

Statement of the Albanian delegation on the outcome of the

Second Cycle of UPR,

by Mrs. Filloreta Kodra, Ambassador Extraordinary and Plenipotentiary,

**Permanent Representative to United Nations Office and other International
Organizations in,**

Geneva.

Mr. Chairman,

Excellencies,

Ladies and Gentlemen

On behalf of Albanian government, allow me to extend the highest appreciation on the activity of the Human Rights Council, we believe that the Universal Periodic Review as a unique process, has provided the opportunity for Albania to inform on the measures undertaken from the first cycle of UPR in order to improve the human rights situation and to fulfill the human rights obligations.

I would like to thank all the distinguished delegations for their statements, their commends, the advanced questions, the questions presented during the interactive dialogue and for their recommendations.

I wish to thank the troika namely the Austria, Montenegro, Kenya that has facilitated our review, for their cooperation and their support during the dialogue, and also their contribution in the process of drafting of the report.

A heart full thank also goes for the Secretariat for its active support and contribution during this process.

Mr. Chairman,

Albania considers that most of the recommendations are accepted and in the process of implementation (out of 165 recommendations 142 are accepted, while 2 recommendation (106.7, 106.21) are partially accepted and one (106.22) recommendation is noted.

The basic principles of our foreign policy outlined in the **government program** are generally accepted norms of international law, of mutual understanding and of respect among nations, respecting human rights and fundamental freedoms, good neighborly relations and regional cooperation along with international solidarity. The rule of law and respect for and protection of human rights plays a significant role in the government program, which also determines tangible objectives related to education, health care, gender equality, social treatment and inclusion, the fight against corruption and economic development etc.

Since **EU accession** process is a national objective, the Albanian authorities are committed to fulfill **the five key priorities** identified in the European Commission Progress Report for Albania (October 2013). The relevant institutions are committed to implement the road map to fulfill these priorities, including the protection of human rights, mainly the protection from any form of discrimination, protection of women, domestic violence, protection of children, justice system reform, and protection of people with disabilities, protection of minorities, particularly Roma.

Albanian institutions have undertaken a series of measures and activities to promote and protect human rights aiming at implementing its recommendations.

Several strategies and action plans have been adopted, reviewed and implemented. The rule of law and respect for and protection of human rights are important objectives of the new government program, which also includes clear implementing objectives related to education, health care, gender equality, social treatment and inclusion.

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 is preparing the submission of its initial Report on the Convention on Enforced disappearances and the periodic report on CEDAW.

Albania also has set up a working group to evaluate and make proposals regarding the ratification of the Kampala amendments to the Rome Statute.

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

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.

Based on the recommendations of the Commissioner for the Protection against Discrimination, were adopted amendments of the Criminal Code in order to avoid the punishment of victims of trafficking and prostitution; the criminalization 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.

Amendments to the Penal Code during 2012-2013 are in compliance with the obligations deriving from the international Conventions where Albania is a party, with the Law "On Protection from Discrimination" and with the legal practice of Constitutional Court.

These amendments provide for domestic violence, rape and sexual violence in the marriage, sexual harassment and psychological violence as separate offences and increase punishment for the perpetrators.

Amendments to the Code envisage gender identity and sexual orientation as aggravating circumstances when committing offences and provide for severe punishments for cases of discrimination on the above grounds. Moreover, the criminal offences on "inciting hatred and conflict" and "denying equality of citizens" were amended by including sexual orientation and gender identity.

The amendments to the Criminal Code in 2013 envisaged a new article on blood feud providing for a more severe punishment.

The Penal Code envisages "enforced disappearance" as a criminal offence, providing for cases when the offence is committed against children, pregnant women or individuals unable to protect themselves due to different reasons.

Adoption of 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 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.

Standards for the work of child Protection Units will be developed in 2014, as well as a monitoring methodology.

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.

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.

Measures are implemented to improve the situation of Roma. In the 2014 budget 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.

In view of implementing the **legislation on the fight against trafficking**, a series of measures have been taken to improve the legal framework, such as Amendments to the Penal Code in 2013, which provided a solution to the issue of internal trafficking. Amendments to the law on economic aid.

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

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.

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 is 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.

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 LGBTI 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".

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 and the 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 contributing 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%.

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.

Regarding the improvement of the judiciary and to fight against corruption, during the year 2014, is foreseen 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.

Albania bases **the minority recognition process** on the historical tradition, as well as the criteria set by international conventions such as the objective criteria related to ethnic, cultural, religious, linguistic characteristics, from the rest of the population of this group, and the criterion that implies personal choice. The Greek, Macedonian and Serbian-Montenegrin minorities are recognized as national minorities, and Roma and Aromanian/ Vlach as ethno-linguistic minorities. The status of national or ethno-linguistic minorities has no negative or discriminatory effect regarding the implementation of the Framework Convention "On Protection of National Minorities", as well as for the protection of their rights.

The form of the census conducted in 2011 included also an optional question on ethnicity. This question offered the option to indicate one ethnic group or to declare the preference to not answer. **According to 2011 census data, the percentage of minorities in Albania is estimated at around 1.4% of the total population residing in the territory of Albania.**

Albanian constitution and legislation guarantees their right to freely express, without being stopped or forced, their ethnic, cultural, religious and linguistic affiliation, the right to education in their mother tongue and preserving their national, cultural, religious identity. The law "On the Pre-University Education"

guarantees the rights of persons belonging to minorities to learn and be taught in their mother tongue, to learn their history and culture.

After the adoption of the resolution of the Committee of Ministers of the Council of Europe (12 February 2014), the Albanian authorities are committed to implement these recommendations. In the *road map* on the fulfilment of the five priorities of the European Commission (adopted in May 2014) are included measures related the protection of minorities. In this framework, a Working Group is established with representatives of central institutions and independent institutions in order to evaluate the existing legal and policy framework for the protection of minorities and to present proposals related the improvement of legal framework and policies for minorities. This working group is conducting meeting regularly on monthly basis under the leadership of the Ministry of Foreign Affairs.

Mr. Chairman,

Albania is party to 18 relevant international instruments and 41 relevant Council of Europe Instruments.

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 Human Rights Council and the Office of the High Commissioner for Human Rights are cornerstones of the international system for the protection of human rights. We envisage the Council as a living instrument through which human rights are promoted and protected worldwide.

The Human Rights Council deserves our praise and support regarding the successful completion of the first cycle of the Universal Periodic Review. As the second cycle is underway, there is a lot more to be accomplished with a view to ensuring full respect for human rights worldwide.

Since the establishment of the Council, Albania has been visited by two human rights mechanisms. Albania pledges to continue working with Special Procedure mandate holders in implementing their recommendations, and to further discuss and disseminate the recommendations among relevant authorities, civil society and also the general public.

Albania attaches great importance to the independence of the Office of the High Commissioner for Human Rights (OHCHR) and its role in promoting and protecting human rights world-wide.

Albania has actively contributed to the establishment of the Human Rights Council and its activity ever since, and it is committed to an effective Human Rights Council and its mechanisms, with a leading role in addressing human rights violations and promoting human rights. Albania's vision of the Human Rights Council encompasses a body able to promptly, effectively and timely respond to gross human rights violations.

It was with this understanding that during the Council's review process in 2011, Albania reaffirmed its principled position on the need of concrete actions aimed at strengthening this important body. To this end, Albania strongly campaigned for the possibility of providing all candidates to the Council with an inclusive and equitable platform for the presentation of voluntary pledges and commitments to the promotion and protection of human rights.

In the same vein, Albania will continue to promote human rights within the wider UN system, including in carrying on its active engagement in the work of the UN General Assembly and the Third Committee.

With the view of strengthening the protection of international human rights system, the Republic of Albania undertakes to:

- Continue to work for the universality and indivisibility of human rights.
- Be guided by the principles of impartiality, objectivity and non-selectivity in its activity.
- Uphold the universality of Universal Periodic Review and non-selective recommendations for all states under review, which should take into account the level of development of states.
- Pursue its belief of full enjoyment of human rights by all and the agenda for protecting human rights of ethnic, linguistic and religious minorities.
- Continue to support initiatives at the regional and international levels in combating intolerance and discrimination based on religion, ethnicity, nationality, sexual orientation, gender, disability or any other basis.
- Continue to strongly support, in a constructive manner, initiatives aiming at fostering interreligious and intercultural dialogue.
- Continue to support the strengthening of the UN human rights system infrastructure, including boosting the Human Rights Council capacity to effectively respond to gross human rights situations.

- Strengthen cooperation with the Human Rights Council and its Special Procedures, as well as all other relevant United Nations mechanisms on human rights.
- Work constructively and in a cooperative and responsible manner with all Council members, as well as all UN Member States, in fulfilling the mandate of the Human Rights Council.
- Enhance cooperation with the UN and all relevant regional organizations on issues related to the promotion and protection of human rights.
- Work towards further advancement of international human rights norms and standards, as might be further necessary.
- Strengthen efforts to promote gender equality, the empowerment of women and the rights of the most vulnerable groups, including children and persons with disabilities.
- Strengthen the protection and promotion of the rights of older persons and ensure their active participation in the society.

Continue to work towards including a human rights perspective in the post-2015 development agenda.

I thank you

