

**Human Rights Council  
Universal Periodic Review  
Second Cycle**

**Statement**

**by**

**the Head of Delegation of the Republic of Albania**

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Albania to United Nations Office and other International Organization in  
Geneva**

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**Honorable Mr. Chairman,**  
**Honorable Members of the Council,**  
**Ladies and Gentlemen,**

At the beginning of my presentation, permit me, Mr. Chairman, to extend the highest appreciation of Albania's Government on the activity of the Human Rights Council. We believe that the Universal Periodic Review as a unique process, provides an additional opportunity for the countries to promote and uphold human rights and universal fundamental freedoms.

Now permit me to express the distinct honor and pleasure making the presentation of second national periodic report, namely recent measures undertaken since the first cycle of UPR. I would like also to thank the countries which submitted the advance questions, giving us the possibility to inform you on the measure for the protection of human rights in Albania.

Since the first cycle of UPR, is improved the legal, institutional and policy framework on human rights in different fields as: the non-discrimination, the protection of the rights of women and children, gender equality, domestic violence, fight against trafficking of human beings, the rights of persons with disabilities, education, health care, justice system, fight against corruption etc. Albanian institutions have undertaken a series of measures and activities to promote and protect human rights aiming at implementing its recommendations. Furthermore, several strategies and action plans have been adopted, reviewed and implemented. The rule of law and respect for and protection of human are important objectives of the new government program, which also includes clear objectives related to education, health care, gender equality, social treatment and inclusion.

On the other hand the independent institutions as Ombudsman and the Commissioner for the Protection against Discrimination plays a significant and proactive role in promoting and protecting human rights and those of vulnerable groups.

The Commissioner for the protection against Discrimination based on the law "For the protection from discrimination" provides assistance to victims of discrimination by: providing the handling of complaints: the ex-officio investigations and court assistance. Since the establishment of this institution, the number of cases examined in 2012 is increased, six times compared to 2011 and for the year 2013 the number is doubled compared with the previous year. The Commissioner has initiated 44 ex-officio cases. During the year 2012-2013, were examined 46 cases of discrimination in the field of goods and services, employment, education, hate speech.

The Commissioner for Protection from Discrimination has recommended legal amendments, aimed aligning the domestic legislation with international standards and the law "On the Protection from Discrimination". Based also on the recommendations of the Commissioner, were adopted amendments of the Criminal Code in order to avoid the punishment of victims of trafficking and prostitution; the criminalisation of the violation of the equality of citizens for reasons of sexual orientation and gender identity; the provision as an aggravating circumstance of committing the offense for the reasons provided in the Law "On Protection from Discrimination". Another achievement of this Office is the implementation of the law On discrimination, by the Albanian courts.

In the field of the rights of the women, gender equality and fight against domestic violence are undertaken concrete measures as:

- the continuous improvement of the legal and institutional framework;

- the adoption of the Strategy on Gender Equality, Gender Based Violence Reduction and Domestic Violence 2011-2015;
- the strengthening of the structures and capacity building of professionals;
- the awareness campaigns to promote the rights of women, gender equality, the fight against violence and domestic violence.

The vision of National Strategy of Gender Equality and Reduction of Gender Based Violence and Domestic Violence, 2011-2015 is: "A society in which gender equality is respected and appreciated, taught, supported and promoted, gender based violence is punished, victims of gender based violence are supported and protected and equality in opportunity and treatment is a reality for women and men."

The strategy (2011-2015) and its Action Plan aim at determining objectives and tangible measures for the protection and promotion of gender equality, promotion of women rights with specific focus on children and women. One important objective of Strategy is the qualitative and quantitative increase of participation of women in political and public life.

The Action Plan partially is financially supported by the state budget and from donors. An important requirement for monitoring of gender equality and gender-based violence is the collection of gender statistics.

Regarding the gender budgeting issues has started the consultation process with line ministries for implementing the gender mainstreaming in the medium term budget program. Line ministries have selected some budgetary programs to apply gender mainstreaming. During April is started the training cycle for gender budgeting.

For the improvement of the support of domestic violence victims, are undertaken measures for strengthening the Referral Mechanism and

particularly the coordination at the central and local level by allocating adequate funds and capacity building. The Referral Mechanism, is operating until now in 24 municipalities of the country and will be further consolidate in more local government units.

Concrete measures are undertaken:

- to offer the legal assistance for women and girls in need and for the victims of domestic violence;
- the installation of an online national system to ensure that cases are registered, properly managed and to make available a toll-free telephone line for victims of domestic violence;
- to ensure special treatment and protection of the victims of domestic violence and children, accommodated in the national shelter for rehabilitation.
- capacities building of various professionals addressing domestic violence problems, such as judges, prosecutors, bailiffs, police, social workers, health personnel, teachers and civil servants at the central and local level. During January 2014, was organized the training of the personnel dealing with the domestic violence issues.
- In compliance with this strategy, in the education system the gender issues are widely covered in schools as part of obliged curricula and as cross-curricula.

The priorities for the year 2014 for the strengthening the support services for victims of domestic violence are:

- the functioning of an online system for registration and monitoring of cases of domestic violence;
- the establishment of counseling line.

**Honorable Mr. Chairman,**  
**Honorable Members of the Council,**

Law "On the Protection of the rights of the child" is a positive step for the improvement of the national legal framework for child protection. In order to make the child protection system more effective, are planned the following measures:

- The elaboration of the Working Protocol for the child protection in the local level as well as for other agencies involved in the protection of children (such as health workers, teachers, policemen). The Protocol will serve as a methodological guide, defining in a detailed way the procedures for the management of cases of children at risk.
- The Rules and regulations of technical multi-disciplinary groups at local/regional level are being developed on the basis of the Protocol, in order to guide and facilitate the work of multi-sectoral mechanisms.
- Standards for the work of child Protection Units will be developed in 2014, as well as a monitoring methodology.
- An evaluation of the child Protection system.

Regarding the access to education for children under custody, the law "On pre-university education in the Republic of Albania" ensures that children under custody enjoy all rights and unlimited support for education in pre-university education institutions. This category of children benefit free learning texts, enjoys psycho-social care from the psychological service in schools and benefits special quotas for studying scholarships in secondary and high education.

By the end of 2014, Albania will start implementing the Administrative and territorial reform, which will aim at decreasing the number of administrative

units in the country. The reform also aims at strengthening the child protection units, by increasing their capacities to offer a higher quality service for children and their families.

The initiative for children and families living in street situation aims to protect children from all forms of abuse, exploitation and neglect through a coordinated intervention and a comprehensive integrated approach to the protection of the highest interests of the child and family support.

It was prepared the draft-intervention plan for children in street situation and the Guide of Procedures to be followed in the management of cases. It is also conducted an evaluation of the existing package of services

The draft- procedural guidelines includes a practical guide on the procedures that must be followed by professionals involved in identification, referral and case management of children in street situations. At the end of April, after the consultations with civil society, it is expected to be completed the final draft - intervention plan and also the draft- procedural guidelines for children in street situation. It is also envisaged the preparation of the package of care and assistance for children and families in street situation (in cooperation with municipalities which are involved in this process).

In relation to juvenile justice, the Code of Criminal Procedure clearly provides for procedural guarantees for all children subject of criminal proceedings. Penal Code defines the basic criteria when criminal responsibility starts in children, the special measures and punishments rendered to children, making a clear division from those rendered to adults. The law "On Legal Aid" provides for the provision of legal aid even for minors.

During this period, a special institution for the treatment of minors serving prison sentences is set up and functioning with the financial support of EU CARDS Program.

- **Measures to improve the situation of Roma.**

The National Action Plan 2010-2015, of "Decade of Roma Inclusion", aims to improve the socio-economic status, social inclusion, poverty reduction and integration of the Roma community.

Related to the employment and social protection, are implemented specific policies and programs to promote employment for the Roma community in general and for the Roma women in particular. There is a specific vocational training program implemented for Roma providing free training courses. During the year 2013 are training 200 unemployed Roma jobseekers and 9439 unemployed Roma and Egyptian jobseekers were registered in employment offices, received counseling, orientation and information for the pursuit of vocational training courses

Regarding the registration of children born and still unregistered from the Roma community. Are undertaken measures to identify the cases of children born and unregistered. This process requires self-awareness of Roma community and the cooperation among different institutions.

In the 2014 budget of was approved funding in the amount of 60.000 USD, for small grants for Roma and Egyptian community. The terms of reference were designed for the beneficiaries of these grants and were sent to all municipalities to apply for projects to improve housing conditions for the communities.

**The education** is a national priority that contributes to the inclusion, the reduction of poverty, the protection of children from social risks and to encourage social cohesion.

The measures aimed at tackling the drop-out rate of children from school, are related to:



- Legal measures to ensure the education of children that did not attend at least two classes of basic education, basic part-time education; the establishment of the psycho-social service unit.
- The implementation of the "0 school drop-out initiative" and the Action Plan during year 2009-2013. As result was improved the data protection system, the strengthening of the cooperation between different institutions for the reduction of school dropout and follow up of school dropout development. For school year 2012-2013 school the rate of dropout of pupils was 0.39% and it is aimed to reduce this rate to 0.3% in 2017.
- The identification of drop-out of Roma children from school and their inclusion in part-time schools.
- Measures for the integration of pupils at risk of drop-out into the regular education system.

There are also undertaken legislative, administrative and institutional measures to guarantee the inclusion of Roma children and youth. The number of Roma children in the education system for 2013-2014 is 4219 children in total; compared to 2012-2013 when this number was 4095 children. It is provided the enrollment of Roma children in the compulsory education, even in the absence of their birth certificate, and free textbooks.

The participation of children in decision making is guaranteed by the law "On the pre university education", and the guideline for the inclusion of pupils in the board of education institution". Moreover, it specifies participation of pupils in: approval of mid-term and long-term plans of education institutions where they are part, approval of school expenditure plans; procedures of appointment and dismissal of school director and teachers in the respective education institution; reviewing of internal regulations of the institution. Furthermore, the Instruction "For the organization and functioning of the pupils'

government” aims to protect and promote pupils rights to contribute in developing and guaranteeing children rights and their interests.

**Honorable Mr. Chairman,**

**Distinguish Members,**

In view of implementing the **legislation on the fight against trafficking**, a series of measures have been taken to improve the legal framework, more specifically:

- Amendments to the Penal Code in 2013, which provided a solution to the issue of internal trafficking.
- Amendments to the law on economic aid. On the basis of this law, victims of trafficking apart from the social services provided during their accommodation in reception and re-integrating centers enjoy an economic aid after they come out of these residential centers until they are employed.
- A number of bylaws have been adopted in order to coordinate the work between the central and local structures in their fight against trafficking in human beings and identification of victims of trafficking; identification, referral, protection, improved assistance to victims/potential victims of trafficking and their integration; their treatment and providing free health services for this category.
- In order to prevent this phenomenon, a Memorandum of Understanding was signed in the context of the European Day against Trafficking in Human Beings, along with the organization of a series of awareness raising campaigns, national conferences on issues related to investigation and adjudication of cases.

A significant element is strengthening the cooperation and partnership with the civil society with the aim of establishing a Counselling Group of civil society organizations, which deal with trafficking related issues.

Moreover, the drafting of the Strategy and the new Plan of Action in the fight against trafficking in human beings has been foreseen, as well as reviewing the functioning of the State Committee for the Fight against Trafficking in Human Beings.

- **Measures to fight against harmful traditions, including blood feud-related crimes.**

Recently, in March 2014, the Plan of Action "On the prevention, detection, registering and combating criminal activities and the offences of murder for blood feud and revenge" was drafted in order to fight the blood feud phenomenon.

Similarly, a Staff of Direction is established and it is functioning against crimes committed for revenge and blood feud, whose task is to direct, control and coordinate all the activity of subordinate structures for preventing and combating the criminal activity of murder for revenge and blood feud.

In the context of combating the phenomenon of blood feud and revenge, a series of concrete measures have been taken:

- Increasing cooperation with the local government and NGOs to settle disputes by means of reconciliation.
- Strengthening the cooperation with the prosecution body for an accelerated investigation of these offences and bringing to justice their perpetrators.
- Taking concrete measures to apprehend the authors of murders committed for blood feud, particularly as a deterrent (preventive measure) for the blood feud to continue.
- Increasing cooperation with the directorate of education and schools for the education of the new generation with the spirit of tolerance and prevention of crime.

- **Measures to fight against discrimination based on gender identity and sexual orientation.**

Beyond the adoption of legal framework in the field of the non-discrimination, amendments to Criminal Code, Albania joined the global challenge to fight against discrimination because of sexual orientation and a "Plan of measures for discrimination because of sexual orientation and gender identity" 2012-2014 was prepared and will be implemented in collaboration with the responsible government institutions and supported by independent institutions and other actors such as civil society organizations.

The plan includes measures on:

- the improvement and the implementation of legislation in compliance with anti-discrimination provisions international recommendations;
- public awareness activities, capacity building and strengthening of institutional representatives etc.

Regarding inclusion in public education of awareness rising programmes that cover issues regarding sexual orientation and gender equality, education policies aim to ensure inclusive education without discriminating anyone on grounds of sexual orientation and gender identity.

The plan of measures for non-discrimination on grounds of sexual orientation and gender identity 2012-2014” provides guidance and orientation for education institutions aiming to create a safe environment at school without insults, social exclusion or improper treatment due to sexual orientation and gender belonging. Priority was given to the training of the teaching staff regarding LGBT rights.

Also are prepared the legal proposal for the amendments of Family Code including the non-discrimination for the reasons of sexual orientation and gender identity in matters of employment and vocational training as well as in the protection of human rights.

### **The rights of detainees and prevention of torture and ill- treatment**

In recent years, were undertaken important reforms in protection of human rights in prisons regarding the implementation of policies on the fundamental rights for detainees and pre-trial detained persons, aligned with European standards.

In order to improve the rights of the persons deprived of their liberty, in November 2013, were proposed amendments on the law “On the rights and treatment of Prisoners and detainees” and some amendments on the law “On

Prison Police". This is an important initiative in the context of improving conditions of the treatment of convicted persons, in order to guarantee respect to human rights and fundamental freedoms. In particular, these initiatives, stipulate the general principles of treatment of persons with mental disorders, detainees and prisoners of foreign nationality, women and children, persons with disabilities, LGBT, persons belonging the ethnic and linguistic minorities, the elderly and people with long-term sentences in the prison system and other issues related to insurance health scheme request and complaints mechanism, disciplinary measures, rewarding and special leaves, transfer rules, protection of personal data, as well the rights and obligations of pre-trial detainees.

Simultaneously it will be revised the General Regulation of Prisons and shall be drafted the Internal Regulations for each penitentiary institution.

The New Middle Term Strategy of the Prison System and its Action Plan have been drafted, for the period 2014-2017. These priorities include:

- further harmonization of legislation with the *acquis communautaire*;
- further consolidation of the prison system and creating an independent, impartial and transparent body;
- improving physical infrastructure and material conditions of the penitentiary institutions;
- improving services for the category of persons in conflict with the law;
- increasing partnership for the respect of human rights in the prison system;
- the prevention, the investigation the and prosecution of acts of corruption by the prison administration.

Regarding the improvement of the conditions in prisons, the proposed amendments on the draft law "On the rights and treatment of Prisoners and detainees" addresses also other issues related to the rights and treatment of convicted and pre-trial detainees such as: the coverage from the compulsory

health care insurance scheme, requests and complaints mechanism, disciplinary policy, rewarding and special permits, transferring rules, protection of personal data etc.

The law for granting amnesty, was adopted, with the aim the reduction of the overcrowding in prisons. The implementation of the amnesty which began in April 2014 is contributed for the improvement of the conditions in the penitentiary institutions, the reduction of the overcrowding. The beneficiaries from the law of the amnesty in the Prison System were 813 persons. As the result of the amnesty, overcrowding was decreased from 29% to 11%.

Two important projects on the reconstruction of new penitentiary institutions are foreseen to contribute significantly for the improvement of general conditions in penitentiary system and for the reduction of overcrowding in prisons. Within June 2014, it is foreseen to be put into efficiency two new institutions with a total capacity of 880 places.

The monitoring and the supervision of respect of the rights of prisoners is being carried out by specialized institutions and structures within or outside the prison system. General Directorate of Prisons during 2014 has signed 14 cooperation agreements with non-governmental organizations, to carry out inspections of detention facilities and pre-trial detentions.

During January-March 2014, the Interior Control Service has sent to the Office of Prosecution of Judicial Districts, 8 criminal denouncements against 8 police officers for ill-treatment and exercise of violence while escorting citizens to police premises.

Concrete measures are provided to prevent acts of corruption in the penitentiary system that will be part of the strategy of the Ministry of Justice to fight against corruption. A working group was set up to design the Anti-Corruption Strategy in the Prison System. A fundamental part of this strategy

is the definition of the concrete measures and activities to prevent and denounce corruptive acts.

Regarding the improvement of the judiciary and to fight against corruption, during the year 2014, is foresee the adoption of the amendments of the legislation on the organization and functioning of constitutional institutions, and also in close consultation with the Venice Commission, if the need arises for possible constitutional changes.

**Honorable Mr. Chairman**

**Distinguish members of Human Rights Council**

Albania has extended a standing invitation to all special procedures and until now our country has been visited by two human rights Special Rapporteurs, and pledges to continue working with Special Procedure mandate holders in implementing their recommendations.

Our country is considering accepting the individual complaints procedure under all the human rights conventions to which it is already a State party.

Albania has submitted its candidature to become a member of Human Rights Council for the period 2015-2017, committed to provide a unique national perspective in the Council's activity, to promote dialogue and understanding between cultures and civilizations and the promotion of human rights worldwide.

Albania's candidacy for membership of the Human Rights Council for the period 2015-2017 is a consequence of our efforts for building a democratic society based on human rights, and the experience during the years. While we apply for membership to the Human Rights Council for the period 2015-2017, we are convinced that is a great responsibility, and a challenge that to further the democratization of our country.

The protection and promotion of human rights is a priority of the new Government of Albania, and the Albanian authorities will continue to fulfill the

international obligations the by attaching priority the implementation of legal and policy framework, the increase of public awareness, strengthening the cooperation among different stakeholders.

**Thank you for the attention!**