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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–17 May 2019

## **Compilation on Albania**

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

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances commended Albania for having ratified all the major international human rights instruments and the Rome Statute of the International Criminal Court.<sup>3</sup> The Committee on Enforced Disappearances welcomed the establishment of an inter-institutional working group on drafting reports for the implementation of international human rights instruments.<sup>4</sup> The United Nations country team, however, noted that follow-up to recommendations made by the human rights treaty bodies remained weak and mainly driven by donors.<sup>5</sup>

#### **III. National human rights framework<sup>6</sup>**

3. The United Nations country team noted that the approval of constitutional amendments in July 2016 had paved the way to a legal reform, aimed at bringing national human rights guarantees into full compliance with international standards.<sup>7</sup>

4. The Committee on the Elimination of Discrimination against Women was concerned about the limited human and financial resources allocated to the Office of the People's Advocate and recommended that Albania continue to strengthen its support to the Office.<sup>8</sup> While raising similar concerns, the United Nations country team noted that the People's Advocate had been actively promoting the rights of vulnerable groups through an increasing number of special reports and recommendations, although those



recommendations had not been fully implemented.<sup>9</sup> The country team also noted that posts for the commissioner for children's rights and for the prevention of torture had been filled, although only in 2018, and a new Commissioner for Protection from Discrimination had been elected in 2018.<sup>10</sup>

5. The Special Rapporteur on freedom of religion or belief noted that Albania was making progress in addressing the five key reform priorities identified by the European Commission as necessary for integration into the European Union, which included reforms to combat corruption and organized crime, strengthen the judiciary, improve public administration and advance human rights.<sup>11</sup>

## **IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>12</sup>**

6. The United Nations country team noted that despite legal developments to promote non-discrimination, discrimination against lesbian, gay, bisexual, transgender and intersex persons persisted, including denial of their right to marry and have a family, the right to gender reassignment surgery for transgender persons, and the right to self-determination in relation to bodily integrity for intersex persons. The country team also noted that there was an urgent need to improve the range of and access to high quality sexual and reproductive health services for lesbian, gay, bisexual, transgender and intersex persons. It recommended that Albania enforce the current legislation and national action plan and improve access to sexual and reproductive health services.<sup>13</sup> The Office of the United Nations High Commissioner for Human Rights reported that it had led the "free and equal" campaign to promote equal rights for and fair treatment of lesbian, gay, bisexual, transgender and intersex persons, through the media and national events.<sup>14</sup>

7. The Committee on the Elimination of Racial Discrimination noted that a new anti-defamation package was under preparation, which would allow public entities to seek compensation in court. The Committee was concerned about reports of the continued use of hate speech in public discourse by public figures, including politicians, and the incomplete information on the cases that had been prosecuted and the convictions that had been obtained.<sup>15</sup>

#### **2. Development, the environment, and business and human rights**

8. The United Nations country team stated that the National Strategy for Development and Integration for 2015–2020 was in place and European integration, good governance, democracy and the rule of law, microeconomic and fiscal stability, social cohesion, human development and the sustainable use of resources had been set as priorities. It noted, however, that tangible and sustainable results from the corresponding strategies and action plans were missing and technical assistance from donors was still required.<sup>16</sup>

#### **3. Human rights and counter-terrorism**

9. The United Nations country team noted the adoption of the national strategy on the prevention of violent extremism and radicalization leading to terrorism for 2015–2020 and its action plan. It also noted the launch of a pilot programme in schools, aimed at providing students with knowledge on religion and religious coexistence and preparing them for building resilience against violent extremist narratives.<sup>17</sup> The Special Rapporteur on freedom of religion reported that the national strategy contained a number of commendable and necessary elements. He highlighted the need for such policies to respect the principles of religious pluralism, universality and inclusion of all communities, groups and individuals on an equal footing as long as they were not engaging in violence, incitement to violence, hostility or discrimination, or activities that were considered criminal under international

law. That should be done without granting a veto power on matters of creed to the heads of religious communities and by fostering both intrafaith and interfaith dialogue at the same time.<sup>18</sup>

10. The Special Rapporteur noted that several government officials had reported that the phenomenon of ethnic Albanian fighters, including some travelling abroad, the recent convictions of two self-declared imams and six other persons for recruiting foreign terrorist fighters (or inciting them to fight abroad), and an apparent rise in the number of unregistered mosques built by foreign funding sources, had prompted the Government to change its “laissez-faire” policy that had allowed religious groups to organize and build new houses of worship.<sup>19</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>20</sup>**

11. The Committee on Enforced Disappearances recommended that Albania provide a clear and distinct definition of enforced disappearance, and specify the applicable penalties.<sup>21</sup> It urged Albania to adopt the measures necessary to incorporate into its Criminal Code a definition of enforced disappearance as a crime against humanity in accordance with the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>22</sup> and to expressly specify that no order or instruction from any public authority, civilian, military or other, might be invoked to justify an offence of enforced disappearance. The Committee also urged Albania to strengthen protection and legal guarantees for subordinates wishing to disobey an order from a superior to commit an enforced disappearance.<sup>23</sup> Furthermore, it recommended that Albania revise its Criminal Code to specifically recognize the continuous nature of the offence of enforced disappearance, and that it ensure that the statute of limitations for criminal proceedings reflected the extreme seriousness of the offence.<sup>24</sup>

12. The United Nations country team stated that blood feud killings continued to occur in Albania. While noting the action plan adopted in 2014 by the General Police Directorate to prevent, discover, document and fight the criminal activity based on blood feuds, it stated that there was insufficient coordination between the State police and the Public Prosecution Office, and court sentences for perpetrators remained light. The country team recommended that Albania adopt a strategy to combat blood feuds and address the relevant social, cultural and economic factors. It stressed the need to provide women and children who had been isolated as a result of blood feuds with economic aid, social services, education and health care, including a basic package of primary health-care services.<sup>25</sup> The Committee on the Elimination of Discrimination against Women made similar recommendations.<sup>26</sup>

### **2. Administration of justice, including impunity, and the rule of law<sup>27</sup>**

13. The Working Group on Enforced and Involuntary Disappearances welcomed the reforms in the justice sector following the constitutional changes in 2016, including the implementation of a vetting system that was aimed at removing corrupted and politically compromised judges.<sup>28</sup> The United Nations country team made similar remarks, but noted that the increased number of vacancies at the Constitutional Court, the Supreme Court and other levels of court was negatively influencing citizens’ access to justice.<sup>29</sup> The Committee on the Elimination of Racial Discrimination recommended that Albania ensure that the High Council of Justice did not include members of the executive branch in its composition.<sup>30</sup>

14. The United Nations country team noted the adoption of the Code of Criminal Justice for Children in 2017 and the Justice for Children Strategy in 2018, and highlighted the need for considerable efforts and investments to ensure the implementation of the Strategy.<sup>31</sup> It recommended that Albania put in place sufficient and appropriate human and financial resources and improve access at the community level to services, including restorative justice services, for children in conflict with the law and children in contact with the law. It also recommended that Albania avoid placing girl offenders in the same detention facilities as adult women offenders. It noted the adoption of the law on free legal aid in 2017, aimed

at guaranteeing free legal aid to child victims and witnesses of crimes, children in conflict with the law and children in administrative and civil proceedings.<sup>32</sup>

15. The Committee on Enforced Disappearances noted that Albania had set up specific institutions to study and identify cases of political persecution by the communist regime, but regretted that it had not yet carried out any investigations.<sup>33</sup> The Working Group on Enforced and Involuntary Disappearances made similar observations<sup>34</sup> and noted that Albania still did not have any comprehensive legislation in place to secure the rights of both the families of forcibly disappeared persons and wider society to know the truth.<sup>35</sup> It reported that, despite the adoption of Law No. 45/2015 on the right to information on the documents of the security service of the former communist regime,<sup>36</sup> the law did not provide for the declassification of that information.<sup>37</sup> The Working Group stressed the need to train law enforcement officials, judges and lawyers representing victims on the applicable international standards.<sup>38</sup>

### **3. Fundamental freedoms and the right to participate in public and political life<sup>39</sup>**

16. The Special Rapporteur on freedom of religion reported that one of the most difficult challenges facing the Government was related to the restitution of property seized from Albanians, including religious communities, during the communist era (1945–1990). He stated that all the traditional religious communities – Muslim, Roman Catholic, Orthodox Christian and Bektashi – had expressed concern and frustration over what they perceived to be ongoing delays regarding the State’s full or satisfactory restitution of or compensation for their lost property.<sup>40</sup> The United Nations country team made similar observations.<sup>41</sup> The Special Rapporteur emphasized the importance of expediting the restitution of properties and the legalization of houses of worship, and ensuring that the process was carried out in a fair and transparent manner with the engagement of all stakeholders.<sup>42</sup>

17. The Special Rapporteur noted that the Government had taken some steps to limit the scope of restrictions on public manifestations of religion,<sup>43</sup> but that article 10 of the Constitution appeared to create a legal differentiation – or perhaps a hierarchy – between religious organizations recognized under Law No. 8788 on non-profit organizations and those recognized as religious communities allowed to enter into agreements with the State.<sup>44</sup> He recommended that the Government provide for the equal enjoyment of the right to freedom of religion or belief for all individuals, including those who did not subscribe to those religions or interpretations of religion that enjoyed recognized or contractual status.<sup>45</sup>

18. The Special Rapporteur noted that the proposed programmes to introduce a module on religion as part of civic education in schools were an important part of nourishing and safeguarding interfaith understanding and societal harmony, but he stressed the importance of transparency in carrying out such programmes.<sup>46</sup> He highlighted the importance of strengthening the separation between political mobilization and religion and nurturing an inclusive national identity, while fully respecting the rights of ethnic and linguistic minorities.<sup>47</sup>

### **4. Prohibition of all forms of slavery<sup>48</sup>**

19. The Committee on the Elimination of Racial Discrimination welcomed the National Strategy on the Fight against Human Trafficking for 2018–2020,<sup>49</sup> but was concerned that Roma and Egyptian women and children were disproportionately overrepresented among victims of trafficking.<sup>50</sup> The Committee on the Elimination of Discrimination against Women was concerned that Albania remained a source and destination country for trafficking in women and girls, especially for trafficking linked to tourism in coastal areas. It recommended, *inter alia*, ensuring the investigation, prosecution and conviction of traffickers, and of public officials complicit in trafficking offences.<sup>51</sup>

20. The United Nations country team noted that the most recent amendments to the Criminal Procedure Code, adopted under Law No. 35/2017, improved the position of victims of trafficking and their access to justice. It also noted the standard operating procedures approved in 2018 for the protection of victims and potential victims of trafficking, but regretted that they had not been effectively implemented, particularly with regard to the identification of victims and especially within mixed migration flows. It

highlighted the need to strengthen the capacities of front-line actors, including border and migration police, centres for irregular migrants and asylum centres.<sup>52</sup>

21. The International Labour Organization Committee of Experts on the Application of Conventions and Recommendations noted the adoption of Law No. 10347 in 2014, which prohibited the sale and trafficking of children. It urged the Government to intensify its efforts in that regard, including by ensuring thorough investigations, robust prosecutions of perpetrators and sufficiently effective and dissuasive sanctions.<sup>53</sup>

## C. Economic, social and cultural rights

### 1. Right to an adequate standard of living<sup>54</sup>

22. The United Nations country team noted the adoption of Law No. 22/2018 on Social Housing,<sup>55</sup> which was intended to provide a tailored approach to the specific housing needs of persons with disabilities, elderly persons, children and other groups. It noted that, together with the anti-discrimination law, the Law on Social Housing offered protection against discrimination in the allocation of housing and housing improvements for Roma and Egyptian communities.<sup>56</sup> The Committee on the Elimination of Racial Discrimination was, however, concerned at reports that many members of the Roma and Egyptian minorities had been affected by forced evictions.<sup>57</sup> The country team also noted that multiple forms of discrimination and deprivation of services in segregated Roma neighbourhoods remained a problem, and that groups of Roma families living in barracks with severe health conditions had been identified.<sup>58</sup>

### 2. Right to health<sup>59</sup>

23. The United Nations country team noted that progress had been made with the approval of the National Health Strategy for 2016–2020, the strategic document and action plan for sexual and reproductive health for 2017–2021, the national action plan for contraceptive security for 2017–2021 and the national action plan on health promotion for 2017–2021. However, it noted that investments in health care remained low and funding constraints hindered the necessary support and timely implementation of strategies and policies.<sup>60</sup> The Committee on the Elimination of Discrimination against Women was also concerned about the low budgetary allocations (2.6 per cent of gross domestic product) for the health sector and the limited oversight of hospital facilities.<sup>61</sup>

24. The United Nations country team noted that in 2015, the basic package of primary health-care services had been revised, with a particular focus on the health of women and young people.<sup>62</sup> The Committee on the Elimination of Discrimination against Women was concerned about the excessive use of abortion as a method of birth control, and that women living in rural and remote areas and Roma and Egyptian women continued to have limited access to primary health care and sexual and reproductive health-care services, and were often unaware of the availability of those services.<sup>63</sup>

25. The United Nations country team noted that, according to national analytical studies and surveys, sex-selective abortions were still being performed in both private and public clinics without any serious legal or procedural barriers.<sup>64</sup> It highlighted the need for a fully fledged scientific study, further political engagement from government departments and agencies and improved monitoring of the health sector with regard to sex-selective abortions.<sup>65</sup>

26. The United Nations country team reported that Albania remained a country with a low prevalence of HIV and that antiretroviral medicines were offered for free. It urged Albania to raise public awareness on the importance of HIV testing and to ensure that tests were available and accessible at care points.<sup>66</sup> The Committee on the Elimination of Discrimination against Women was concerned about the increasing number of cases of mother-to-child transmission of HIV, despite the prevention programmes in place. It recommended that Albania strengthen its efforts to prevent mother-to-child transmission of HIV through regular screening, early diagnosis and free distribution of antiretroviral medicines.<sup>67</sup>

### 3. Right to education<sup>68</sup>

27. The United Nations country team noted the introduction of new guidelines in 2017 to measure the early school dropout rate more accurately, but noted that there was a lack of real-time data and limited monitoring of dropouts from schools. While noting the gradual improvements in children's access to primary school, the country team also noted that there were no additional incentives based on a child's social and economic situation, and there were significant barriers for Roma children in their access to education. There were also barriers for Roma children in their access to preschool, which were related to poverty, a lack of birth certificates and vaccinations, the distance to the nearest preschool, a non-appealing preschool system and a lack of information on the benefits of preschool. The country team recommended that Albania continue its efforts to maintain the near-universal enrolment rate in basic education, and to foster enrolment in pre-primary education and non-discrimination in education.<sup>69</sup>

28. The Committee on the Elimination of Discrimination against Women was concerned that the school enrolment rate of girls remained lower than that of boys and that the dropout rate among girls, especially girls from minority groups, at the secondary level of education remained disproportionately high. It recommended facilitating access to compulsory and mainstream education for all girls and boys, including those belonging to minority groups, those with disabilities and those living in rural and remote areas, by, inter alia, enhancing school infrastructure, teacher training and other human, technical and financial resources.<sup>70</sup>

## D. Rights of specific persons or groups

### 1. Women<sup>71</sup>

29. The United Nations country team noted that legislation on gender equality, non-discrimination and domestic violence had improved, and that Albania was implementing the third National Strategy on Gender Equality for 2016–2020.<sup>72</sup> The Committee on the Elimination of Discrimination against Women welcomed the amendment to the Labour Code that defined and reversed the burden of proof in cases of sexual harassment, but it recommended that Albania reverse the burden of proof in cases of alleged sex-based or gender-based discrimination, in favour of claimants.<sup>73</sup>

30. The United Nations country team noted that the amendments made in 2018 to the law on measures against domestic violence had improved the legal definition of domestic violence, but it recommended that the legal framework be brought into full compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), including by revising the definition of rape and ensuring protection and prevention measures for victims of all forms of sexual violence.<sup>74</sup> The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of gender-based violence, the low rate of reporting of cases of gender-based violence against women, the insufficient implementation of the national referral mechanism, the insufficient number of shelters for victims of gender-based violence and the restrictive criteria for admission to those shelters, and the frequent failure to enforce protection orders and emergency protection orders.<sup>75</sup> The country team made similar observations and highlighted that women from disadvantaged groups faced additional barriers to accessing services.<sup>76</sup> It recommended strengthening the capacities of service providers and the judiciary to enforce the legal and policy framework on domestic violence and gender-based violence, and providing adequate resources for prevention and rehabilitation services for all victims of violence, including victims from rural areas and disadvantaged groups. It also recommended ensuring the necessary legal and policy amendments to institutionalize specialized support services for victims of sexual violence.<sup>77</sup>

31. The Committee on the Elimination of Discrimination against Women expressed concern about the persistence of gender stereotypes and harmful practices. It recommended that Albania prohibit all harmful practices, including child marriage, the practice of families choosing husbands for their female relatives, and killings or other crimes committed in the name of so-called honour, and that it prosecute and adequately punish the perpetrators of those practices.<sup>78</sup>

32. The Committee noted with concern that only a small percentage of women in the country owned land, and that Law No. 33/2012, which provided for joint ownership by both spouses of property acquired during marriage, was not being implemented effectively. It recommended that Albania enforce the legislation effectively and ensure that women were not discriminated against or disadvantaged in matters of inheritance.<sup>79</sup> The United Nations country team made similar observations.<sup>80</sup>

33. The Committee welcomed the amendments made in 2015 to the Electoral Code, which established a 50 per cent quota for candidates from both sexes for local elections, and noted an increase in the number of women participating in political and public life.<sup>81</sup> It recommended promoting the participation in political and public life of women belonging to disadvantaged or marginalized groups, and removing any obstacles, such as civil registration requirements or physical barriers, to enable women to exercise their right to political and public participation, including the right to vote.<sup>82</sup>

34. The Committee was also concerned about the concentration of women in the informal labour market without adequate labour and social protection, the significant gender wage gap, particularly in the private sector, and the extremely low minimum wage that disproportionately affected women.<sup>83</sup> The United Nations country team raised similar concerns.<sup>84</sup>

35. The Committee welcomed the adoption of the action plan for supporting women entrepreneurs for 2014–2020<sup>85</sup> and the amendment made in 2014 to the Law on Social Assistance and Social Services, which provided for social assistance to be paid directly to women. Nevertheless, the Committee noted with concern the limited implementation of those measures, in particular at the local level and with regard to women and girls belonging to disadvantaged or marginalized groups.<sup>86</sup>

## 2. Children<sup>87</sup>

36. The United Nations country team noted the adoption of a law on the protection of the rights of the child in 2017, but noted that the Government was yet to adopt secondary legislation and yet to effectively implement an intersectoral approach to child protection. It stated that children in Albania were exposed to violence at home, in institutions, at school, in the community and on the Internet. It recommended that Albania accelerate the implementation of its legal and policy framework on child protection to ensure full geographic coverage with qualified child protection workers and to build the capacities of the entire child protection workforce.<sup>88</sup> The Committee on Enforced Disappearances noted that domestic legislation offered general protection to children against violence, exploitation, neglect and abuse, but did not provide for specific protection for children subjected to enforced disappearance.<sup>89</sup>

37. The United Nations country team noted that the current legal framework was not sufficient to adequately protect all children from online risks or to prosecute perpetrators for acts of online abuse and exploitation. It therefore recommended that Albania update its normative and institutional frameworks to protect all children from online risks.<sup>90</sup>

38. The United Nations country team noted that many children, the majority of whom had at least one parent alive, were placed in residential institutions mainly due to poverty-related issues. It also noted that the Government had developed a plan for deinstitutionalization and recommended that the Government implement that plan and assess the situation of children in residential institutions in order to reunite them with their biological families or place them in a family-type environment.<sup>91</sup>

39. The Committee on the Elimination of Discrimination against Women was seriously concerned about the practice of child marriage, especially among Roma and Egyptian communities, often authorized by a court decision as an exception to the minimum age of marriage of 18 years. It recommended that Albania strictly prohibit child marriage and criminalize violations of that prohibition, allowing only very limited and clearly defined exceptions where courts might authorize unions for persons under 18 years of age with the consent of both partners. It also recommended that Albania raise awareness among children, parents, community and religious leaders and the general public of the negative impact of child marriage on the health and development of children, particularly girls.<sup>92</sup>

### 3. Persons with disabilities<sup>93</sup>

40. The United Nations country team noted the adoption of the National Action Plan on Persons with Disabilities for 2016–2020, of three by-laws to the 2014 law on the inclusion of and accessibility for persons with disabilities, and of the Law on Social Care Services in 2016, which provided for a social fund and the establishment of social welfare departments in municipalities in order to respond to the needs of all vulnerable groups, including persons with disabilities. It noted, however, that the need for assistive devices had not been met, and that municipalities could not afford to provide social care services for people with disabilities. It urged Albania to implement the relevant legislation, and particularly to adopt secondary legislation and guidelines to give full effect to the Law on Social Care Services.<sup>94</sup>

41. The United Nations country team noted that persons with disabilities continued to face multiple barriers in accessing public services and that the implementation of legislation and policies was weak due to a lack of budgeting by all sectors, a lack of secondary regulations and plans and a lack of monitoring of the rights of persons with disabilities in a comprehensive, continuous and sustainable manner. It also noted that State institutions at the national and local levels had failed to regularly collect disaggregated data and make them available to the National Council on Persons with Disabilities.<sup>95</sup>

42. The United Nations country team reported that the number of support teachers to assist children with disabilities and the number of psychologists in schools had doubled. It noted, however, that access for children with disabilities to education and quality learning must be a target for investments, in order to ensure appropriate infrastructure, assistive devices and technology to enhance their learning opportunities.<sup>96</sup>

### 4. Minorities and indigenous peoples<sup>97</sup>

43. The Committee on the Elimination of Racial Discrimination and the United Nations country team noted the adoption of Law No. 96/2017 on Protection of National Minorities, which, *inter alia*, eliminated the distinction in domestic law between national minorities and linguistic minorities.<sup>98</sup> The National Action Plan for the Integration of Roma and Egyptians for 2016–2020 had also been approved.<sup>99</sup> The Committee and the United Nations country team stated that the recommendations made by the People's Advocate and the Commissioner for Protection from Discrimination on the rights of Roma and Egyptian communities remained partially or entirely unaddressed.<sup>100</sup>

44. The United Nations country team noted that despite some progress in improving access to standardized public services for Roma and Egyptians, those communities still faced barriers in their access to education, health care, freedom of movement and employment. It recommended that Albania implement targeted measures to facilitate access to employment, formally establish the current pilot income generation programmes, expand employment in the public sector and fully finance the National Action Plan for the Integration of Roma and Egyptians for 2016–2020.<sup>101</sup>

45. The United Nations country team also reported a significant increase in the number of persons belonging to the Roma community who had been provided with personal identity documents,<sup>102</sup> although the Committee on the Elimination of Racial Discrimination was concerned about the lack of an overall strategy in that regard, particularly in the light of families returning from an irregular stay abroad and increasing numbers of persons seeking international protection in the country.<sup>103</sup>

### 5. Migrants, refugees, asylum seekers and internally displaced persons<sup>104</sup>

46. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that the legal framework on asylum was generally aligned with international standards and the institutionalization of procedures was under way.<sup>105</sup> According to the United Nations country team, the number of irregular arrivals in the country had increased fourfold in 2018. It noted that during the pre-screening of irregular arrivals at the border, the availability of interpreters in some languages and the limited number of female officers remained a challenge.<sup>106</sup> Both the country team and UNHCR noted that the expansion of the national reception centre for asylum seekers, the renovation of a municipal centre in



Gjirokastra and the availability of a reception facility in Shkodra had doubled the reception capacity of Albania in the past two years.<sup>107</sup>

47. UNHCR noted that Albania was primarily a transit country for asylum seekers and refugees, and the limited access to documentation and socioeconomic opportunities triggered their onward movement to neighbouring countries.<sup>108</sup> It stated that the current system should ensure quality and rapid decision-making in cases of asylum seekers who decided to stay in Albania, given that their number was low in comparison to those transiting the country. UNHCR recommended that the Government establish administrative mechanisms to ensure the timely lodging of asylum applications, particularly those made by persons who had shown willingness to remain in the country, and when assessing admissibility criteria, ensure that asylum seekers had access to effective procedural safeguards, including by ensuring their right to be heard.<sup>109</sup>

48. The United Nations country team noted that local integration for refugees and asylum seekers was hindered by contradictory legal dispositions and an incomplete administrative framework, which affected their access to social assistance and social housing, and the recognition of identification documents.<sup>110</sup> UNHCR reported that according to the Law on Asylum adopted in 2014, refugees were entitled to identification and travel documents, but faced obstacles as the current system did not generate those documents automatically. It recommended that Albania issue travel documents and identity cards for refugees and persons who had been granted subsidiary protection, and that it put in place the appropriate technology and mechanisms to allow asylum seekers and refugees access to services and to their rights.<sup>111</sup>

49. UNHCR reported that, contrary to the provisions of the Law on Asylum, article 9.2 of the Law on Social Assistance and Services excluded asylum seekers from its scope, therefore restricting government support to the services provided at the national reception centre for asylum seekers. It recommended that Albania revise the Law on Social Assistance and Services accordingly. UNHCR stated that refugees could not access social public housing programmes, including those under the law on social programmes for housing in urban areas adopted in 2018, which provided for the allocation of funds to local governments. It recommended that Albania amend the law to include refugees and persons who had been granted subsidiary protection among its beneficiaries.<sup>112</sup>

50. The United Nations country team and UNHCR noted that the detention of unaccompanied children had not been a practice since 2016, although a few cases had been sporadically reported and addressed by the authorities.<sup>113</sup>

## **6. Stateless persons**

51. UNHCR and the United Nations country team noted that following a baseline study, the first legal package to reduce the risk of statelessness had been approved by the parliament in October 2018, and it addressed the main causes of statelessness.<sup>114</sup> The country team recommended that Albania further reduce the risk of statelessness, notably by cooperating with other States and by implementing the amendments made in 2018 to the Law on Civil Status.<sup>115</sup> UNHCR made similar recommendations.<sup>116</sup>

52. UNHCR also reported a substantial improvement in the identification of persons at risk of statelessness, but noted that the naturalization process was not accessible in practice for refugees due to onerous requirements, including the presentation of original documents from the country of origin and proof of sufficient economic means.<sup>117</sup> It recommended that Albania amend the Law on Citizenship to ensure flexible requirements for the naturalization of refugees with long-term residence in Albania, ensure the timely consideration of citizenship applications to avoid undue delays, and enhance interministerial coordination on integration matters.<sup>118</sup>

53. UNHCR stated that the Law on Citizenship included safeguards to protect children against statelessness, but that legal gaps had been identified for children born to persons not legally residing in Albania or to Albanian citizens abroad. It noted that there was no statelessness determination procedure in place. UNHCR recommended that Albania take steps to remove legal and practical obstacles that hindered access to Albanian nationality,

and that it safeguard every child's right to a nationality, irrespective of the status, documentation or actions of his or her parents.<sup>119</sup>

### Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Albania will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/ALIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/ALIndex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.1–104.10 and 104.27.
- <sup>3</sup> CED/C/ALB/CO/1, para. 3, and A/HRC/36/39/Add.1, para. 20.
- <sup>4</sup> CED/C/ALB/CO/1, para. 6.
- <sup>5</sup> United Nations country team submission for the universal periodic review of Albania, p. 2.
- <sup>6</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.11–104.23, 104.27, 104.97, 105.1–105.4, 105.7–105.10, 105.19 and 106.1.
- <sup>7</sup> United Nations country team submission, p. 2.
- <sup>8</sup> CEDAW/C/ALB/CO/4, paras. 16–17.
- <sup>9</sup> United Nations country team submission, p. 2.
- <sup>10</sup> *Ibid.* See also CED/C/ALB/CO/1, para. 7.
- <sup>11</sup> A/HRC/37/49/Add.1, para. 11.
- <sup>12</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.28–104.29, 104.31–104.33, 104.37–104.39, 105.12–105.14, 105.29–105.30 and 106.4–106.7.
- <sup>13</sup> United Nations country team submission, pp. 4–5.
- <sup>14</sup> A/HRC/37/3, para. 34.
- <sup>15</sup> CERD/C/ALB/CO/9-12, para. 15.
- <sup>16</sup> United Nations country team submission, p. 2.
- <sup>17</sup> *Ibid.*, p. 18.
- <sup>18</sup> A/HRC/37/49/Add.1, paras. 55–56.
- <sup>19</sup> *Ibid.*, para. 48.
- <sup>20</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.41–104.42, 104.74–104.75, 105.15–105.18 and 106.9.
- <sup>21</sup> CED/C/ALB/CO/1, para. 13.
- <sup>22</sup> *Ibid.*, para. 17.
- <sup>23</sup> *Ibid.*, para. 19.
- <sup>24</sup> *Ibid.*, para. 23.
- <sup>25</sup> United Nations country team submission, p. 7.
- <sup>26</sup> CEDAW/C/ALB/CO/4, paras. 41–42.
- <sup>27</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.70–104.73, 104.76–104.77, 104.80–104.81, 105.31 and 106.16.
- <sup>28</sup> A/HRC/36/39/Add.1, para. 55. See also CERD/C/ALB/CO/9-12, para. 23.
- <sup>29</sup> United Nations country team submission, p. 2.
- <sup>30</sup> CERD/C/ALB/CO/9-12, paras. 23–24.
- <sup>31</sup> United Nations country team submission, pp. 7–8. See also CED/C/ALB/CO/1, para. 5 (b).
- <sup>32</sup> United Nations country team submission, p. 8.
- <sup>33</sup> CED/C/ALB/CO/1, para. 36.
- <sup>34</sup> A/HRC/36/39/Add.1, para. 24.
- <sup>35</sup> *Ibid.*, para. 26.
- <sup>36</sup> *Ibid.*, para. 43.
- <sup>37</sup> *Ibid.*, para. 45.
- <sup>38</sup> *Ibid.*, para. 54.
- <sup>39</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.83–104.85.
- <sup>40</sup> A/HRC/37/49/Add.1, para. 37.
- <sup>41</sup> United Nations country team submission, p. 10.
- <sup>42</sup> A/HRC/37/49/Add.1, para. 75 (a).
- <sup>43</sup> *Ibid.*, para. 35.
- <sup>44</sup> *Ibid.*, para. 45.
- <sup>45</sup> *Ibid.*, para. 75 (e).
- <sup>46</sup> *Ibid.*, para. 75 (c).
- <sup>47</sup> *Ibid.*, para. 75 (f).
- <sup>48</sup> For relevant recommendations, see A/HRC/27/4, paras. 104.61–104.64, 105.23–105.27 and 106.12–106.14.
- <sup>49</sup> CERD/C/ALB/CO/9-12, para. 5 (f).
- <sup>50</sup> *Ibid.*, para. 29.

- 51 CEDAW/C/ALB/CO/4, paras. 24–25.
- 52 United Nations country team submission, pp. 6–7.
- 53 See [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3338726](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3338726).
- 54 For the relevant recommendation, see A/HRC/27/4, para. 106.17.
- 55 United Nations country team submission, p. 11. See also CERD/C/ALB/CO/9-12, para. 5 (a).
- 56 United Nations country team submission, p. 11.
- 57 CERD/C/ALB/CO/9-12, para. 27.
- 58 United Nations country team submission, p. 15.
- 59 For relevant recommendations, see A/HRC/27/4, paras. 104.87 and 105.5.
- 60 United Nations country team submission, p. 11.
- 61 CEDAW/C/ALB/CO/4, para. 32.
- 62 United Nations country team submission, p. 11.
- 63 CEDAW/C/ALB/CO/4, para. 32.
- 64 United Nations country team submission, p. 5. See also CEDAW/C/ALB/CO/4, para. 32.
- 65 United Nations country team submission, p. 6.
- 66 *Ibid.*, pp. 4–5.
- 67 CEDAW/C/ALB/CO/4, paras. 32–33.
- 68 For relevant recommendations, see A/HRC/27/4, paras. 104.88–104.89, 104.96 and 105.34–105.35.
- 69 United Nations country team submission, pp. 12–13.
- 70 CEDAW/C/ALB/CO/4, paras. 28–29.
- 71 For relevant recommendations, see A/HRC/27/4, paras. 104.30, 104.34–104.36, 104.44–104.52, 104.54–104.60, 105.11, 105.20–105.22, 105.32–105.33, 105.36 and 106.11.
- 72 United Nations country team submission, p. 3. See also CERD/C/ALB/CO/9-12, para. 5 (e).
- 73 CEDAW/C/ALB/CO/4, paras. 13 and 30.
- 74 United Nations country team submission, pp. 5–6.
- 75 CEDAW/C/ALB/CO/4, para. 22.
- 76 United Nations country team submission, pp. 5–6. See also CEDAW/C/ALB/CO/4, para. 12.
- 77 United Nations country team submission, pp. 5–6.
- 78 CEDAW/C/ALB/CO/4, paras. 20–21. See also United Nations country team submission, p. 4.
- 79 CEDAW/C/ALB/CO/4, paras. 41–42. See also United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and United Nations Development Programme (UNDP), *Gender Brief Albania* (October 2016), p. 60.
- 80 United Nations country team submission, p. 3.
- 81 CEDAW/C/ALB/CO/4, para. 26. See also UNDP, *Strengthening Women's Political Participation: an analysis of the impact of women's parliamentary networks in Europe and Central Asia* (2016), p. 16.
- 82 CEDAW/C/ALB/CO/4, para. 27.
- 83 *Ibid.*, para. 30. See also UN-Women and UNDP, *Gender Brief Albania*, p. 60.
- 84 United Nations country team submission, p. 3.
- 85 CEDAW/C/ALB/CO/4, para. 5 (b).
- 86 *Ibid.*, para. 34.
- 87 For relevant recommendations, see A/HRC/27/4, paras. 104.25–104.26, 104.43, 104.65–104.69, 104.78–104.79, 104.86, 105.6, 106.2–106.3, 106.8, 106.10 and 106.15.
- 88 United Nations country team submission, pp. 9–10.
- 89 CERD/C/ALB/CO/1, para. 38.
- 90 United Nations country team submission, pp. 9–10.
- 91 *Ibid.*, p. 10.
- 92 CEDAW/C/ALB/CO/4, paras. 41–42.
- 93 For relevant recommendations, see A/HRC/27/4, paras. 104.90–104.94.
- 94 United Nations country team submission, pp. 14–15.
- 95 *Ibid.*, p. 14.
- 96 *Ibid.*, pp. 12–13.
- 97 For relevant recommendations, see A/HRC/27/4, paras. 104.95, 104.98–104.103, 105.22–105.23 and 106.18–106.23.
- 98 CERD/C/ALB/CO/9-12, para. 4, and United Nations country team submission, p. 15.
- 99 CERD/C/ALB/CO/9-12, para. 19.
- 100 *Ibid.*, para. 13, and United Nations country team submission, p. 15.
- 101 United Nations country team submission, p. 15.
- 102 *Ibid.*
- 103 CERD/C/ALB/CO/9-12, para. 25.
- 104 For relevant recommendations, see A/HRC/27/4, paras. 104.104–104.105.
- 105 UNHCR submission for the universal periodic review of Albania, p. 2.
- 106 United Nations country team submission, p. 16.
- 107 *Ibid.*, and UNHCR submission, p. 2.

<sup>108</sup> UNHCR submission, p. 1.

<sup>109</sup> *Ibid.*, p. 4.

<sup>110</sup> United Nations country team submission, p. 16. See also UNHCR submission, p. 3.

<sup>111</sup> UNHCR submission, p. 3.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*, p. 2, and United Nations country team submission, p. 16.

<sup>114</sup> UNHCR submission, pp. 4–5, and United Nations country team submission, p. 16.

<sup>115</sup> United Nations country team submission, p. 17.

<sup>116</sup> UNHCR submission, p. 5.

<sup>117</sup> *Ibid.*, pp. 2–3.

<sup>118</sup> *Ibid.*, p. 4.

<sup>119</sup> *Ibid.*, pp. 4–5.

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