

Comments of Albanian authorities related to ECRI's sixth cycle monitoring report on Albania

Legal aid

1. The Assembly of the Republic of Albania, on 14.12.2017, approved the new law no. 111/2017, "On legal aid guaranteed by the state", which entered into force on 1.6.2018. The purpose of this law is to determine the forms, conditions, procedures and rules for the organization and administration of legal aid guaranteed by the state, in order to protect the fundamental rights of the individual and his legitimate interests. But its purpose is to create a professional, qualitative, efficient and effective system for the provision of free legal aid, in such a way as to guarantee equal access to all individuals in the justice system.
2. The basic principles of law no. 111/2017, "On legal aid guaranteed by the state", on the basis of which free legal aid is guided, are:
 - The principle of equal access of individuals to the justice system in legal aid;
 - The principle of equality and non-discrimination of individuals regarding the right to legal aid, and professionalism in providing legal aid service;
 - The principle of quality, efficiency and cost-effectiveness for the legal aid services provided;
 - Confidentiality;
 - Avoiding and preventing conflict of interest;
 - Protection of the rights of vulnerable persons.
3. Referring to the above legal principles, it results that this law treats equally all individuals or vulnerable groups (Roma / Egyptians), etc., to receive free legal aid (primary / secondary), in accordance with law no. 111/2017, "For legal aid guaranteed by the state ". This law excludes these stamping groups from paying court fees and prepaying for the execution of the execution order. Specifically, Article 25 of Law No. 111/2017 provides that persons, who have the right to receive secondary legal aid, according to Articles 11 or 12 of this Law, enjoy the right to be excluded from: (i) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania, (ii) from payment of court costs (expenses for witnesses, experts, translators and for inspection of items or on-site inspection), according to the provisions of the procedural legislation, (iii) and by the obligation to prepay the fee for the execution of the execution order at the state judicial bailiff service.
4. In function of this law, the responsible institutions, such as (i) the Minister of Justice, (ii) the Directorate of Free Legal Aid and (iii) the National Chamber of Advocates and (iv) the competent courts, are charged with the legal obligation to implement it. Entities that receive legal aid, according to article 10, of law no. 111/2017, are:
 - Albanian citizens residing in the territory of the Republic of Albania;

- Foreign nationals or stateless persons who stay in the territory of the Republic of Albania for a temporary or permanent period and are provided with a residence permit, in accordance with the legislation in force for foreigners;
- Foreign nationals, or stateless persons, who regularly enter the territory of the Republic of Albania and who benefit on the basis of international agreements ratified by the Republic of Albania or based on the principle of reciprocity;
- Asylum seekers, persons enjoying refugee status and persons who are in the process of appealing administrative and / or judicial decisions for refusing asylum application or revoking the refugee status decision, according to the legislation in force on asylum in the Republic of Albania.

5. The law on legal aid guaranteed by the state, defines the special category which will benefit legal aid, regardless of their income and wealth. In this framework, the beneficiary categories are:
 - victims of domestic violence;
 - sexually abused victims and victims of human trafficking, at any stage of criminal proceedings;
 - juvenile victims and juveniles in conflict with the law, at any stage of criminal proceedings;
 - children living in social care institutions;
 - children who are under guardianship, who seek to initiate proceedings without the approval of their legal guardian or against their legal guardian;
 - persons benefiting from disability payments, in accordance with applicable law on social assistance and services, including persons benefiting from blind status;
 - persons who are subjected to involuntary treatment in mental health service institutions, according to the provisions of the legislation in force on mental health;
 - persons undergoing voluntary treatment in mental health care institutions for serious mental illness;
 - persons against whom removal or restriction of capacity to act is required at any stage of this process;
 - persons who have been deprived or restricted of the capacity to act, seeking to initiate proceedings against their legal guardian, for the restoration of the capacity to act without the approval of the legal guardian;
 - persons who are beneficiaries of social protection schemes;
 - persons whose rights have been violated through an act or omission that constitutes discrimination, based on the decision of the competent body, according to the legislation in force for protection against discrimination.

6. Likewise, Article 13 of Law no. 111/2017, “On legal aid guaranteed by the state”, also focused on the regulation of the legal issue regarding the determination of the providing category of primary legal aid. Consequently, this legal provision specifies that primary legal aid should be provided first by employees with special training, by authorized non-profit organizations and by legal clinics at higher education institutions. Whereas, regarding the secondary legal aid, in the sense of article 18, of

law no. 111/2017, must be provided by lawyers, according to the list approved by the National Chamber of Advocates, based on the request of the person who enjoys the right to receive secondary legal aid, according to special beneficiary categories provided in Article 11, as well as beneficiaries of legal aid with insufficient income and wealth to cover the costs of counseling, representation and / or protection in criminal, administrative and civil matters, regulation, which finds legal support in Article 12 of this law. The request of the person, regarding the right to receive secondary legal aid, is drafted according to the application form, approved by the Minister of Justice.

7. In conclusion, law no. 111/2017 “On legal aid guaranteed by the state”, is one of the main laws, which after the Constitution and the Code of Criminal Procedure, as amended, affirms access to justice, guaranteeing free legal aid and equal access to all individuals in the justice system without any discrimination. Pursuant to this law, the bylaws have been approved, regarding which we quote the following:

- DCM no. 110, dated 6.3.2019 "On determining the procedures and rules for the selection of non-profit organizations, authorized to provide primary legal assistance guaranteed by the state, which benefit funding from the state budget and the way of their financing";
- DCM no. 55, dated 6.2.2019 "On determining the procedures and documentation for the authorization of non-profit organizations that provide primary legal assistance guaranteed by the state";
- DCM no. 1, dated 6.3.2019 “On some changes and additions to the instruction no. 4, dated 12.12.2012, of the Council of Ministers, "On determining the amount of expenses and payments of experts and witnesses during the trial";
- Instruction no. 1 dated 8.3.2019, of the Minister of Justice “On the approval of the rules and procedures for the collection, completion and administration of registry data”;
- Instruction no. 2, dated 25.3.2019, of the Minister of Justice “On procedures, periodicity and rules for verifying the circumstances for the return of benefits”;
- Instruction no.6 dated 20.8.2019, of the Minister of Justice “On the rules and procedures for making payments of court costs, for which an exception has been set in the case of providing legal aid”;
- Decision no. 231, dated 12.11.2019, of the High Prosecution Council, “On the approval of the regulation on the rules of guaranteeing the obligatory protection and the appointment based on the principle of rotation of the defense lawyer from the list of lawyers who provide the services of secondary legal aid in criminal proceedings ”;
- Order no.225 dated 25.3.2019, of the Minister of Justice “On the approval of legal aid forms guaranteed by the state”;
- Order no. 226 dated 25.3.2019, of the Minister of Justice “On the approval of legal aid contracts guaranteed by the state”; • Order no. 59, dated 25.03.2019, "On the approval of the structure and staff of the Directorate of Free Legal Aid".

Comments Regarding the recommendation of the following points of ECRI's Report: 6. (§ 26), 7. (§ 29), 28, 29, 57, 58.

12. The State Police has taken measures to guarantee the fundamental freedoms and rights of persons deprived of their liberty in the premises of LPDs and Police Commissariats, in accordance with the provisions of international conventions protecting human rights and in particular of persons arrested/detained, and pursuant to the country's constitution, Criminal Procedure Code and other bylaws. Detained/arrested persons that are part of vulnerable communities such as Roma, Egyptians, LGBTI, etc. are guaranteed and respected their legal rights equally and without discrimination.
13. Detained/arrested persons in the premises of the State Police (including those of the Roma, Egyptian, LGBTI communities), according to Article 115 of Law 108/2014 of State Police, amended, recognizes and guarantees the exercise of the right to make / present request / complaints regarding the treatment given to you in the police premises, the conditions of stay, the actions and behaviors of the police personnel, the violations and violations of the rights that can be done by the police personnel, etc.
14. In fulfillment of this obligation, the standard rules and procedures for receiving, recording, handling / resolving the request / complaints of these persons, these are part of the Standard Procedure "Treatment and security of persons arrested / detained in the premises of the State Police, identification and resolution of the request of their complaints", recently reviewed and approved by Order no. 925, dated 18.07.2019 of the D.P.P. State.
15. For the period 2018 - December 2019, the public order structures did not identify any complaints made by members of these communities to police officers about non-dignified attitudes or behavior; discriminatory behavior and attitudes or other incidents / violence motivated by "hatred", "xenophobia" against these communities. In order to intensify measures and implement tasks for the full observance and guarantee of the rights of these communities (and not only), to identify and address complaints of human rights violations, to bring to justice the police officers who discriminate, and perform actions / attitudes in violation of the rights of vulnerable communities, some administrative acts of the have been adopted:
 - Note Instruction 7213/1, dated 26.09.2019 "On the implementation of standard rules and procedures related to accompaniment and treatment of accompanied persons in the premises of the State Police.
 - Note Instruction no. 5669/1, dated 15.08.2019 "On respect for human rights during the use of force in the fulfillment of legal duties and responsibilities by the State Police".
 - Note Instruction no. 5126/2, dated 15.08.2019 "On respecting the rights of national communities / minorities, prevention and elimination of discriminatory behaviors / attitudes that violate their dignity".
 - Reception and development of meetings with the leaders of organizations vulnerable communities such as Roma, Egyptians, LGBTI, whenever requested by them.
 - Establishing cooperative contacts with leaders of the associations that these community represent and exchanging information in function of the situation of crime against life, health, property, etc., of the Roma, Egyptian and LGBTI community, as well as the situation of respect for rights and protection against discrimination of these communities.

- Identifying their concerns, complaints or requests related to the actions and attitudes of police personnel of subordinate structures.
 - Evaluation and legal treatment of cases made by bringing before disciplinary and criminal liability police officers who commit discriminatory actions / attitudes, violent actions influenced / motivated by hatred towards this community.
16. Leaders of associations and organizations of the Roma and Egyptian communities have been received in meetings by senior leaders of the State Police, such as: Deputy General Director of the State Police and Director of the Department of Public Security by hearing / identifying the requests, complaints or claims that have had, as well as given solution to that.
17. Also, local structures of the State Police have established contacts and have cooperated with leaders of the LGBTI community in cases of organization and development of their activities in public places and squares / Boulevard "Dëshmorët e Kombit" during the parades / annual parade, where we emphasize that there have been no violations of order or other incidents in terms of the activity of members of this community.
18. According to the Order No. 677, dated 09.07.2019, of the General Director of the State Police, the Criminal Police Department, Sector Against Crimes Against the Person, follows only one paragraph of Article 265 of the Criminal Code, specifically:
- Article "Incitement to hatred or dispute", provided by Article 265 of the Criminal Code (Amended by Law 144/2013) Inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms),
 - For 2015, no criminal offense has been identified;
 - For 2016, 4 criminal offenses were identified, 3 detected, with 6 perpetrators, investigated while free;
 - For 2017, 9 criminal offenses were identified, 8 detected, with 8 perpetrators, investigated while free;
 - For 2018, 6 criminal offenses were identified, 3 detected, with 13 perpetrators, investigated while free;
 - For 2019, 7 criminal offenses have been identified, detected 7, with 13 perpetrators, investigated while free;

The criminal offense "Threatening with racism and xenophobic motives through the computer system" provided by 84 / a:

- For 2017, a case of this criminal offense was identified, which occurred in the city, which was discovered and the perpetrator was prosecuted while free;
- For 2018, there has been a case of threatening crime with racist and xenophobic motives through computer system, located in the city, with undisclosed perpetrator;
- For 2019, a case of this criminal offense, committed in the city, with an discovered perpetrator, has been identified. investigated while free;

The criminal offense "Dissemination of racist or xenophobic materials through the computer system", provided by Article 119 / a.

- For 2017, a case of this criminal offense, committed in the city, was identified, and its perpetrator was prosecuted while free;
- For 2018, no case of this criminal offense has been identified;
- For 2019, and the first three months of 2020, no case of this criminal offense has been identified.

Criminal offense "Insulting due to racist or xenophobic motives through the computer system" provided by Article 119 / b:

- For 2017, two cases of committing this criminal offense have been identified, both in the city and the perpetrators have been , investigated while free;
- For 2018, only one case of this criminal offense has been identified, which has been discovered and its perpetrator has been, investigated while free;
- For 2019, no case of this criminal offense has been identified.

Comments Regarding the recommendation of the following points of ECRI's Report: 18, 26, 36.

19. Over the years, Albanian legislation has been improving and approximating with international standards. The State Police has undertaken its obligations and is doing its best, guaranteeing equal rights, especially to the Roma, Egyptian and LGBTI communities, expanding the scope of application of criminal or civil laws against discrimination due to sexual orientation. and gender identity.
20. The State Police has realized the obligations on the National Action Plan on LGBTI persons in the Republic of Albania 2016-2020. The activities carried out by the State Police have been carried out according to strategic goals and objectives on the elimination of all forms of discrimination against the LGBTI community. It also guarantees the protection of LGBTI persons from discrimination and violence due to their sexual orientation or gender identity.
21. Currently, the State Police has improved the computer system for processing statistical data, where for each offense of the Criminal Code, its specified the motive of this criminal offense due to the sexual orientation
22. Hate crime is foreseen by Articles 74 / a, 84 / a, 119 / a, 119 / b, 265 and 266 of the Criminal Code, because it is not foreseen as a single criminal offence. From the statistical data on crime for 2018 and 2019 of the State Police, on the number of hate crimes committed against persons of the LGBTI Community, we have no recorded cases. It should also be noted that there have been no cases where police officers have used violence or discriminated against the LGBTI community, including the Law on Protection from Discrimination, the Law on Measures to Protect Domestic Violence and the Law on the Rights of the Child.

Hate Speech And Hate-Motivated Violence

8. The Cooperation Agreement for the establishment of the "Alliance against Hate" was signed on the 20th of December 12.2019 between the Institution of the People's Advocate, the Institution of the Commissioner for Protection against Discrimination, the Audiovisual Media Authority, and the Association "Albanian Media Council". This cooperation will aim the engagement of key factors involved in various aspects of hate speech prevention, to coordinate and unite efforts, to raise awareness and to advocate as a front against this phenomenon.
9. The aim of this Alliance is to achieve a greater harmonization between civil and criminal law against discrimination, to raise the awareness of employers and employees in both public and private sectors, to increase the professional skills of teachers and to strengthen its efforts in the educational environment system at all levels for this negative phenomena of hate speech. The Alliance against Hate will be rotated for a period of six months from each signatory part of the Agreement.

Comments Regarding the recommendation of the following points of ECRI's Report: 30, 31.

12. The Faculty of Security and Investigation, at the Security Academy, has updated training modules for police officers on LGBTI issues. These modules have been updated based on international human rights and anti-discrimination acts and in particular based on the Council of Europe Manual "Investigating Hate Crimes with LGBTI Persons Affected". These curricula are currently being offered and adapted for training at the Faculty of Security and Investigation for the employees of the Republic Guard, the Internal Affairs and Complaints Services as well as for the employees of the Military Police. Also, the State Police during 2018 and until now, is the beneficiary of numerous trainings of Police employees on the topics "Let's fight discrimination and protect the rights of the LGBTI community in Albania", which are provided with the support of the Ministry of Foreign Affairs of the Netherlands, and in partnership with the Dutch State Police.
13. Currently, the State Police is involved in the Project for Protection and Prevention of Discrimination Based on Sexual Orientation and Gender Identity, the Council of Europe's "Horizontal Facility" Program for Western Balkan countries, benefiting the Handbook for Investigating the Crime of Hatred against Persons LGBTI.
14. Regarding Racism, homophobia and hate speech, in cooperation with representatives of the Council of Europe, within the Horizontal Facility Program for the Western Balkans and Turkey, a series of meetings and trainings with police leaders were scheduled to take place in March 2020. on "Successful Investigation and Effective Prevention of Homophobic and Transphobic Hate Crimes".¹

¹ Representatives from the SOGI-Sexual Orientation and Gender Identity Department, in the Council of Europe, would visit Albania during March 2020. The focus of the meetings would be on the Police, Prosecution and Courts to provide technical support regarding the correct identification of the *phenomenon against hate crimes, homophobia and transphobia, but also the exchange of best experiences, related to the way of reporting, registration and then the prosecution process, according to Albanian legislation and Council of Europe standards. But given the situation of Covid 19 is canceled by the authorities of the Dutch embassy. The development of this training cycle has been decided to take place in a second moment).*

Roma And Egyptians

Housing

15. Following the adoption of the new Law No 22/2018 “On Social Housing” in May 2018, the established working group from the Ministry of Finance and Economy with the assistance of United Nations Development Programme and the Council of Europe, through the ROMACTED project, started working in developing the secondary legislation. As a result, in May 2019, was approved the decree of the Council of Ministers No.361 "On the procedures for the resettlement of individuals / families from their houses or places of living, in cases provided by law, and the institutional cooperation”, which predicts in accordance with the United Nation’s guidelines, the eviction procedures, the timelines and institutional cooperation on resettlement cases. This decree is universal for all the Albanian citizens, regardless the fact if they are owners of the house form where they are being resettled or not. As well in the DCM no.361, date 29.05.2019, is emphasized the fact that citizens will not be forced to leave their house, until is provided an adequate solution for them under the social housing programme.

Regarding the recommendation of finding a speedy solution to the long-running housing crises affecting the Roma and Egyptian communities in the Kabash and Guri i Kuq areas of the Pogradec municipality.

16. Related the case of the 40 Roma and Egyptian families that live in an apartment-building owned by “Albmiera”, the Ministry of Finance and Economy has been following the case and we are informed that there is a trial being developed between the families and Albmiera. Since this case is on a trial process, the Ministry of Finance and Economy cannot interfere until a decision is made, whereas referring to Kabashi case, the Ministry of Finance and Economy will take the recommendation in the consideration.

Regarding the recommendation on the finalization of the necessary bylaws (secondary legislation) for the Law on Social Housing

17. Beside the DCM no.361, date 29.05.2019 that, 12 more decrees of the Government have been approved, such as:

- DCM no. 362, date 29.5.2019 “On the criteria for benefiting rent subsidy in the free market and the priority categories.”
- DCM no. 453, date 3.7.2019 “On the mortgage interest subsidy programme.”
- DCM no. 454, date 3.7.2019 “On the criteria and procedures to be followed by local self-government, for benefiting competitive grants to improve housing conditions”;
- DCM no. 458, date 3.7.2019 “For the procedure of transforming the state-owns buildings in social houses”;
- DCM no. 459, date 3.7.2019 “On the rules of administrating the applications of local self-government units for support from the state budget funds on subsidy for rent and for their co-operation with the ministry responsible for housing”;
- DCM no. 384, date 12.6.2019 “On the procedures, deadlines and documents needed to apply for social housing programmes”;
- DCM no. 522, date 25.7.2019 “On the methodology in calculating the rent of the social housing”;

- DCM no. 823, date 18.12.2019 “On the procedures of buying houses on the free market that will be added to the public fund of social rented houses”;
- DCM no. 179, date 26.02.2020 “ On the rules, conditions and the procedures of privatisation of the dwellings that have been subject to Law no. 7652, date 23.12.1992, “On privatisation of state owned dwellings”, and Law no. 9321, date 25.11.2004, “On privatisation of dwellings and objects transformed into dwellings, constructed with funds of state enterprises and institutions”;
- DCM no. 300, date 15.04.2020 “On the exchange procedures of the affordable dwellings units”;
- DCM no. 301, date 15.04.2020 “On the housing norms, conditions and standards for social houses that are bought in the free market and low-cost houses”.
- Minister’s Regulation nr. 31, date 18.11.2019, “On standard application procedures and criteria for benefiting from state budget funds for housing programs”;

18. Meanwhile, 12 more decrees of the Government for Law no.22/2018 on Social Housing are in process and expected to be approved until the first quarter of 2020. In November 2019, in order to strengthen the capacity of the local government, Ministry of Finance and Economy, with the support of UNDP, organized a training with the municipalities. The purpose of the training was the recognition and implementation of the approved bylaws until that moment. Meanwhile through all the process of applying for investments and subsidies budget state funds, technical assistance is being offered intensively to all the municipalities that say that have difficulties in completing the required documentation.

Roma and Egyptian families that have received housing support during 2019

19. Through investments projects. During 2019, for the implementation of investment projects, approximately ALL 292 million have been allocated from the state budget, out of which ALL 172 million for the ongoing projects from 2018 and ALL 120 million for the implementation of the first phase of new projects, whereas the rest of the funds was allocated from the budgeted state funds of 2020.

20. Through those investments projects, which includes investments to improve housing, infrastructure, water supply and sanitation, and investments for the adaption of state-owned buildings, that are added to the public fund of social housing, have benefited 1261 families, out of which 918 families have improved their existing housing conditions, whereas the rest have benefited from infrastructure improvements, mainly in informal settlements. Roma and Egyptian families make up about 28% of the total number of beneficiaries.

21. Through rent and lump sum subsidy program. During 2019, approximately ALL 118 million have been allocated from the state budget, out of which ALL 65 million have been allocated for rent subsidy of 674 families that have applied according the law no.22/2019, where about 15.7% belong of the beneficiaries belong to the Roma and Egyptian minorities, ALL 5 million for the lump sum subsidy programme of 24 families, where 100% of the beneficiaries are Roma and Egyptian families and ALL 48 million has been allocated for the one month rent subsidy of families that have been affected from the 26th November earthquake.

22. People's Advocate has strongly raised this issue in the Special Report "On the situation of the rights of minorities in Albania", which was sent in the Albanian Parliament in 2015, as well as were also held a series of activities and public statements on this issue. The People's Advocate has also raised as a special issue the need for a new census conducted on generally accepted criteria, regarding self-declaration for participation in the national minority by individuals.
23. With the adoption of the law "On social housing" in May 2018, in report is mentioned that, some facilities have been addressed in the field of housing and forced evictions. It is also necessary to provide legal framework and some normative acts in accordance with the law. In contrast to the opinion given by ECRI in the report, in point 57, that the provision made in relation to forced evictions, in Article 6 of Law no. 22/2018 "On social housing", is sufficient but it is necessary to issue acts bylaws detailed the procedures in this case, the institution of the People's Advocate has a different attitude. This position has been maintained for several years through the emphasis on the need for the adoption of a specific law on protection against forced evictions. People's Advocate considers that Article 6 of the aforementioned law is insufficient, as a legal basis to guarantee adequate protection in these cases.

Inclusive Education

24. the Institution of the People's Advocate, in 2019 has started to organize a various training sessions with teachers of pre-university education system in the city of Tirana. After reviewing the content of the textbooks in subject "Citizenship / Civic Education" for 9-year education, was identified that in the text books there were not extensive content of information on human and child rights, and also was identified a reduced information and knowledge on the responsibilities and functions of the People's Advocate. It was brought to attention the importance of informing pre-university education teachers about the consideration of this constitutional institution and its functions. Training sessions will also be continuing throughout 2020. The People's Advocate Institution assesses the need to draft and/or modify the legal framework in order to reform the current education system, with the aim of solving systemic and sporadic problems, in which faces this system.

LGBTI Equality

25. The People's Advocate Institution have a constantly and proactive role in cooperating with civil society. The focus has been in the organizing meetings not only with the representatives of civil society which operate in Tirana, but also the focus was especially for the organization of roundtables and the strengthening of contacts with the civil society in different regions of the country. Concretely, the Institution of the People's Advocate in cooperation with the LGBTI Shelter, had held 5 (five) information sessions / awareness sessions in the municipalities of : Tirana, Shkodra, Korca, Durres and Gjirokastra, throughout September-November 2019, which focused on their awareness for the human rights provided in the relevant legislation, the institutions where they could be assisted, in cases when these rights are not respected or denied, the provisions of the legislation in force for their protection, etc.

Migrants (including refugees and beneficiaries of subsidiary protection)

26. In June 2019, the National Strategy for Migration and its Action Plan (2019-2022) was approved by the Decision of the Council of Ministers no. 400, dated 19.6.2019; This document is currently being implemented by all responsible institutions;
27. This political document and action plan provide measures to ensure safe and regular migration from, through, and to Albania, through integrated border management and migration, to reduce irregular movement in all its borders and within the territory; This objective is based on increasing the effectiveness of control mechanisms for the acceptance, stay and movement of safe and regular transit of foreigners and the return and reintegration of Albanian citizens;
28. During 2020, the approval of the revised contingency plan is envisaged, in order for Albania to manage mixed flows, taking into account the vulnerabilities of moving populations (such as unaccompanied minors, victims of trafficking, asylum seekers and irregular migrants, individuals with disabilities etc.). This Plan is necessary, given that Albania's reception capacity remains limited and consists of a national reception center for asylum seekers, a closed migrant center in Tirana / Karreç and four temporary reception centers;
29. The improvement of the infrastructure at the border crossing points has continued, in order to properly meet the specific needs of migrants (children, the elderly, people with disabilities, etc.); As well as further training of border police;
30. During the implementation of this political document, among other things, it was aimed at raising the awareness of migrants about their rights and facilitating their access to various forms of support / services;
31. Promoting and protecting the rights of migrants is in the spotlight during the implementation of this political document; The Law on Foreigners and the Law on Protection from Discrimination provide protection for foreigners living and staying in Albania; Also based on the Law, no. 111/2017 "On legal aid guaranteed by the state" in addition to Albanian citizens, legal aid is also obtained by foreign nationals or stateless persons who stay in the territory of the Republic of Albania for a temporary or permanent period and are provided with a residence permit, in accordance with the legislation in force for foreigners; Particular attention will be paid to reducing barriers to the effective enjoyment of the rights of categories of female immigrants, children and young people;
32. It is envisaged to design and implement a guide for the creation of pilot and permanent programs to promote the integration of foreigners in Albania; During 2020, a full review of the situation of implementation of international instruments regarding their impact on the position of foreign nationals will be carried out;
33. During this period, the first monitoring report was drafted, on the implementation of the Action Plan of the National Migration Strategy, prepared by the Technical Secretariat in the Migration Sector, in the Ministry of Interior; The report reflects the

implementation of the measures of the National Migration Strategy Action Plan for the period June-December 2019 and is based on the reports of the ministries and institutions responsible for the implementation of the Migration Action Plan.

34. Referring to Point 13, Paragraph C (Irregularly present migrants) regarding the ascertainment of the report “there are no specific policies or measures in force regarding irregular migrants” we inform that specific policies or measures in force are transposed in Law No. 108/2013 “On Aliens ”amended, Directive of the Minister of Interior no. 293, dated 04.06.2015 "On the treatment of foreign nationals with irregular stay in the Republic of Albania", standard procedures "On the process of selection of foreign citizens with unregistered residence" Approved by Order of the General Director of State Police no. 172, dated 08.02.2018, standard procedure “On removal / expulsion of citizens with irregular residence, approved by Order of the General Director of the State Police no. 176, dated 08.02.2018. DCM no. 111, dated 06.03.2019 has been approved "On procedures and rules for the return and repatriation of the minors". Currently, the National Strategy for Migration and its Action Plan 2019-2020 is in force, approved by DCM no. 400, dated 19.06 .2020 which is a strategic document which provides for institutional and inter-institutional objectives in the field of migration governance at the national level as well as its action plan, broken down into technical / institutional measures, financial measures and deadlines set.
35. The Directorate of Migration, in the framework of "legislative screening" as a prerogative of the irreversible process of European integration, is an active part in the institutional contributions given in the field of regular and irregular migration management.
36. In the view of ECRI's General Policy Recommendation No 16 “On safeguarding irregularly present migrants from discrimination” (Explanatory Memorandum) which highlights a number of recommendations, Law No. 108/2013 “On Foreigners” amended, foreseen the storage and use of personal data of the foreigners citizens as well as their integration into economic, cultural and social life.
37. Closed Centre for foreigners CCF carries out its activity based on DCM No. 1083 dated 28.10.2009, Law on Aliens no. 108 year 2013, Internal Regulation approved on the basis of the Order of the General Director of Police no. 117 dated 09.02.2010 and the Directive of the Minister No.293 dated 04.06.2015. In this center, irregular foreigners are treated in the territory of the Republic of Albania.
38. In addition to the legal and sub-legal acts that regulate the work, (activity, freedoms and rights of foreigners accommodated in CCF) is controlled by the Department for Border and Migration, monitored by the People's Advocate and diplomatic missions UNHCR, IOM, etc. are present. Since the establishment of CCF, its activity has been based only on the implementation of these acts and as a result there have been no findings and remarks regarding the implementation of religious and gender-based religious and legal rights and freedoms.
39. Referring to Paragraph 6 of the ECRI Report, the Commissioner for Protection from Discrimination suggests some comments and views, which are submitted as follows: Referring to the new standards approved at the European level and the challenges to achieve EU standards on the independency of Equality Bodies, the Albanian Commissioner for Protection from Discrimination organized the Third Regional Conference of Equality Bodies, by topic “*Independence of Equality Bodies*”, in Tirana, Albania, on 29th October 2018. The aim of this Conference was to discuss on

these standards, and in conclusion, resulted that Equality Bodies face common problems, in exercising their mandate and powers independently, such as: - insufficiency of financial resources which undermines the independent exercise of the mandate and competencies attributed to these institutions by their national legislation; administrative or other bureaucratic restrictions, such as the inability to determine by themselves the way of organization and the institutional structure, the approval of the structure of these institutions by other organs or aspects related to employee salaries; face such constraints or pressure such as, the control of the activity of these institutions with the obligation to approve annual reports of their activity, by other state organs; lack of sufficient and appropriate infrastructural capacities, aspects which not only affect their independence but also the right of citizens to have effective access to these institution.

40. Regarding the financial resources and the independence of the EB related to them, the CPD deems that there should be a greater sensitivity, from the responsible institutions, with regard to the financial needs of independent institutions of human rights as for the latter depend on the State Budget entirely. There is also a need for dexterity and facilitation with regard to budget management procedures by independent bodies. Currently, these procedures are general for the entire state administration, and consequently they are not specific to independent bodies, in order to reflect their different institutional nature and needs. It often turns out that independent bodies have difficulty managing their funds due to these very strict procedures. Certainly, the facilitation of these procedures should be accompanied by financial audits on independent bodies budget expenditure.
41. Regarding Recommendation 6 (i) of the ECRI Report on Albania, which has to do with the removal of the request for organizations with legitimate interests to submit special power of attorney, the Commissioner for Protection from Discrimination informs that the amendment of the Law No. 10221, dated 04.02.2010 "*On protection from discrimination*" is in review process by the Albanian Parliament. Thus, in the draft law, it is proposed to remove the legal provision for organizations with legitimate interests to submit a special power of attorney to represent the person or group of persons in administrative proceedings before the CPD (Article 33 point 2).
42. Proposals for these legal amendments have been reviewed by the CPD in a roundtable with civil society organizations in order to obtain their views and suggestions, and this provision relates to concerns raised by all civil society organizations regarding the additional costs that the notarial power of attorney adds to them or to the entities seeking representation, which in most cases are economically impossible. From this point of view, it is foreseen, in the draft law so far, that a simple authorization from the complainant is enough for the representation from organizations with legitimate interests, or a statement from the complainant before a CPD employee, which comes in line with the spirit of the procedural codes.
43. Regarding the proceedings before the Court on lawsuits alleging discrimination, the Law no. 10221, dated 04.02.2010 "*On protection from discrimination*" provides that the CPD or organizations with legitimate interests may submit a lawsuit in the name of a person or group of persons, provided that the Commissioner or organisation shall have the consent by special power of attorney or by declaration before the court of the person or group of persons injured by the discrimination. (Article 34/3)

44. The Audiovisual Media Authority (AMA) is the regulatory authority in the field of audio and/or audiovisual broadcasting services, which operates pursuant to and for the implementation of the provisions of the law no.97/2013 “On Audiovisual Media in the Republic of Albania”, as amended, from which the Transmission Code is derived.
45. Article 32 of this law, in the section “General rules for audio and / or audiovisual media service providers (AVMSP)”, point 4, strictly defines: “AVMSP-s do not broadcast programs with content to incite hatred on the basis of race, gender, religion, ethnicity, nationality and any other form of discrimination”.Article 76 of the same law, when talking about the conditions for the provision of on demand audio and/or audiovisual service, which in point 1 states: “On demand services are not allowed to include programs that stimulate hatred on the grounds of race, ethnicity, gender, nationality or religion”.
46. The Complaints Council has been functioning at AMA since April 2016, according to the requirements of law no. 97/2013 “On audiovisual media in the Republic of Albania”, as amended. Article 20, point 2 of this law defines the scope of work of the Complaints Council: “....to supervise the implementation of the code (Transmission Code) and regulations approved by the AMA, dealing especially with respect of the dignity and of other fundamental human rights, in particular the protection of minors, the right to information and public awareness regarding the respecting of moral and ethics norms in the programs of audiovisual services’ providers”.
47. During the reporting period, two complaints of "hate speech" were addressed and reviewed by AMA on two shows, on the same television operator. For the first case, (April 2019) a fine of 400,000 ALL (approximately 3,200 euros) was imposed and in the second case (October 2019) the operator was warned not to repeat similar cases.