is free. Freedom of press is respected by law”. The Advisory Committee also notes that Law No 8410, dated 30.09.1998 on Public and Private Radio Television in the Republic of Albania guarantees to national minorities access to the electronic media, allowing broadcasting in minority languages under Article 37. The Advisory Committee also notes that no limit is placed on the ratio of broadcasting of minority languages.

45. The Advisory Committee notes, however, that there are plans to introduce changes in the media legislative framework. In this respect the Advisory Committee notes that a draft law on the freedom of the press was prepared, but not followed up upon, in view of negative comments from both domestic and international sources. Furthermore, the Advisory Committee understands that a new draft law on broadcasting will be proposed in the near future. The Advisory Committee considers it important that the adoption of new legislation in this field should facilitate access to the media for persons belonging to national minorities, in accordance with Article 9 paragraph 2 of the Framework Convention, and encourages the authorities to

ensure that adequate consultation is carried out with all concerned persons, including those belonging to national minorities, in the preparation of new legislation.

46. In relation to the printed media, the Advisory Committee notes that persons belonging to national minorities in Albania have their own, albeit limited, printed media, and that while much of this media is published regularly, there are no Albanian daily newspapers in minority languages for persons belonging to national minorities. The Advisory Committee notes, however, that foreign media is available in the country in a number of minority languages. Notwithstanding that the possibility of State assistance for the media, in one form or another, may be limited, the Advisory Committee considers that the authorities should examine how assistance to minority media may be strengthened.

47. In relation to sound radio and television broadcasting, the Advisory Committee notes that while there are a very limited number of programmes broadcast for national minorities, such as a 30 minute radio broadcast by Radio Tirana in the Greek language twice a day, a 45 minute programme every day in Greek broadcast by Radio Gjirokastra, and news in Macedonian on Radio Korça three times a week, there is virtually no broadcasting for Roma, Aromanian / Vlach and Montenegrin minorities. Furthermore, there are no radio stations or television stations catering only for national minorities.

48. In relation to private sound radio and television broadcasting, the Advisory Committee notes that no requests have been made to the National Radio and Television Council for licences to establish local radio or television stations on the part of persons belonging to national minorities. The Advisory Committee understands that this lack of demand is due to the lack of prospective funding rather than a lack of interest from persons belonging to national minorities.

49. The Advisory Committee considers that there remains scope for extending further sound radio and television broadcasting for national minorities, and is sensitive to the calls for increased levels of coverage of minority issues and a greater number of programmes to be broadcast in the different minority languages on both radio and television. The Advisory Committee considers that further support for such coverage should be provided by the relevant authorities, for example by requiring licensees to allocate a certain amount of time to broadcasting in minority languages and that the Steering Council of Albanian Radio Television, on which there is a representative of national minorities, should keep under review the ratio of programmes for persons belonging to national minorities, as well as the time and timing of these programmes, in order to guarantee appropriate coverage for the respective national minorities.

50. The Advisory Committee welcomes the steps taken by local authorities, together with the relevant decisions of the Steering Council of Albanian Radio Television, to allow the installation of TV amplifiers permitting the Greek national minority to watch Greek television, including in Tirana. The Advisory Committee also recognises that the Macedonian and Montenegrin national minorities can also receive certain radio and television programmes from neighbouring countries without special amplifiers. The Advisory Committee welcomes this situation, but considers that availability of such programmes from neighbouring states does not obviate the necessity for ensuring programming on domestic issues concerning national minorities and programming in minority languages.

51. The Advisory Committee considers that the training and sensitisation of journalists and media professionals to the situation of national minorities in Albania could open the way to increasing the level and quality of coverage of minority issues, in general, in the media. The

Advisory Committee therefore encourages the relevant authorities, together with media professionals and journalists, to examine how such training and awareness might take place. In this, the Advisory Committee considers that particular attention should be given to matters affecting the Roma, as it is said that they have been largely ignored in the media and that allegations of negative stereotyping of persons belonging to this group continue to exist in the media (see also under Article 6 above).

## **Article 10**

52. The Advisory Committee notes that under Article 14 of the Albanian Constitution the official language in the Republic of Albania is Albanian. All documents in the central government and local government organs are drafted in Albanian. The Advisory Committee understands that while verbal communications in a minority language may be used in areas where members of the authorities belong to the same national minority, there are no formal provisions governing the use of minority languages in relations, written or oral, between those persons and the administrative authorities.

53. The Advisory Committee considers that the current situation which does not appear to allow, on an official basis, for the written use of minority languages in relations with the administrative authorities, may not be in full conformity with Albania's commitments under Article 10 paragraph 2 of the Framework Convention. This provision requires State Parties to "endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between ...[persons belonging to national minorities] ... and the administrative authorities". The Advisory Committee considers that a review of the demand and the evaluation of the needs for such use of minority languages should be carried out in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, and that in the light of the review findings, an appropriate legal and administrative framework be adopted to implement the provisions of Article 10 paragraph 2 of the Framework Convention.

## **Article 11**

54. The Advisory Committee notes that according to the State Report, all persons belonging to a national minority may freely decide and use their names and surnames according to their traditions in their mother tongue and have the right to have them officially recognised and registered according to their phonetic pronunciation on the basis of the orthography of the Latin alphabet.

55. The Advisory Committee notes that there have been complaints from the Montenegrin community that certain persons are allegedly still required to use the Albanian version of their patronym on their identification cards and other official documents and that these persons have not been able to change their names back to their traditional form. The Advisory Committee, while understanding that these may be isolated incidents, nonetheless encourages the authorities to ensure that all civil servants are aware of the need to respect this right to use, and have official recognition of, one's patronym in the minority language.

56. The Advisory Committee notes that the display of traditional local names, street names and other topographical indications, in minority languages, is not regulated by any specific law. The Advisory Committee notes that local authorities are free to decide on these issues and welcomes that such displays exist in certain parts of the country inhabited by persons belonging to national minorities. The Advisory Committee notes, however, that some of the Greek

topographical signs in the South have been defaced (see also comments under Article 6 above). The Advisory Committee is aware that there is a demand for further topographical indications in minority languages and notes, as an example, the on-going request for the use of Macedonian names for the villages in the community of Liqenas. Taking into account the above, the Advisory Committee is concerned by the lack of clear criteria concerning the display of traditional local names, street names and other topographical indications in minority languages intended for the public. The Advisory Committee therefore considers that the Government should examine the need for an adequate legal and administrative framework to govern the display of names and topographical indications in minority languages and adopt appropriate legislation in full conformity with Article 11 paragraph 3 of the Framework Convention. The Advisory Committee notes in this respect the comment of the Government in the State Report that “a complete legal improvement of all the matters treated in this Article remains an issue to be dwelt upon in the future”, and trusts that early consideration will be given to this matter.

## Article 12

57. The Advisory Committee notes that a number of calls have been made for greater attention to be paid to fostering the knowledge of the culture, history and language of national minorities in schools. Notwithstanding that some work has been carried out to foster such knowledge, the Advisory Committee is pleased to hear that there are plans to review further the school curriculum and the school textbooks. The Advisory Committee, in this respect, considers that it is important that attention is given to national minorities in these changes, and that persons belonging to national minorities are consulted in the revision process. The Advisory Committee highlights the importance of these changes, not just to improve understanding about national minorities but also to ensure that stereotypes of national minorities are removed from all educational materials.

58. The Advisory Committee notes that teacher training is available for teachers of the Greek national minority at the Pedagogical High School in the city of Gjirokaster. The Advisory Committee considers, however, that training will also be needed for teachers of other national minorities if adequate education in and of minority languages is to be offered in accordance with the requirements of Article 14.

59. In relation to Roma children, the Advisory Committee is concerned about a small number of allegations of incidents where Roma children have been denied registration at school or where they have been placed at the back of the class. The Advisory Committee considers that notwithstanding the intervention by the authorities in certain cases, such practices are not compatible with the Framework Convention. Furthermore, the Advisory Committee is also concerned about reports concerning bullying of Roma children and evidence of high absentee rates and low achievement levels of Roma pupils. These latter matters have varied and complex causes, ranging from difficult and dangerous access to the schools (with children having to walk on, and cross, dangerous roads), to the distance of schools from where Roma families live and the precarious financial circumstances of many Roma families. The Advisory Committee encourages the Albanian authorities to take these issues seriously and follow-up on all complaints and petitions received.

60. The Advisory Committee is aware of some of the initiatives being undertaken, in particular by certain non-governmental organisations, in order to improve the situation of Roma children in schools. The Advisory Committee is also aware of the potential importance of the national Roma strategy (see also under Article 4 above) that is being developed, and encourages

the Albanian authorities to pay particular attention to the question of education of Roma children in this strategy. In specific terms, the Advisory Committee considers that teachers should be given encouragement and support in order to be more sensitive to the needs of Roma children and their life-style and traditions, and that special assistance programmes for Roma children in schools should be developed further in order to assist those who may lag behind. In this connection there exists a clear need for more Roma teachers and special assistants, for example for those Roma children who may not have learnt Albanian before going to school. The Advisory Committee notes that a key to improving the situation is to ensure that the education system reflects and takes fully into account the language and culture of the Roma, as stipulated in the principles contained in the Committee of Ministers' Recommendation No. (2000) 4 on the education of Roma/Gypsy children in Europe. The Advisory Committee is of the opinion that Albania needs to develop, implement and evaluate further its measures aimed at improving the status of Roma in the educational system and that the proposed Roma strategy, which is to be developed, offers the opportunity of achieving much in this field, even with minimal resources.

61. The Advisory Committee welcomes that there is a Greek language branch at the University in Gjirokaster and notes that there is interest on the part of other minorities to establish additional departments at University to cater for their linguistic and other needs. The Advisory Committee is therefore of the view that the authorities could examine further the possibility of extending education for these other national minorities at University level.

### **Article 13**

62. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

### **Article 14**

63. The Advisory Committee notes that Article 20, paragraph 2 of the Albanian Constitution provides that persons who belong to national minorities "have the right ... to study and to be taught in their mother tongue". The provisions of the Constitution are complemented by provisions in the law, such as Article 3 of the Law 7952 dated 21.06.1995 On the Pre-University Education System, which guarantees equal rights to all citizens "to attend all education levels [...]" and Article 10, point 1, which provides for persons belonging to national minorities "to study and be taught in their native language". Further clarification is provided in Decision No. 396, dated 22.08.1994 on Elementary Education in the Native Language of National Minority People, and subsequent Decisions of the Council of Ministers.

64. The Advisory Committee notes with interest the network of schools established for the Greek and Macedonian national minorities covering kindergartens, primary schools, elementary schools and high schools, where education in and of minority language is available, to varying degrees. The Advisory Committee welcomes the efforts made by the Albanian authorities to keep many of these schools and classes open, notwithstanding the falling number of pupils due to the high level of emigration from the country and the high ratio of teachers to students.

65. The Advisory Committee notes that there are calls for the opening of additional schools for children belonging to Greek, Macedonian and Montenegrin national minorities, in particular, in areas outside those previously categorised as "minority zones". The Advisory Committee refers, as an example, to the request for the opening of classes in Greek in Himare. The Advisory Committee notes however, that the lack of accurate statistical information on national



minorities makes it difficult to clarify which areas are “inhabited by persons belonging to national minorities, traditionally or in substantial numbers” (Article 14 paragraph 2 of the Framework Convention). The Advisory Committee considers that the authorities should both react to and examine, with those concerned, the demands for the opening of further schools and classes in the light of the requirements under Article 14 paragraph 2 of the Framework Convention, and that the authorities should endeavour to ensure, so far as relevant, that persons belonging to these minorities have adequate opportunities for being taught or receiving instruction in minority languages in and outside the former “minority zones”.

66. The Advisory Committee notes in addition that there is a lack of education in and of minority languages for the Aromanian / Vlach and the Roma minorities. From the information available, the Advisory Committee understands that these minorities are particularly concerned about the need for support for learning their own languages. The Advisory Committee is of the view that the authorities should examine further the needs of these two communities and discuss with the minorities concerned how best to cater for these needs. In relation to the Roma, the Advisory Committee notes the important role that the national Roma strategy could play in providing support for education of the Roma language both within and outside of the daily school environment.

#### **Article 15**

67. The Advisory Committee welcomes that an Office for National Minorities has been created and hopes that the resources linked to it will be increased in view of its extensive and important mandate. The Advisory Committee notes, however, that there is scope for greater integration and understanding of minority issues within Government ministries. While there are examples of specialised persons or departments being set up within different Ministries, such as the specialist who covers educational issues in relation to Roma children in the Department of Education at the Ministry of Education and Science, or the Sector for National Minorities in the Department of Prefectures in the Local Government Ministry, greater use of similar departments or posts could be made in other Ministries as well. Such specialist persons or departments might be valuably supported by an advisory group composed of persons belonging to national minorities.

68. The Advisory Committee is disappointed to note that the recent creation of the post of Minister for National Minorities was short lived and that the post no longer exists. The Advisory Committee regrets that this Ministerial post was never given the chance to establish itself and considers that thought should be given to restoring this post and strengthening further the structures existing within Ministries and at a local level to allow them to deal with minority issues.

69. The Advisory Committee notes that there exists in Albania only a limited framework for dialogue between the Government and national minorities, despite the creation of the Office for National Minorities. The Advisory Committee notes that in a number of countries in Europe, special representative bodies in the form of Councils of National Minorities have been successfully established to further the dialogue and to ensure the effective participation of persons belonging to national minorities. The Advisory Committee is of the opinion that such a structure within the context of Albania could make a valuable contribution to increasing the level and quality of dialogue between national minorities and the relevant authorities. The Advisory Committee is of the view that the government should give speedy consideration, in consultation with those concerned, to the merits of establishing such a structure.

70. The Advisory Committee has received complaints from representatives of different national minorities concerning their level of political representation both at local level and in the People's Assembly.

71. The Advisory Committee notes, in this respect, that the Party of the Human Rights Union, which represents the interests of the national minorities in general, and the Greek minority in particular, took 3 seats in the 2001 elections, and that persons belonging to national minorities won a number of additional seats as members of other political parties. The Advisory Committee also notes that the recent Law on Political Parties (Law No. 8580 dated 17.02.2000) removed restrictions formerly in place on persons belonging to national minorities forming their own national parties (see also under Article 7 above).

72. The Advisory Committee while welcoming the above notes that persons belonging to national minorities other than the Greek minority complain that they are not directly represented in the People's Assembly. The Advisory Committee understands that there are limits to what any electoral system can guarantee, however, in view of the importance for all persons belonging to national minorities to have access to the political process, the Advisory Committee encourages the authorities to give further consideration to ensuring that the necessary structural guarantees - electoral or consultative - exist to allow for effective participation of all persons belonging to national minorities in the political process.

73. The Advisory Committee also notes that a number of concerns have been raised by persons belonging to national minorities about the electoral process in Albania. In particular, concerns have been raised over the drawing of electoral zones and the impact on national minorities, and also the disputed practice of parties registering candidates as pseudo "independent candidates" in parliamentary elections, thereby reducing the possibility of national minority candidates being elected<sup>5</sup>. There have also been allegations of incidents of intimidation of persons belonging to national minorities and verified evidence of fraud during local elections, such as those documented by the Congress of Local and Regional Authorities of Europe during the local elections in Himare in 2000<sup>6</sup>.

74. The Advisory Committee understands that plans for a review of the electoral law could provide a basis for ensuring that some of the criticisms and disputes that have arisen in the past are dealt with in a manner so as to avoid them resurfacing in the future. In this respect the Advisory Committee notes that the Electoral Commission could have an important role to play in resolving certain problems in this field and encourages the authorities to give further consideration to avoiding these problems in the future.

75. In terms of participation of persons belonging to national minorities in public life or in economic affairs, the Advisory Committee regrets that there are few accurate statistics on which to base conclusions on compliance with Article 15 of the Framework Convention (see also comments under Article 4 above). The Advisory Committee has however received complaints as to the low level of participation of national minorities in areas such as the police, army and judiciary. The Advisory Committee is however particularly concerned about the low level of participation of Roma in economic life, as well as their very low level of participation in the

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<sup>5</sup> See in this respect ODIHR's report on the Republic of Albania Parliamentary Election, 24 June – 19 August 2001, pages 4, 8 and 9 (ODIHR.GAL/57/01).

<sup>6</sup> See as reported in the « Report of the local government elections in Albania » of the Standing Committee of the Congress of Local and Regional Authorities of Europe, paragraph 76 (Doc. CG/CP (7) 13 rev).

public service. The Advisory Committee recognises that in relation to the Roma, the proposed national strategy should provide a framework for increasing the level of their participation in economic life, as well as in the Albanian public service, and considers that the Albanian authorities should pay particular attention to this in devising the national strategy.

76. In view of the above comments, the Advisory Committee considers that an analysis of the levels of effective participation of national minorities in economic life and in public service is required. If such an analysis reveals lack of effective participation, the Advisory Committee encourages the authorities to take appropriate steps to remedy this situation.

#### **Article 16**

77. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this Article does not give rise to any specific observations.

#### **Article 17**

78. The Advisory Committee does not underestimate the importance of the opening of Albania's borders after decades of isolation on persons belonging to national minorities and their possibilities for establishing and maintaining free and peaceful contacts across frontiers with persons lawfully staying in other States. The Advisory Committee encourages the authorities to continue to facilitate such contacts across frontiers, including through efforts to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers. This should be ensured not just for minorities with a kin-state, but also for all persons belonging to national minorities, including the Roma.

#### **Article 18**

79. The Advisory Committee takes note of the fact that Albania is party to a number of bilateral agreements of relevance to national minorities with its neighbours, notably Greece and "the former Yugoslav Republic of Macedonia". The Advisory Committee encourages the authorities to continue in their efforts to promote the use of these instruments to further the protection of persons belonging to national minorities.

#### **Article 19**

80. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this Article does not give rise to any specific observations.

### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

81. The Advisory Committee believes that the main findings and comments set out below, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

### **In respect to the General Remarks**

82. The Advisory Committee *finds* that there is a lack of accurate statistical data concerning persons belonging to national minorities and *considers* that further steps need to be taken to provide accurate statistical data concerning national minorities.

83. The Advisory Committee *considers* that the Albanian authorities should ensure that requests from persons belonging to national minorities should always be given a response and that the issues raised should be followed up upon with appropriate action.

### **In respect of Article 3**

84. The Advisory Committee *finds* that some persons belonging to the Roma and Aromanian / Vlach communities are not satisfied with being classified as only a linguistic minority. The Advisory Committee *considers* that the Government should, in consultation with those concerned, re-examine the question of the designation of the Roma and Aromanians / Vlachs as only a linguistic minority.

85. The Advisory Committee *finds* that the *a priori* exclusion of Egyptians from the personal scope of application of the Framework Convention is not compatible with the Framework Convention and *considers* that the Government should re-examine the question in consultation with those concerned.

86. The Advisory Committee *finds* that it would be possible to consider, where appropriate, the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *considers* that Albania should examine this issue with those concerned.

### **In respect of Article 4**

87. The Advisory Committee *finds* that there exist gaps in the legislative framework concerning national minorities and *considers* that further steps could be taken to fill these gaps through, for example, anti-discrimination legislation and, when appropriate, more general legislation concerning national minorities.

88. The Advisory Committee *finds* that complaints of discrimination in different fields, ranging from employment, to access to basic facilities, education, housing, social services and access to land distribution schemes, exist. The Advisory Committee *considers* that the authorities should take all appropriate measures to tackle such discrimination where it exists, including through stamping out practices which contribute to discrimination, such as bribing and the use of family or other contacts to obtain State provisions.

89. The Advisory Committee *finds* that there are reports of discrimination and prejudice faced by persons belonging to the Roma community as well as persons belonging to the Egyptian community and *considers* that there is a need for further monitoring of the situation and greater awareness of the situation by, amongst others, government officials, judges and the police.

90. The Advisory Committee *finds* that an increasing socio-economic gap is opening up between the Roma and the rest of the population in Albania and *considers* that the Government should step up its efforts in establishing a national strategy for the improvement of the living conditions of the Roma.

91. The Advisory Committee *finds* that the People's Advocate has an important role to play in identifying and combating discrimination and *considers* that the People's Advocate should be encouraged to continue extending its outreach throughout the country.

#### **In respect of Article 5**

92. The Advisory Committee *finds* that non-governmental organisations and kin-states play an important role in providing cultural support for national minorities but *considers* that the Government should itself take further measures and not be over-reliant on civil society initiatives or on kin-state support from abroad.

93. The Advisory Committee *finds* that there are claims by some persons that the Aromanians / Vlachs are totally assimilated in Albania. The Advisory Committee *considers* that the Albanian authorities should take all appropriate action to negate these claims.

#### **In respect of Article 6**

94. The Advisory Committee *finds* that notwithstanding that a general spirit of tolerance prevails in Albania, both the Roma and Egyptian communities face a certain level of prejudice in their daily lives and that incidents of hostility also occur, from time to time, with regard also to other groups. The Advisory Committee *considers* that the Government should be mindful of the need for vigilance in this area and take additional measures to tackle the problem, including, for example, education to encourage tolerance and raise awareness of the needs of these communities, in particular among professional groups such as law enforcement officers, the judiciary and the media.

95. The Advisory Committee *finds* that there have been disturbing reports of trafficking of children, in particular girls, belonging to the Roma and Egyptian communities and *considers* that the Albanian authorities should investigate fully, as a matter of priority, these reports in order to eradicate such trafficking.

#### **In respect of Article 8**

96. The Advisory Committee *finds* that information exists on the difficulty faced by certain national minorities to obtain the return of church property. The Advisory Committee *considers* that the authorities should while continuing the process of restitution bear in mind the need to draw a careful and fair balance between the interests of all those concerned without any form of discrimination impacting upon persons belonging to national minorities.

#### **In respect of Article 9**

97. The Advisory Committee *finds* that notwithstanding the availability of regular printed media for national minorities, there is an absence of daily Albanian printed media in minority languages for Albanian national minorities. The Advisory Committee *considers* that the

Albanian authorities should examine how assistance to minority printed media may be strengthened.

98. The Advisory Committee *finds* that there are only a limited number of broadcasts on sound radio and television for national minorities and that there are no radio stations or television stations catering only for national minorities. The Advisory Committee *considers* that further support for such coverage should be encouraged, both through licensing requirements and through training and sensitisation of journalists and media professionals about issues of relevance to national minorities in Albania. The Advisory Committee furthermore *considers* that particular attention should be given, through training and sensitisation, to avoiding negative stereotyping, in particular of the Roma, in the media.

#### **In respect of Article 10**

99. The Advisory Committee *finds* that the lack of any formal provisions governing the use of minority languages in relations between persons belonging to national minorities and the administrative authorities may not be in full conformity with Article 10 paragraph 2 of the Framework Convention. The Advisory Committee *considers* that a review of the demand and an evaluation of the needs for such usage should be carried out, and that in the light of this review, an appropriate legal and administrative framework should be adopted.

#### **In respect of Article 11**

100. The Advisory Committee *finds* that there have been complaints that certain persons from the Montenegrin community have been unable to revert to usage of their traditional patronym and *considers* that the Albanian authorities should ensure that all civil servants are aware of the need to respect this right to use, and have official recognition of, one's patronym in the minority language.

101. The Advisory Committee *finds* that there are no clear criteria in Albania concerning the display of traditional local names, street names and other topographical indications in minority languages intended for the public. The Advisory Committee *considers* that the Government should examine the need for an adequate legal and administrative framework to govern the display of such names and topographical indications and adopt appropriate legislation.

#### **In respect of Article 12**

102. The Advisory Committee *finds* that greater attention should be paid to fostering knowledge of the culture, history and language of national minorities in schools and *considers* that this matter should be examined further in a future review of the school curriculum and the school textbooks.

103. The Advisory Committee *finds* that teacher training is available for teachers of the Greek national minority and *considers* that training will also be needed for teachers of other national minorities.

104. The Advisory Committee *finds* that alleged incidents where Roma children have been denied registration at school or have been placed at the back of the class, are not compatible with the Framework Convention. The Advisory Committee *considers* that particular attention

and follow-up should be given to these and other issues - including the high absentee rates and low achievement levels of Roma pupils - in the national Roma strategy that is being developed.

105. The Advisory Committee *considers* that the Albanian authorities could examine further the possibility of extending education of national minority languages at University level.

#### **In respect of Article 14**

106. The Advisory Committee *finds* that a network of schools offering, to a varying degree, education in and of minority languages, has been established in Albania for the Greek and Macedonian minorities. The Advisory Committee however *considers* that the Albanian authorities should examine, with those concerned, the demands for the opening of further schools and classes for the Greek, Macedonian and Montenegrin minorities in and outside of the former minority zones.

107. The Advisory Committee *finds* that there is a lack of education in and of minority languages for the Aromanian / Vlach and the Roma minorities and *considers* that the Albanian authorities should discuss with these minorities how best to cater for their needs.

#### **In respect of Article 15**

108. The Advisory Committee *finds* that there is scope for greater integration and understanding of minority issues within Government Ministries and *considers* that thought should be given to strengthening further, structures existing within Ministries and at a local level, and restoring the post of Minister for National Minorities.

109. The Advisory Committee *finds* that there exists in Albania only a limited framework for dialogue between the Government and national minorities and *considers* that a structure, such as a Council of National Minorities, could make a valuable contribution to increasing the level and quality of dialogue between national minorities and the relevant authorities.

110. The Advisory Committee *finds* that there exist a number of complaints concerning the level of political representation of persons belonging to national minorities, both in the People's Assembly and at a local level, and *considers* that the authorities should give further consideration to ensuring that the necessary structural guarantees - electoral or consultative - exist to allow for effective participation of all persons belonging to national minorities in the political process.

111. The Advisory Committee *finds* that there have been a number of problems in relation to the electoral process impacting on persons belonging to national minorities and *considers* that a review of the electoral law could provide a basis for ensuring that some of the criticisms and disputes that have arisen in the past are dealt with in a manner so as to avoid them resurfacing in the future.

112. The Advisory Committee *finds* that there exist complaints concerning the low level of participation of national minorities in areas such as the police, army and judiciary, and that the Roma, in particular, have a very low level of participation in economic life and in public service. The Advisory Committee *considers* that the Albanian authorities should conduct an analysis of the levels of effective participation of national minorities in economic life and in public service and take appropriate steps to remedy problems found.

### **In respect of Article 17**

113. The Advisory Committee *considers* that the Albanian authorities should continue to facilitate contacts across frontiers, including through efforts to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers, and that these efforts should be ensured, not just for minorities with a kin-state, but for all persons belonging to national minorities, including the Roma.

### **In respect of Article 18**

114. The Advisory Committee *finds* that Albania is a party to a number of bilateral agreements with its neighbours and *considers* that the Albanian authorities should continue in their efforts to promote the use of these instruments to further the protection of persons belonging to national minorities.

## **V. CONCLUDING REMARKS**

115. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

116. As concerns the implementation of the Framework Convention, the Advisory Committee considers that Albania has, in many respects, made commendable efforts in the protection of national minorities, including in the field of education and the provision of schools and classes for the Greek and Macedonian national minorities in set areas. The Advisory Committee also notes that, in general, a spirit of tolerance prevails in Albania.

117. Notwithstanding the adoption of important legal guarantees pertaining to some of the articles under the Framework Convention, further efforts will be required to complete the legal and institutional framework and to ensure its full realisation in practice.

118. A clearer legal and administrative framework will need to be adopted in order to deal with a number of shortcomings in relation to the use of minority languages in relations with administrative authorities and the display of traditional local names, street names and other topographical indications.

119. The lack of statistical information concerning national minorities and the issues affecting them seriously hampers the monitoring and the design of policy and practice in relation to national minorities. The Advisory Committee considers that accurate statistical information on the number and location of persons belonging to national minorities, such as can be gathered through a national census, are required in Albania.

120. The Advisory Committee notes that despite the historic presence of Egyptians in Albania, they appear to have been *a priori* excluded from the protection of the Framework Convention. This approach is not compatible with the Framework Convention and the Advisory Committee considers that the Albanian Government should, in consultation with those concerned, examine this issue further.



121. Supplementary measures are required to improve, in particular, access to sound radio and television broadcasting for persons belonging to national minorities. Further measures are also required to extend minority language education, where there is a need and a demand, for Montenegrin, Roma and Aromanian / Vlach minorities, and also Greek and Macedonian minorities in areas where such education is not available.

122. Notwithstanding that there are plans to establish a national strategy for Roma, some problems remain for persons belonging to the Roma community in terms of discrimination and prejudice in a number of societal settings, and there is an increasing socio-economic gap opening up between them and the rest of the population.

123. The Advisory Committee is concerned about the effective participation of persons belonging to national minorities in economic life and in public affairs and it is of the opinion that an analysis is required of this situation, which should be followed by appropriate action, as required.