

Universal Periodic Review for Albania

Submission by the UN Country Team

(main text)

Tirana, 15 October, 2018

CONTENTS

I. HUMAN RIGHTS FRAMEWORKS AND MECHANISMS	2
ALBANIA’S LEGAL AND INSTITUTIONAL FRAMEWORKS	2
COOPERATION WITH TREATY BODIES.....	2
II. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW	3
A. EQUALITY AND NON-DISCRIMINATION.....	3
<i>Gender inequalities</i>	3
<i>Situation of People Living with HIV/AIDS (PLWHA)</i>	4
<i>Situation of Lesbian, Gay, Bi-sexual and Transgender (LGBT) populations</i>	4
B. RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON	5
<i>Sex-selective abortions</i>	5
<i>Domestic and gender-based violence</i>	5
<i>Trafficking in human beings</i>	6
<i>Blood feuds</i>	7
C. ADMINISTRATION OF JUSTICE, INCLUDING IMPUNITY, AND THE RULE OF LAW	8
<i>Juvenile Justice</i>	8
<i>Drug abuse issues</i>	8
<i>Free legal assistance for vulnerable groups</i>	8
D. RIGHT TO PRIVACY, MARRIAGE AND FAMILY LIFE	9
E. FREEDOM OF MOVEMENT	10
F. FREEDOM OF RELIGION OR BELIEF, EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY, AND RIGHT TO PARTICIPATE IN PUBLIC AND POLITICAL LIFE	10
G. RIGHT TO WORK AND TO JUST AND FAVORABLE CONDITIONS OF WORK.....	10
H. RIGHT TO SOCIAL SECURITY AND TO AN ADEQUATE STANDARD OF LIVING	11
I. RIGHT TO HEALTH	11
J. RIGHT TO EDUCATION	12
K. CULTURAL RIGHTS.....	13
L. PERSONS WITH DISABILITIES	15
M. RIGHTS OF MINORITIES	17
N. FREEDOM OF MOVEMENT, MIGRANTS, REFUGEES AND ASYLUM-SEEKERS.....	16
O. INTERNALLY DISPLACED PERSONS	17
P. RIGHT TO DEVELOPMENT AND ENVIRONMENTAL ISSUES.....	17
Q. HUMAN RIGHTS AND COUNTER-TERRORISM	18
R. SITUATION IN OR IN PARTICULAR RELATION TO SPECIFIC REGIONS OR TERRITORIES	18

The following submission is made by members of the United Nations Country Team¹ in Albania, currently engaged in the Programme of Cooperation for Sustainable Development 2017-2021 with the Government of Albania under the “Delivering as One” framework. The submission provides information on the promotion and protection of human rights in Albania related to the mandates of various agencies and programmes comprising the UNCT. As such, the compilation does not attempt a comprehensive overview of the human rights situation in Albania.

I. Human rights frameworks and mechanisms

Albania’s legal and institutional frameworks

Constitutional and legislative framework on human rights protection and promotion has progressed. Approval of constitutional amendments in July 2016 paved the way to a comprehensive and thorough legal reform, aiming at bringing human rights guarantees in full compliance with international standards. Justice system reform is under implementation, aiming at increasing public trust and confidence in the judiciary and fighting corruption. Vetting process is reshaping justice system values. However, the increased number of vacancies at the Constitutional Court, High Court and other courts level are influencing negatively the citizens’ access to justice. Constitutional and legal effective remedies are not fully applicable, so timely establishment of new justice system institutions remains imperative.

Institutional infrastructure has continued to improve. The People’s Advocate has been actively promoting vulnerable groups rights. Most complaints continued to relate to social rights and failure of the state administration to act within the legal deadline. Special reports and recommendations’ numbers increased, however full implementation is lacking. The Commissioners on Children’s Rights and Prevention of Torture vacancies filled in only in 2018. The 2019 budget has decreased, impacting institutional stability and objective achievements. A new Anti-Discrimination Commissioner was elected in 2018 in a second round of applications and currently has additional personnel added.

A new National Strategy for Development and Integration 2015 - 2020 is in place setting as priority areas European integration, good governance, democracy and rule of law, microeconomic and fiscal stability, social cohesion and human development and sustainable usage of resources. However, tangible and sustainable results of corresponding strategies and action plans are missing, while donors’ technical assistance is still required.

UNCT recommendations:

Adequate human and financial resources should be available to strengthen capacities of People’s Advocate and of the Commissioner for Protection from Discrimination.

The Parliament’s role in exercising public oversight over the executive must strengthen, with a view to increase the number of NHRIs recommendations that are accepted and addressed, and to reduce the number of lawsuits by the public administration. Implementation and monitoring of marginalized groups related recommendations must improve in a comprehensive targeted approach.

Cooperation with treaty bodies

Albania has continued to ratify international human rights conventions and to align the legal framework to international standards. However, national reports recommendations follow-up remains weak and mainly donor driven. The responsibility has not shifted to the Albanian authorities yet. Most enforcement and

¹ Resident Agencies, Funds and Programmes participating in the Programme of Cooperation for Sustainable Development 2017-2021 are: UNDP, UNICEF, UNWomen, UNFPA, UNHCR, IOM, WHO and FAO. Participating non-resident agencies are: UNESCO, ILO, UNODC, UNEP, UNIDO, UNECE, IAEA, UNCTAD.

Submission by the UN Country Team in Albania

monitoring of human rights protection mechanisms are lacking human and financial resources. National statistics, policies analyses and strategies implementation are lacking. Concluding observations and recommendations translation in Albanian and disseminating (through internet as well) to public officials, parliamentarians and public at large is not consolidated. Civil society participation in the preparation of national reports has increased mainly through donors' initiative, while there is no substantial change in the Government approach toward them.

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

A. Equality and non-discrimination

Gender inequalities

The legislation on gender equality, anti-discrimination, and domestic violence has improved. Albania is implementing the third National Strategy for Gender Equality 2016-2020. Efforts have been made to combat discriminatory gender stereotypes relating to harmful practices. The country lacks any policy to address child and early marriage, despite the fact that official statistics indicate a recent increase.

Women still continue to face gender inequality in access to basic services, such as education, employment and health care, and participation in decision-making processes (particularly rural women²). Girls from marginalized groups face difficulties to access education (including the high school dropout) and women are concentrated in traditionally female-dominated fields of study at the university level.³ The victims of discrimination on various grounds are predominantly female.⁴

Progress is achieved in integrating gender-budgeting on the Medium-Term Budget Planning (MTBP) cycles. The number of women benefitting from employment program schemes has increased⁵, but they still remain under-represented in the labour market and dominate the sectors, where the wages tend to be significantly lower.⁶ Women entrepreneurs, generally in trade and services, remain low. Women marginalization continues with property right and inheritance. As the legislation is not adequately implemented⁷, women are uninformed about their entitlements and the procedures to be followed to ensure they are registered as co-owners of the family immovable property, including land.⁸ Legal norms application in rural areas is frequently unsatisfactory.⁹

Women's representation in parliament, government, and local government has increased considerably¹⁰, leading to the creation of a positive environment.¹¹ Women's participation in the electoral process faces obstacles, associated with legal provisions or their non-enforcement and also cultural aspects.¹² Family voting is a concerning phenomenon that mostly impacts women and girls, especially those from rural areas. Two main parties applied double standards in listing women and didn't respect the gender quota in the last elections.

² CEDAW "Concluding observations on the fourth periodic report of Albania", 2016.

³ Ibid.

⁴ UN Woman & UNDP, "Gender brief Albania 2016", pg. 15.

⁵ Albania has approved "The National Employment and Skills Strategy 2014-2020".

⁶ UN Woman & UNDP, "Gender brief Albania 2016", pg. 49-50.

⁷ UN and UN Women in Albania, "Women's property rights in Albania, with the financial support of Sweden Government, Tirana 2016, pg. 129-131.

⁸ Promoting women's property rights in Albania-SDG week 2018, UN Women.

⁹ UN Women Albania, "National study on Economic Diversification for Women living in Albania Rural Areas", Tirana 2016, pg. 8-9.

¹⁰ <http://www.al.undp.org/content/albania/en/home/library/poverty/gender-quotas-and-womens-substantive-representation-in-the-local/>

¹¹ IPS "Standards of Representation in Political Parties", with the support of UN Women and UN, with the financial support of Swedish Government, 2017, pg. 8.

¹² "Obstacles to women's Participation in Elections in Albania-A National Index of Women's Electoral Participation, including across 12 Region", 2017, pg. 10-11.

UNCT recommendations:

Albania is urged to ensure full implementation of gender equality legislation, through an intersectional approach to address discrimination of women and girls from disadvantaged communities. Child early and forced marriage, and crimes committed in the name of so-called “honor”, must be tackled including through effective prosecution of perpetrators.

Gender equality machinery must strengthen through adequate human, technical and financial resources at both the central and local levels. Engendered budget allocations of ministries and local government need to be regularly tracked and monitored through key performance indicators.

The progress achieved with women political representation must be sustained by amending the Electoral Code to strengthen the obligatory gender quotas application in parliamentary elections. Sanctions for gender discrimination, family voting and voting pressure must be in place.

Informal employment of women must be addressed. Awareness must be increased on the anti-discriminatory provisions of the Labour Code and business obstacles for women entrepreneurs must be addressed.

Property rights by women, including their rights of inheritance must be equally enjoyed. Especially the Law on Registration of Immovable Property on co-registration of properties between both spouses must be effectively implemented. Women including those in rural areas should have access to information regarding their property rights.

Situation of People Living with HIV and AIDS (PLWHA)

The total number of diagnosed cases with HIV infection in 2017 is 1103 out of which 94 were newly diagnosed in the same year. The projections suggest that the number of PLWHA in Albania is 1500.¹³ Albania does not have a generalized epidemic situation, or a concentrated HIV infection. It remains a country of low HIV prevalence, less than 0.04%. In 2017, one child was also diagnosed with HIV, bringing the total number of children ever diagnosed with HIV since 90' to 42. The treatment and care of PLWHA is offered only in the University Hospital Center “Mother Tereza”, Tirana, (Pediatrics and Infectious Diseases Clinic). This centralized service is partly because of the low number of cases, but it is also linked with issues of stigma and discrimination, especially in the primary and secondary health. Medication (antiretrovirals – ARV) is offered free through a dedicated fund of the Ministry of Health and Social Protection (MoHSP) and it is procured through UNICEF. The MoHSP is the Principal Recipient (PR) of the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) grant in the framework of the Program “Scaling up and ensuring sustainability of the national response to HIV/AIDS and TB among key populations”.

Situation of Lesbian, Gay, Bi-sexual and Transgender (LGBT) populations

Equality and inclusion of lesbian, gay, bisexual, transgender, and intersex is a major objective within the Sustainable Development Goals and Global Development Agenda 2030. Various analysis on LGBTI community have shown there is an emergency to improve the range and access to high quality SRH services to vulnerable groups and LGBTI people. Stigma and discrimination are also another area for attention. Substantial legal protections are achieved in the area of anti-discrimination, however discrimination against LGBTI people persists. It includes denial of the right to marry and have a family; the right of reassigned gender surgery for transgender people; and the right to self-determination in relation to bodily integrity for intersex people. Efforts are put to raise awareness on the situation of intersex persons and to inform governments, key stakeholders

¹³ UNAIDS, SPECTRUM 2016.

Submission by the UN Country Team in Albania

and practitioners in the Western Balkans about current ethical and human rights developments, including current global good practice to protect and empower intersex people.¹⁴

UNCT recommendations:

On people living with HIV and AIDS situation, GoA is urged to raise public awareness on the importance of HIV testing and ensure that it is available and accessible at the care point. The quality of the VCT services must improve. Social support must be provided and hidden health related costs must be addressed.

Stigma and discrimination should be addressed through behavior change communication including and targeting the health care providers. Procurement supply management system to avoid stock-out and endanger therapy treatment must strengthen.

On LGBTI persons, the existing legislation and the national action plan must be enforced and improved in compliance with Sexual Orientation and Gender Identity (SOGI). Advocacy and partnership with LGBTI and HR CSOs must be strengthened.

Access to sexual and reproductive health services must improve. It demands the improvement of existing services as well as the provisions and support for SRHs services for LGBTI population and for other vulnerable groups.

B. Right to life, liberty and security of the person

Sex-selective abortions

National analysis and surveys continue to suggest that sex-selective abortion is still performed in both private and public clinics. No serious legal and procedural barriers have been reported. Also INSTAT annual report Men and Women in Albania indicate of sex imbalances at birth.

Domestic and gender-based violence

Progress is achieved with regards to the legislation against gender-based violence. In 2018, amendments to the Law on “Measures against violence in family relations” improved legal definitions of domestic violence in line with the Istanbul Convention and CEDAW. Better protection for women in situations of immediate danger is ensured. Women survivors of domestic and sexual violence and human trafficking will benefit from both the new free legal aid system and expanded protection measures for victims of crime, due to the new Law on Free Legal Aid¹⁵ and amendments to the Code of Criminal Procedures (July 2017)¹⁶. A regulatory framework is under drafting aiming to define standards of services to be provided by the emergency municipal facilities for GBV&DV victims, including survivors of sexual harassment and sexual violence. Remaining legal gaps include the absence of protection orders and other preventive measures for victims of forms of violence other than domestic violence, including sexual violence.

Efforts have been made to further consolidate the multi-sectorial response to violence against women at the local level (Local Referral Mechanisms) and the data collection system (REVALB). Awareness raising campaigns have taken place to challenge gender stereotypes that perpetuate violence and inform women about available services.

However, the referral mechanisms at the local level operate to varying degrees of effectiveness and are not established in all 61 municipalities. Service providers across sectors and members of law enforcement agencies, including the judiciary remain uninformed about their legal obligations in relation to GBV. Offering

¹⁴ Intersex Research Study, Albania, Bosnia and Hercegovina, the former Yugoslav Republic of Macedonia and Serbia <http://www.eurasia.undp.org/content/dam/rbec/docs/Intersex%20Research%20Study%20UNDP%202017.pdf>

¹⁵ Law no.117/2017 “On State guaranteed legal aid”.

¹⁶ Law No.35/2017 “On amendments the law No.7905/21/03.1995 on the Code on Criminal Procedures”.

Submission by the UN Country Team in Albania

services to victims of violence remains challenging. Women from disadvantaged groups face additional barriers to access these services. Essential services for survivors of sexual violence are inadequate. CSOs are the main providers of services and donors are the primary source of funding. Patriarchal norms and harmful gender stereotypes that perpetuate violence are still prevalent in many parts of the country, and common even among service providers.

UNCT recommendations:

Albania is urged to:

Prioritize the enforcement of adopted legislation and policies related to gender based violence. The legal framework addressing all forms of violence must be brought in full compliance with Istanbul Convention, including revision of definition of rape and ensuring protection and prevention measures for victims of all forms sexual violence.

Strengthen capacities of service providers at central and local level and the judiciary to enforce the implementation of legal and policy framework on domestic violence and GBV. Adequate financial resources must be provided for prevention and rehabilitation services for victims of violence. Referral mechanisms, multidisciplinary services, rehabilitation and integration programmes must be expanded and become accessible to all women, including from rural areas and disadvantaged groups.

Ensure necessary legal/policy amendments to institutionalize specialized support services to sexual violence victims through a coordinated multi-sectorial approach. The development of model of centers/services for survivors of sexual harassment and sexual violence is strongly recommended.

Take measures to encourage women to report cases of gender-based violence, including through the provision of free legal aid and full enforcement of court decisions related to protection measures for women victims of all forms of violence.

Provide appropriate funding for an effective legal aid system for women victims of violence of all forms, is required involving adequately trained lawyers. There is a need for recognition, support and promotion of the work of NGOs specialized in providing legal assistance to victims.

Sex-selective abortions issue requires a fully-fledged scientific study. More political engagement of government departments and agencies is required. Monitoring of health sector must improve including efforts to improve the quality of the registration of vital events and regular publication of birth registration data, including births by sex, parity and region. National competences in data analysis and interpretation in the country must strengthen and all stakeholders must engage by launching a political dialogue on sex selection.

Trafficking in human beings

The legal and institutional framework has improved. The latest amendments to the Criminal Procedure Code (Law 35/2017) improved victim position and access to criminal process. Potential victims of trafficking (PVOTs) and Victims of Trafficking (foreign VOTs included) are entitled to free legal assistance, counseling and legal representation during criminal investigation and proceedings. The "Juvenile Justice Code of Criminal Law" was approved in January 2018 providing, inter alia, for the protection of juvenile victims of crime.

In 2018, CoM approved new Standard Operating Procedures (SOPs) for protection of VOTs and PVOTs, aiming their protection, including minors, Albanian, foreign or stateless from all types of domestic or international

Submission by the UN Country Team in Albania

exploitation. The role of each actor is clearly outlined, however SOPs lack effective implementation, namely VoT identification, in particular within mixed migration flows. Screening of irregular migrants for trafficking indicators requires strengthened capacities of front line actors (border and migration police, irregular migrants' centers, asylum center). Successful reintegration of VOTs and PVOTs is challenging, adequate medical, legal and reintegration support to cases with mental health problems as well. Cross-border and international cooperation should be enhanced. Special attention is to be paid to the National Coalition of Anti trafficking Shelters for sustainable services.

UNCT recommendations:

GoA is urged to adopt the Anti-Trafficking Action Plan 2018-2020, which for the first time has a budget and includes financial costing of activities.

It is encouraged to adopt the minimum standards of community social care services for reintegration of VOTs /PVOTs.

A mechanism to monitor, evaluate, and review trafficking of persons must be in place. Information system and data collection must improve. Child protection systems and enforcement of existing standards must improve.

Blood feuds

In March 2015, the Parliament approved a Resolution urging the Coordinating Council on Fight against flood feud to take measures to prevent the phenomena in Albania. The Council lacked full effectiveness, while blood feud killings continued to occur. An Action Plan was previously adopted by the General Directorate on State Police in 2014 to prevent, discover, document and fight the criminal activity based on blood feud. People's Advocate organized an awareness campaign in Shkodra region. Coordination between State Police and Prosecution Office is not sufficient, while courts sentences on perpetrators remain lighter. Concrete recommendations were issued in a 2015 People's Advocate special report, urging for comprehensive measures by the state police, prosecutor and judges.¹⁷ The required support and special services are still lacking for women and children included in blood feud. Accurate data collection remains a challenge.

UNCT recommendations:

A strategy on combatting blood feuds and addressing its social, cultural and economic factors must be adopted. Criminal Code must be amended providing for higher sentences for blood feud perpetrators and the criminal offences on blood feud.

Capacities of State Police and Prosecution to investigate cases of blood feud must strengthen. MoESY and Ministry of Culture should play a more active role in promoting a culture of tolerance within the communities. Data collection improvement is encouraged.

Women and children secluded due to blood feud must be provided economic aid, social services, education and health care, including basic package of Primary Health Care.

C. Administration of justice, including impunity, and the rule of law**Juvenile Justice**

The legislative and policy framework on criminal justice for children was reinforced in 2017 with the adoption of

¹⁷ People's Advocate Special Report (II) "On blood feud phenomena in Albania"

http://www.avokatipopullit.gov.al/sites/default/files/RAPORTET/RAPORTET_VECANTA/RAPORT%20I%20VE%20C3%87ANT%20C3%8B%20%20nr.%20%20per%20gjakmarren.pdf

Submission by the UN Country Team in Albania

the Criminal Justice for Children Code. It represents a positive development and a philosophical shift in approaching children's treatment within the criminal justice system. For the first time, children in contact with the law are not treated as adults and alignment is ensured with international standards on juvenile justice and on children victims and witnesses of crime. Restorative justice is incorporated in the legal provisions guiding each procedural step in juvenile justice. Work has been undergoing to complete the regulatory framework with the sub legislation, although this is yet to be adopted. In September 2018, the GoA adopted the Justice for Children Strategy. The Strategy encompasses both juvenile justice and equitable access to justice for children elements. However, such development requires considerable efforts and investments to ensure implementation, in a coordinated and inter-sectorial fashion.

UNCT recommendations:

The Criminal Code shall be amended to abolish prostitution, particularly child prostitution and impose sanctions on the persons exploiting prostitution of others, particularly of children.

Sufficient and appropriate human and financial resources must be in place. Services for children in conflict and contact with the law, including restorative justice services must be made available at the community level. Keeping girl offenders in the same detention/prison facility with adult women must be avoided. The diverse needs of boys and girls in designing community-based re-education and rehabilitation programmes and diversion schemes must be considered.

To ensure efficient and uniform implementation of legal provisions, a comprehensive training programme of all law-enforcement, justice and other professionals interacting with the justice system, who handle child rights cases in an inter-disciplinary fashion must be in place.

Investments in strengthening and enriching the administrative data management of all law-enforcement and justice system operators must increase.

Drug abuse issues

A new National Strategy against Drugs 2017-2021 is under finalisation stage. The Criminal Code does not foresee drug use as a specific offence, including the possession of small quantities (single dose for the individual).¹⁸ Data on problematic and illicit drug use in Albania are fragmented and figures are based on professional opinion of the country experts, as well as some studies covering particular parts of target populations. Up to now, there is no survey on drug use among general population. Treatment services for drug use are almost lacking in Albania. Services for alcohol and drug users include mainly detoxifications and overdose) treatment and are provided by the Addictology and Clinical Service of Tirana University Hospital Center 'Mother Theresa' (TUHC). It serves both as a hospital inpatient and as an outpatient unit, and is the main source of treatment. There are 2 NGOs that provide harm reduction service, Aksion Plus and STOP AIDS and 1 centre that provides rehabilitation, "Qendra Emanuel".

Free legal assistance for vulnerable groups

Recent legal and structural changes constitute a remarkable transition. A new law on Free Legal Aid (FLA) was approved in 2017, aiming to guarantee free legal aid to child victims and witnesses of crime, children in conflict with law and children in administrative and civil proceedings. The law ensures better children's access to primary and secondary legal aid. Vulnerable groups' access to justice is expected to increase and barriers to be

¹⁸ Drug use is not considered as a specific offence including the possession of small quantities (single dose for the individual) [Criminal Code, Art.283]. Following a conviction for drug possession, if the offender is a drug user, probation may include an order for treatment (Criminal Code, Art. 60/12). In general, depending on the quantity of the drug, the age of the offender and sometimes the type of drug, alternatives to punishment may be applied in practice (Criminal Code, Arts. 59, 60).

eliminated.¹⁹

The Ministry of Justice (MoJ) is a key-implementing actor committed to taking timely and effective measures for a more accessible justice in line with the Inter-Sectorial Justice Strategy and its Action Plan. Building upon the results of piloted FLA centres at first four District courts and the increased number of vulnerable persons offered primary and secondary FLA, there is a need to replicate those in all District Courts and driven by MoJ. Various family law matters are by far the most common, followed by retirement and disability benefits, property law disputes and criminal matters. Access to FLA by children or other categories of population remains unknown. Re-organization of the service will require dedicated and continuous resources and actions to make the system effective.

UNCT recommendations:

On free legal aid, a new FLA Unit must be established at MoJ to ensure qualitative, equal and unhindered access to justice for marginalized population through key service providers. Current pilot FLA centres must be further consolidated and expand in other District Courts. Adequate financial and human resources must be supported to ensure law effective implementation.

Accelerated implementation of the FLA Law must continue through the relevant sub-legislation adoption, planning and budgeting. Capacities of legal aid providers to ensure free legal assistance to children in any legal proceeding must increase.

Children's equitable access to justice must improve and legal remedies available must be used without geographical limitations. Public data on children benefitting from free legal aid in each area of law (criminal, civil, administrative) must be available.

On drug abuse issue, it is recommended the integration of the draft Strategic Document on the Reduction of Drug Demand and Drug Harm Reduction within the approved document "National Action Plan against the cultivation and trafficking of cannabis, 2017-2020"

D. Right to privacy, marriage and family life

A new Law on the Rights and Protection of the Child was adopted in February 2017.²⁰ Secondary legislation is yet to be completed and the inter-sectorial approach to child protection introduced by the Law is yet to be effectively implemented by the Government. Children are exposed to violence at home, in institutions, in the school, in the community and in the Internet. The Municipalities minimum legal obligation for "one *dedicated Child Protection Worker for territorial units with more than 3000 children*" is not met.²¹ Children in street situation remains problematic with children, either living and/or working there on a seasonal or transitory basis, being among the most vulnerable children prone to high risk of being affected from all forms of violence.

The existing legal framework is not sufficient to adequately protect all children from online risks, or to prosecute perpetrators for acts of online abuse and exploitation. An efficient system is lacking to protect children from harmful images and information related to violence, exploitation and pornography and prevents accessibility of the information to children.

¹⁹<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202017/Fletore%20241/LIGJ%20nr.%20111-2017,%20date%2014.12.2017.pdf>

²⁰ Law no.18/2017 establishes the responsible national mechanisms and structures for the prevention and response to child rights violations as well as the necessary protection measures (including the removal of children from the family) to respond to cases of violence against children. It institutes the obligation to report child abuse for all professionals in contact with children and it introduces administrative protection measures to be applied by Child Protection Workers. Work is still ongoing in developing the sub-legislation.

²¹Currently only 28% of the required child protection workers have been appointed and out of appointed workers, only 38% of them are active and manage cases of children at risk. 57 % of children between the ages of 12 and 18 do not know who to contact in case of abuse and violence.

Submission by the UN Country Team in Albania

Many children, the majority with at least one parent alive, are placed in residential institutions under state care mainly due to poverty related issues. The GoA has developed a De-Institutionalization Plan.

UNCT Recommendations:

The GoA is strongly recommended to share the new Law on Child Rights and Protection with children and communities; roll out national level communication for social change; build a communication strategy to explain the negative impact of violence against children, promote non-violent child rearing practices and increase reporting on violence. By-laws must be in place to ensure effective implementation of new provisions.

Implementation of the policy and legal framework on child protection must be accelerated to ensure full geographic coverage with qualified Child Protection Workers and urgently build capacities of all child protection workforce.

Adequate detection and reporting of cases of violence and abuse of children in timely, coordinated and inter-disciplinary response must be ensured. Collection of data on cases of children victims of violence must be strengthened and coordinated among the different sectors.

Normative and institutional frameworks must be updated for the protection of all children from online risks. Use of ICT industry best practices, good digital parenting, awareness of children, parents, teachers, and stronger collaboration with law enforcement and protection services is recommended.

Implementation of the De-institutionalization Action Plan of children must be ensured. Assessing children situation in residential institutions is required and once reunited with biological families or placed in a family-like environment, support and monitoring must be ensured.

E. Freedom of movement

To avoid repetition, information on freedom of movement is reflected in Section N. Migrants, Refugees and Asylum Seekers.

F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

As underlined by the Special Rapporteur, reforms that strengthen the rule of law are important to ensure that respect for freedom of religion or belief are sustained, and to strengthen public confidence in the ability of State institutions to ensure fair and equal treatment for all. Restitution of properties and the legalization of houses of worship, introduction of education programs on religion as part of civic education in schools, facilitation and encouragement of interfaith initiatives and activities, strengthening the separation between political mobilization and religion and to nurture the inclusive national identity, fully respecting the rights of ethnic and linguistic minorities, especially in the context of the changing religious landscape in the country remain challenging issues for Albanian authorities.²² Journalists' freedom of expression was undermined by several physical attacks in several cases.

H. Right to social security and to an adequate standard of living

²² US State Department on democracy, human rights and work. Reports on countries on the practices related to human rights for 2017, Albania. See <https://al.usembassy.gov/wp-content/uploads/sites/140/04202018-albanian-hrr.pdf>

Submission by the UN Country Team in Albania

The legal framework on adequate standard of living has been reinforced with adoption on 3 May 2018 of a new Law no.22/2018 “On Social Housing”. It comprises housing for people with special needs including the elderly, persons with disabilities, victims and potential victims of trafficking, victims of family violence, children without parental care or in state protection and who are prepared to move to independent life, juveniles from 14 to 18 or young people 18 to 21 years after the release or completion of penal justice programs and child mothers. Novel principles that directly affect citizens include the principle of *accessibility*, *the principle of residence security*, *the principle of respect for culture*, *the traditions of communities*, *the temporary shelter*, *a points-based criteria system*, establishment of a *specialized housing program*.

The law intends to provide a tailored approach to the needs of people with disabilities, the elderly, children and other groups, by reducing the efforts of these groups to meet their specific housing needs. In combination with the anti-discrimination law, it offers protection against discrimination in the allocation of housing and housing improvements for the Roma and Egyptian communities. The LGUs shall fill not less than 5 per cent of each social housing program every year with Roma and Egyptian community families, for two consecutive years after the law enters in power. The LGUs do not have the capacity to establish a reliable system for collecting and analysing housing needs data. Bylaws and other secondary legislations are lacking to ensure clear and effective implementation of procedures. Realistic implementation of new social housing programmes requires a solid understanding of the current and future demand for social housing in Albania.

UNCT recommendation:

Building on the steps taken, the GoA must improve management capacities to coordinate and implement social housing operations both at national and local level. By-laws must be in place to ensure effective implementation of new measures.

I. Right to health

Progress was noted with the approval of the National Health Strategy 2016-2020²³, the Strategic Document and Action Plan 2017-2021 for Sexual and Reproductive Health²⁴, National Action Plan for Contraceptive Security, 2017-2021 and the National Action Plan on Health Promotion, 2017-2021.²⁵

The national check-up programme, established in 2014, focuses on individual health risk assessment and communication, prevention and early detection of cardiovascular diseases, including colorectal cancer for all people in Albania aged 35-70.²⁶ Investments in health remain low and funding constraints hinders the necessary support and timely implementation of strategies and policies. Adequate enforcement mechanisms for legislation and regulatory frameworks are lacking. In February 2015, the Basic Package of Primary Health Care Services has been revised, including new services and tasks for the primary health care providers, with particular focus on women and youth health. Guidelines and protocols have been developed to ensure provision of integrated sexual and reproductive health services, including prenatal, postnatal, children health services. Capacity building was provided to service providers for the utilization of these services. The Minimum Initial Service Package for Sexual Reproductive Health in humanitarian crisis/emergency situations was implemented through donors support. Joint External Evaluation of country capacities for implementing International Health Regulation (IHR) was conducted, although an action plan to address the identifies gaps is missing. Coalition building and coordination among key stakeholders strengthened around sexual and reproductive health priorities through several workshops, round tables and conferences. A network of health educators on SRH is established.

²³ It is aligned with NSDI II as well as with the SDGs and the World Health Organization’s Health 2020 strategy for Europe, Strategic Document and Action Plan 2017-2021 for Sexual and Reproductive Health, National Action Plan for Contraceptive Security, 2017-2021 and the National Action Plan on Health Promotion, 2017-2021.

²⁴ Among other areas it includes maternal health, child health, youth health, violence against woman and child, STIs, HIV and AIDS.

²⁵ It focus on building healthy public policy, strengthen community actions and participation, reorienting health services towards prevention and health promotion and creating supportive environment.

²⁶ Under this programme public health centres (PHCs) have been renovated and modernized, clinical guidelines and protocols for preventive check-ups developed, and practitioners trained. This programme has been successful in terms of increasing the numbers of preventive visits to PHCs and changing social attitudes towards primary health care.

UNCT recommendations:

Albania is strongly recommended to provide adequate budgeting for implementation of strategies and for the provision of quality services as included in the Basic Package of Services.

A strategy on the human resources for health must be developed and implemented, with special attention to the retainment and upgrade of the skilled health workforce.

Organization of PHC must be revised by implementing a people-centered model, integrating health with social care, and ensuring the continuity of care.

Community mental health services must increase and consider beds in psychiatric hospitals to decrease.

On Reproductive Health, protocols must be updated, dedicating due resources and have a skillful workforce for better neonatal care. Integrated health and social services for adolescents must be established. Programme for Cervical Cancer Screening and Control, including HPV vaccination must be established.

Women health care needs special attention with developing and improving application of Health Care Protocols, Aligning Data Methodologies among Health Agencies. Critical Sexual and Reproductive Health Services must be ensured for Women. Campaigns on Safe Sexual and Reproductive Practices must be conducted. Child Marriage and other harmful practices must be addressed through Education and Legislation.

J. Right to education

Work on inclusive education has continued with the revision of the law no 48/2018 “On Pre-university education”. In 2015, Pre-University Education Development Strategy 2014-2020 was adopted.²⁷ Budget allocations to education remain low.

In the academic year 2017-2018, pre-university education system curricula includes Comprehensive Sexuality Education. Support teachers assisting children with disability has doubled reaching 700 alongside with the number of psychologists in schools. Challenges remain with inclusive education environments for children with disabilities.

In 2017, new guidelines measuring early-school leaving (‘dropouts’) were introduced, aiming at ensuring a more accurate calculation of dropout rate. A training methodology for preventing dropout has been accredited and is being implemented in four regions of Albania. However, the Education Management Information System (EMIS) and School Management Information System (SMIS) are not yet functioning. Real time data and monitoring of dropouts from schools are lacking. No additional incentives exist for schools based on social and economic situation of children. Children’s access to primary school noted gradual improvements. There are still significant barriers to Roma educational opportunities.²⁸ Barriers to preschool access by Roma children persist and are related to poverty, birth certificates, vaccination, distance to preschool, non-appealing preschool system and lack of information on the benefits of preschool.

²⁷ Strategic policy objectives: (a) enhance leadership, governance and resource management capacities; (b) inclusive quality learning; (d) ensure quality performance according to standards of EU countries; and (d) Contemporary professional training and development of teachers and administrators.

²⁸ More than 50% of Roma children in the age group of 6-16 who have never been enrolled in school, and more than 40% of Roma youth aged 15-16 considered as illiterate.

UNCT recommendations:

Albania should be encouraged to increase budget allocations to the education sector. Shortages of educational staff and availability and access to infrastructures and facilities in education must improve. Education quality must improve.

Efforts to maintain its near-universal enrolment rates basic education and foster access and enrolment to pre-primary education should persist. Non-discrimination in education and development of an inclusive education system must be fostered, particularly for Roma children.

Access of children with disability in education system and quality of learning must be a target. Investments should be dedicated to ensure appropriate infrastructure and assistive devices and technology to enhance learning opportunities.

Education sector data system (data and evidence generation) must improve, especially EMIS and SMIS to capture and report regularly on drop out. Collection of accurate data and trends on preschool attendance based on different localities must become a priority.

K. Cultural rights

A new law no.27/2018 on “Cultural heritage and Museum” was adopted in May 2018. Bylaws to establish adequate mechanism to ensure full respect of cultural rights are not yet approved. The new law on “The protection of national minorities” stipulates for additional safeguards on minority population cultural rights.

The institutional framework and monitoring mechanisms are in place and a number of public institutions promoting the principles of the related UNESCO Conventions and supporting the right to take part in cultural life are financed by the state, regional or local budgets.²⁹ The Commissioner for Protection from Discrimination ensures policy measures application. A key role is recognized also to artists, professionals, NGOs and other civil society organizations in promoting the free exchange and circulation of ideas, cultural expressions, and cultural activities, goods and services.³⁰ This is also important in relation to minority groups and other indigenous groups.

UNCT recommendations:

The GoA is encouraged to ensure a clearer, stronger coordination and synergy role amongst several institutions involved in the implementation of ratified Conventions to fully reach objectives and in accordance with their complementary nature. Such an integrated and coordinated implementation would also increase opportunities for each individual or group to take part in cultural life.

Capacity-building activities must enhance to support national and local community-based inventorying of intangible cultural heritage. The publication of the national Kits on World Heritage in Young hands in Albanian language must be supported. Management plans of WH sites with strong emphasize on collaboration with CSOs must develop.

L. Persons with disabilities

²⁹ Monitoring driven by the Ministry of Culture and by the Ministry of Foreign Affairs, while the implementation is conducted by the Institute for Monuments of Culture and through the existing Museum network and CSOs network in close collaboration with cultural institutions all over the country.

³⁰ The role of civil society is also of key importance for the implementation of the culture Conventions especially 2003 Convention on Intangible Cultural Heritage (ICH) and 2005 Convention on the diversity of cultural expressions.

Submission by the UN Country Team in Albania

Legislative and policy measures to protect and promote disability rights have further developed and shifted to the implementation process. In 2016, a National Action Plan on Persons with Disabilities 2016-2020 (NAPPWD) was adopted aiming to improve accessibility of public information and services, facilitate inclusive education, introduce disability assessment based on the bio-psycho-social model, and expand community-based social services, rehabilitation services and employment promotion measures.

Implementation of law on Inclusion of and Accessibility for Persons with Disabilities, adopted in July 2014, was improved by the three by-laws adopted in 2015.³¹ A new law “On Social Care Services” was adopted in 2016, providing for a Social Fund to support the Municipalities in planning and delivering social care services. Social Fund is a budgetary line to be established at municipality and is to be resourced by various types of resources: central budget, local budget, donor money and services’ fees. The law provides for the municipalities to establish social welfare departments which will be responsible to develop local social care plans outlining the types of care services that need to be developed in their territory, to respond to the needs of all vulnerable groups, including adults and children with disability. The issue of assistive devices though remains unmet; while a new model for disability assessment is being piloted, the recommendation from this assessment was what cash and services the person with disability is entitled to and there is no provision/reference to the assistive device which is essential for some types of disabilities (wheel chair, special hearing devices, special beds, etc.) Municipalities cannot afford the provision of social care services for people with disabilities, and a sporadic approach is followed.³²

Persons with disabilities continue to face multiple barriers in accessing public services on equality basis. Existing legislation and policies implementation is rather weak, primarily due to the lack of budgeting by almost all sectors, except for the social protection sector providing disability cash benefit. Secondary regulations and plans of measures are lacking. A disability assessment system based on the bio-psycho-social model is under piloting by the MoHSP. However, monitoring the rights of persons with disabilities in a comprehensive, continuous and sustainable way is lacking. State institutions at national and local level still fail to regularly collect disaggregated administrative data and make them available to the National Council on Persons with Disabilities. The latter has not been very vigorous in performing the tasks assigned by the law, such as analyzing the implementation of government policies and national and regional programmes.

Disability rights protection and promotion initiatives are fragmented. The National Blind and Deaf Students Institutes are improving the accessibility and quality of education for the target group by introducing updated equipment and technology in the teaching process. However, Disabled People’s Organizations are generally perceived as incapable of improving the quality of governance and people often are not invited to participate in public hearings or local council meetings where they could contact directly with local officials and hold them accountable.

³¹ The CoM decision determining the measures for the removal of communication and infrastructural barriers in providing public services (Dec.2015), the CoM decision on reporting of statistical data on persons with disabilities from responsible state institutions at national and local level (Aug. 2015), the CoM decision on the functioning regulation of the National Council for Persons with Disabilities (Jan.2015).

³² Seven municipalities have established and five others are working on establishing community/development centres for persons with disabilities and other vulnerable groups.

UNCT recommendations:

The Government is urged to achieve tangible results with the strategy and legislation implementation. Secondary legislation and guidelines must be in place to give full effect to the new Law on Social Services provisions.

Sufficient budget allocations to social care services must be provided to both national and local authorities. Financial mechanisms at local level must be consolidated and capacities with regard to financial planning, effective allocation of resources, fundraising, establishment of partnerships, and monitoring of social care service be strengthened. Professionalism of the public administration must be promoted through a transparent and merit-based recruitment and dismissal of civil servants.

As levels of civil engagement and political participation remains low, more emphasis must be placed to support the community mobilization initiatives.

M. Rights of minorities

Comprehensive political, legislative, social and economic reforms and actions plans have been undertaken to guarantee minorities rights. In 2017, the legal framework was substantially improved by the Law no.96/2017 “On the Protection of National Minorities in Albania” providing for special rights and protection to national minorities including the Greek, Macedonian, Aromanian, Roma, Egyptian, Montenegrin, Bosnian, Serbian and Bulgarians. Secondary legislation needs to be developed swiftly, along with a revision of existing relevant legislation.

A National Action Plan for the Integration of Roma and Egyptians 2016-2020 was approved and is under implementation. The web-based ROMALB system established in 2013 is functional and produced the first two official progress reports for 2016 and 2017. However, the system is lacking full sustainability. During 2016-2018 more than 11 training sessions were organised under the coordination of the MoHSP with cross-sectorial groups and focal points to advance the mainstreaming of policies into concrete measures for Roma and Egyptian inclusion at the national and local level.

The People’s Advocate and Anti-Discrimination Commissioner have continued to promote and advocate Roma and Egyptian communities’ rights. Recommendation numbers have increased, but those remain partially or entirely unaddressed.

Access of Roma and Egyptians to standardized public services has marked some progress and is expected to increase. However, barriers to accessing education, healthcare, right to freely move and work still exist. To breaking the cycle of poverty and exclusion within Roma and Egyptian communities a combination of mainstreamed and targeted approach to social care and protection, employment and income generation is under implementation in Tirana, Durrës, Shkodra and Berat. On civil registration there is marked improvement too. The number of Roma provided with personal documents, like birth certificates and national IDs, has increased at 90 percent at the country level. The international provisions on prevention of forced evictions are reflected and addressed in the Law No. 22/2018 “On social housing”. Still, multiple forms of discriminations and deprivation from services in segregated Roma neighborhoods remain a problem. Groups of Roma families living in barracks with severe health conditions have been identified.

UNCT recommendations:

The Government is urged to deepen significantly its investment in combatting Roma and Egyptian discrimination and exclusion through targeted and mainstreamed measures, including: i) targeted employment measures; ii) formalization/regularization of current pilot income generation programmes; iii) expansion of employment in the public administration; iv) fully financing the Roma and Egyptian Action Plan 2016-2020.

N. Freedom of movement, migrants, refugees and asylum-seekers

Albania has taken part in relevant consultations for the development of the Global compact on Refugees and the Global Compact on Migration. A new National Strategy on Migration and its Action Plan are currently under drafting.

Albania continues to uphold access to its territory and the right to seek asylum for irregular arrivals to the country, which has increased four-fold in 2018. Rights granted and obligations of refugees and other persons granted international protection remain in line with international standards. Local integration, however, is hampered by contradictory legal and by-legal dispositions and incomplete administrative framework, affecting the access to social assistance, to social housing and the recognition of IDs issues to these persons.

Barriers elimination to immigrants' rights and services advanced. Immigrants entrance, stay and departure is regulated by Law no 108/2013 "On Aliens", which outlines immigrants' rights as well as types of visas and residence permits.

Child asylum-seekers, refugees and stateless rights are provided by the Law on the Rights and Protection of the Child (2017). Unaccompanied children have not been detained from 2016 to date, while asylum-seekers detention has significantly decreased. Secondary legislation is being drafted including safeguards protecting children on the move. The Law on Social Services and Care (2016) and the Law on Free Legal Aid (2018) include refugees/persons granted subsidiary protection. The Law on Social Services and Care does not however cover children asylum-seekers or stateless children.

Pre-screening of irregular arrivals at the border, regulated by the Instruction no.293/2015, aims at differentiating asylum seekers, unaccompanied minors, P/VOTs and undocumented migrants. Information leaflets exist in several languages, however the availability of interpreters in some rare languages remains a challenge. Limited human resources result at times in interviewing of females and children by male officers. Reception capacity for asylum seekers doubled in 2017 and 2018, through the National Reception Centre for Asylum-Seeker's (NRCA) expansion, the municipal centre for temporary accommodation's renovation (in Gjirokastra) and the availability of a reception facility in Shkodra. Delays in formalising asylum's applications increased dependency on the NRCA.

The UN special rapporteur recommended the improvement of conditions in the closed facilities for irregular migrants. In this regard, a centre for Registration and Temporary Accommodation of irregular migrants was built in Gjirokastra in 2017 (capacity 60 people).

Further to a baseline study, the first legal package to reduce the risk of statelessness was approved by the Parliament in October 2018. The main causes of risk of statelessness were addressed, namely lack of registration by inactivity and/or lack of documentation of parents, which affected mostly Rome and Egyptian Communities, and cumbersome and costly legal/administrative provisions and judicial requirements for the registration of Albanian children born abroad, which affected mostly the Albanian diaspora. Relevant bylaws for its implementation will be discussed and will be approved by mid-January 2019, as decided by Parliament.

Immigrants' rights are protected in crisis, including exceptions to immigration procedures for those whose country of origin is experiencing crisis. Immigrants, irrespective of status, enjoy the same access as nationals to government-funded health services, or medical emergency. Primary and secondary education is accessible. However, irregular immigrants cannot register their children at school, as a document of residency by the municipality is required.

Submission by the UN Country Team in Albania

The right to apply for permanent residence is further regulated, however naturalisation procedures require no less than five consecutive years residency in Albania and submission of original documents³³. Permanent residents and those with family reunification permits have the same access to employment and self-employment as nationals. Pursuant to the Labour Code, migrants employed in Albania enjoy the same employment rights with nationals. In 2018, positive steps were taken to promote ethical standards for the recruitment of immigrants.³⁴

UNCT recommendations:

Appropriate measures to enable immigrants to vote in local elections should be taken.

Social protection could be strengthened by achieving portability of social benefits, along with better regulation of the legal status of Albanian migrant workers. People's Advocate is encouraged to periodically assess rights of migrant workers in Albania.

Refugees' integration must be promoted through enhanced inter-ministerial coordination with the active participation of local governments. Legal framework must be harmonized. The Law on Social Services should include asylum-seekers, the Law on Social Housing should include refugees/persons granted subsidiary protection. The Law on Citizenship should foresee flexible requirements for refugee naturalization.

Pre-screening instructions must be revised to ensure coherence with legal framework and efficiency in increased human mobility flows. Inter-institutional coordination with child protection and health services is required, as well as availability of interpreters in rare languages. Accommodation standards must continue to improve, with particular relevance for unaccompanied and separated minors.

The coordination mechanism on migration must be fully operational and structures for the referral and assistance to vulnerable migrants must be strengthened. GoA is encouraged to continue collecting and analyzing data for preparing migration forecasts and understanding migration impact on labor market.

Asylum applications for those who have shown willingness to remain in the country should be promptly processed. Procedural safeguards shall be in place enabling asylum-seekers to be heard administratively in case of application inadmissibility. International/regional obligations regarding rights to nationality and birth registration must be incorporated into domestic laws, and implemented.

Laws/practices impeding the enjoyment of Albanian nationality must be amended, in order to safeguard children's right to nationality irrespective of parents' status, documentation, or actions.

Risk of statelessness must be further reduced, notably by inter-State cooperation, and implementation of the new amendments to the Law on Civil Status.

O. Internally displaced persons

Not applicable.

³³ Birth certificates/criminal records and demonstration of sufficient economic means.

³⁴ CoM Decision no. 101, dated 23.02.2018, regulates the functioning of private recruitment agencies in Albania. Protection of the rights of Albanian nationals working abroad is regulated as per Law no. 9668, dated 18.12. 2006 "On the Emigration of Albanian Citizens for Employment Motives". Under this law, the State undertakes to guarantee the care and protection of its citizens abroad, as well as the maintenance and reinforcement of their ties to the country.

P. Right to development and Environmental issues

Comprehensive legislative and policy work driven by the efforts to approximate the EU environmental acquis, has been completed however, some subsidiary acts due to be adopted are still lacking and the implementation of legislation lags behind. Sometimes the legislation is too advanced vis-à-vis the administrative, institutional and financial capacities in place.

UNCT recommendations:

The Government should strengthen strategic planning in the environmental field by the timely development and adoption of a cross-cutting environmental strategic approach for the next planning period.

Efforts to assist municipalities in the implementation of their environment-related functions should be intensified followed by development of environment related plans.

Mechanisms to improve coordination for environmental monitoring should be in place.

Q. Human rights and counter-terrorism

In 2015, the National Strategy on Prevention of Violent Extremism and Radicalization Leading to Terrorism 2015-2020 and its Action Plan were adopted. In September 2016, a pilot program started in schools, aiming at providing students with knowledge based on religion and religious coexistence and preparing youth to cope with building resilience against violent extremist narratives. In December 2017, the Coordination Center Against Violent Extremism was established. The MOESY is developing implementation plans for all educational elements of the Strategy to include awareness in high schools to ensure youth are aware of issues and risks. Programs empowering youth and young leaders, entrepreneurship promotion and economic opportunities are lacking.

UNCT recommendations:

The Government is encouraged to develop intervention programs to prevent and build resilience of vulnerable individuals, groups and communities. Rural communities' outreach must increase in implementation of programs. New programs must be developed to strengthen links between police and citizens at the community level.

Collaboration must increase between social welfare experts and mental health professionals, to ensure sufficient support and availability of services. State institutions, non-state actors, religious communities and the civil society must coordinate their efforts to better operate in the areas of local governance, education, social affairs and youth, employment, antidiscrimination, etc.

GoA is urged to establish a forensic psychiatric facility and to take the necessary steps to ensure the speedy setting-up of such a facility, because forensic psychiatric patients continue to be held under unacceptable conditions and in inhuman and degrading conditions.

R. Situation in or in particular relation to specific regions or territories

Not applicable.