



NO HATE
PARLIAMENTARY
ALLIANCE



PPSD (2017) 29
30 January 2018
(In English only)

PARLIAMENTARY SEMINAR ON COMBATING INTOLERANCE, DISCRIMINATION AND HATRED

Organised by the Parliamentary Assembly of the Council of Europe
in cooperation with
the Parliament of Albania

Tirana

24 November 2017

SUMMARY REPORT

Prepared by the Secretariat¹,

VENUE:

Albanian parliament
Blv. Deshmoret e Kombit
Nr. 4
1000 Tirana
Albania

¹ With the assistance of Mr Rezart Xhelo, General Rapporteur for the seminar, Consultant and human rights expert

Introduction

As the European Commission against Racism and Intolerance (ECRI) indicates in its 2015 report on Albania, progress has been made in a number of fields in the last few years. In particular, in 2010 the Law on Protection from Discrimination (LPD) was enacted and the first Commissioner for Protection from Discrimination (CPD) was elected. The CPD has the power, among others, to represent victims of discrimination before the courts. The law provides that judges can exempt plaintiffs from court fees and grant free legal aid in urgent cases. The People's Advocate and increasingly the CPD counter public hate speech. In October 2014, the police made a tool available for reporting online hate speech. "Rules of Ethics in Public Administration" were approved by the Parliament in 2003 and the new Audiovisual Media Authority is tasked with drafting ethical guidelines. In 2010, the National Action Plan for Roma Inclusion was adopted and also benefits the Albanian Egyptians. Substantive progress has been made in the field of civil registration of Roma and Egyptians. In 2012 an action plan addressing discrimination of LGBT persons was launched and the following year, the Criminal Code was amended to give LGBT persons enhanced protection. The 2015-2020 LGBTI National Action plan was then launched in October 2016.

These positive developments testify the Albanian authorities' political will to fill the gaps and improve the legal framework in this area. Legislation and policies are still needed and the work to this end should continue.

The national parliamentary seminar held in Tirana on 24 November 2017 on "improving national legislation with regard to the fight against racism, hatred, intolerance and discrimination" intended to contribute to implementing the PACE component of the 2015-2017 Council of Europe Programmatic Cooperation Document with Albania, adopted by the Committee of Ministers.

It aimed at empowering parliamentarians to improve legislation and operational mechanisms by providing an opportunity for enhanced dialogue, adopting a peer-to-peer approach, between Albanian parliamentarians and members of parliaments (MPs) of other Council of Europe member States, with the support of the No Hate Parliamentary Alliance. Good practices were shared and synergies created with local and international civil society and institutions, to help promote Council of Europe standards and identify concrete areas of reform of the Albanian legislative framework.

ECRI's work on Albania and hate speech was among the main references for the discussion among participants. The experience of the No Hate Speech Movement campaign in Albania and Romania, another Council of Europe member State, contributed to the exchanges.

Executive summary

The summary of the seminar's remarks and recommendations could be divided into the following six themes:

- 1) **The Albanian parliament has been committed to implementing the recommendations of ECRI's fifth report on Albania.** The justice reform has been a key priority of the Parliament in following up on ECRI recommendations, along with amendments to the Labour Code, the Code of Administrative Procedures and the Criminal Procedure Code of Albania.

A 2017 initiative of the Parliament to draft the new law on Legal Aid has considered a range of recommendations by the international organisations, the People's Advocate and the European Commission report on Albania. The seminar was an opportunity for parliamentarians to reinstate the crucial role of parliament in fully integrating and implementing ECRI recommendations.

The Parliament and parliamentary committees use their monitoring and accountability mandate to monitor discrimination and intolerance, according to key recommendations by independent institutions including those of ECRI. However, the Parliament must explore and propose effective mechanisms to inform and educate legal practitioners, to understand the spirit of the pertinent anti-discrimination laws, and ensure the participation of civil society in the Parliament's law-making agenda. Yet, the challenge remains to provide an adequate budget to fully finance the

implications of these key legislative decisions, including the legal aid services, given the increasing number of legal aid applicants.

- 2) **Parliamentarians and politicians are expected to be role models for society** and convey tolerance through positive communication. Political will is expected from parliamentarians to put an end to hate speech and discrimination. Political debates can be tough and critical, but political opponents are not enemies, rather political competitors. The Women's Alliance is encouraged to establish a good model of positive dialogue across party lines against hate speech and discrimination. The draft Code of Conduct for members of parliament, pending approval within 2018, should be a meeting point for all parliamentarians to address hate speech, intolerance and discrimination.
- 3) **Government and executive institutions are committed to the implementation of national strategies and action plans**, especially on Roma and Egyptians, LGBTI and other vulnerable communities. However, concrete commitments and actions are expected by the government to render adequate services addressing human rights in education, housing, social care, employment, vocational training, etc. Civil society urged the Albanian Government to place human rights high on its agenda. There is always criticism from civil society towards the government, and vice versa, however both parties must show tolerance, inclusiveness, and acceptance, and establish a fair and transparent dialogue.
- 4) **Media** is an extremely influential and important actor to civic education and information. Hate speech inciting violence is problematic in Albania. Proper controls need to be effective in order to safeguard both principles of freedom of expression, and prevention of intolerance and violence. Freedom of expression must not be seen as a human rights' privilege to justify hate speech and discrimination. Journalists and media professionals have the burden of the message and news they broadcast. Hate speech, intolerance and discrimination must neither constitute the source for a news story, nor be further reported. Intolerance and hate speech in social media should not be tolerated and are very disturbing for media users. Given the incidence of hate speech, intolerance and discrimination online and throughout social media, there is an urgent need for a self-regulatory mechanism for media outlets and users, to put an end to hate speech, discrimination and intolerance.
- 5) **International partners** underlined Albania's progress in recent years thanks to the adoption of a comprehensive and inclusive legal framework in line with European standards. Partners noted that important institutions such as the Offices of the People's Advocate and the Commissioner for Protection from Discrimination guarantee a range of basic human rights for Albanians. However, Albanian institutions are challenged with the implementation of the anti-discrimination policy and law enforcement, therefore the European Union (EU) and the Council of Europe's technical assistance is much appreciated and fundamental in the process. The anti-discrimination policy and legal framework must safeguard freedoms and human rights, rather than being seen as regulatory frameworks.
- 6) **Education and public awareness** are allies in the fight against hate speech, intolerance and discrimination. Civil society is a driving factor of public education and awareness towards tolerance and anti-discrimination. Education's focus is to remain on youth as a model of tolerance and anti-discrimination. 'No hate speech' movements are positive practices to be embraced and further supported. The No Hate campaigns provide indispensable information and literacy material on recognising hate speech and discrimination. The government, through the Ministry of Education, Youth and Sports, is encouraged to enrich and amend school curricula with essential elements on human rights, including tolerance, minority rights, gender equality, anti-discrimination and anti-violence.

Tolerance and non-discrimination are delicate matters and a complex approach is required to promote such values in the society. While policies and laws are important, raising awareness in society, changing attitudes to avoid stigma, prejudice and respect for human rights need to complement the legislative approach. Progress on legal and policy framework was often noted, either by the government or by representatives of international partners. However, improvement is much needed to guarantee the full implementation of the laws on minority rights and rights for vulnerable communities and groups. The seminar's participants also encouraged leaders within the minority communities to become role models as a promising way to challenge existing stereotypes and prejudice. Time will be required to see changes in societal attitudes and Albania has still a long way to go to develop full and quality access to services and justice for groups that are marginalised and at risk of discrimination in society.

Summary of the opening remarks

1. The seminar was opened by Ms Vasilika Hysi, Vice Speaker of the Parliament of Albania, who acknowledged on behalf of the Parliament of Albania the importance of PACE's initiative on combating intolerance, discrimination and hatred. She noted the importance of the seminar in the context of the implementation of the Council of Europe Action Plan in Albania.

She recalled the key role of the parliament in the process of implementing the recommendations by national and international monitoring mechanisms, including those of ECRI. Ms Hysi argued that the role of the Parliament is manifold, as it includes:

First, drafting and improving legislation in relation to the prevention of discrimination, intolerance and hatred;

Second, exercising Parliamentary inspection over the executive bodies on the implementation of monitoring mechanisms' recommendations in the area of non-discrimination;

Third, monitoring the work of independent institutions aiming at the enforcement of internal national monitoring mechanisms;

Fourth, appropriate budgeting of laws and mechanisms aimed at guaranteeing human rights and non-discrimination, especially to guarantee access to justice for victims of discrimination. She mentioned in this sense the draft law on legal aid to be adopted by parliament in December 2017;

Fifth, encouraging parliamentarians to abstain from hate speech and discrimination in parliamentary debates, political forums, and dialogues with constituencies; Parliamentarians are to be role models and should improve discussions within parliamentary committees, in the plenary, within the constituencies, political rallies, TV debates and shows, as to be free from intolerance, discrimination and hatred.

Ms Hysi highlighted the current draft Code of Conduct, a recent initiative of the Parliament still in the process of adoption, as a key document to regulate Parliamentarians' conduct and rhetoric. She ensured that the Parliament was engaged in a series of reforms to prevent discrimination, intolerance and hatred since ECRI's fifth monitoring report was published in 2015.

2. Mr Claus Neukirch, the Head of the Council of Europe Office in Tirana, reiterated the Council of Europe's continued support to the Albanian Government and lawmakers in the fight against discrimination and intolerance. He congratulated Albania on the adoption of the law on national minorities. In this regard, he confirmed the Council of Europe's commitment to working further with independent institutions such as the People's Advocate and the Commissioner for the Protection from Discrimination as well as civil society and municipalities. He highlighted the current projects with schools and the importance of working with society as a whole, especially with the younger generation. Democratic and Human rights education should provide the young with the reflection to make them immune to being encouraged in engaging in hate speech, and provide for changing attitudes when it comes to fighting hate speech, discrimination and intolerance. He added that parliament had a role in spreading the basics on preventing hate speech.

3. Mr Gvozden Flego, Honorary Member of the PACE on behalf of Croatia, addressed the seminar highlighting non-discrimination and tolerance as measures of society's maturity. He stated that democracy is built on plurality and tolerance. It is a process in which we exchange different opinions and permanently learn from each other.

According to Mr Flego, society's challenge remains how to enhance tolerance. As a first requirement, the burden is on parliamentarians to adopt legislation against all kinds of intolerance, discrimination and violence. Tolerance can be increased by the tolerant behaviour of individuals, especially persons bearing authority and which often appear in public. Civil society is a driving factor of tolerance and education of society.

The opposite of tolerance is hate. Manifested in public communication, hate speech is a kind of torture and societal damage of hate speech is enormous. Often, politicians who practice hate speech seem to have forgotten that their political opponents are not their enemies but their political competitors. Hate speech often transforms the communication space into a primitive battlefield of rejection rather than acceptance.

In a global multicultural world, education for human rights and non-discrimination, democratic citizenship and tolerance is of crucial importance, as it is a prerequisite for better future society.

Media, television and radio could contribute to the change of the societal atmosphere and to the promotion of tolerance. The role of the media, besides informing, is also to educate media consumers. Freedom of expression and free media are essential but these freedoms must not cross the threshold of hate speech.

4. Mr Stephen Stork, Head of Operations at the Delegation of the EU to Albania, noted that there is a thin line between freedom of expression and prohibition of hate speech and intolerance in the social communication. The EU is aligned with the principles established by the European Court of Human Rights, and EU legislation obliges member States to penalize public incitement of violence and hatred. In Albania, the legal framework for the protection of human rights and anti-discrimination is broadly in line with EU standards. The People's Advocate and Commissioner for Protection from Discrimination are well functioning guarantors. Nevertheless, the European Commission report notes that the implementation of anti-discrimination laws and policies need to be improved.

In Albania, pertinent legislation needs to be regulated properly to ensure protection of both principles: freedom of expression and prohibition of intolerance and violence. Two issues are still burning with regard to online media. Indeed, clear rules must be established on: online media filter control to hate speech and readers/commenters education on preventing hate speech.

The EU representative strongly recommended that Albania should align "offline" and "online" definitions to become technology independent; better define what constitutes an "insult"; render news portals liable for readers' comments; and definitely encourage self-regulation by online media, in an effort to reduce hate speech.

Session One: Discrimination, hate speech, hate crimes: How to stop the escalation?

1.1. ECRI Report on Albania – Recommendations

Following ECRI's recommendations, the Parliament and Albanian institutions have carried out a national justice reform, adopted a Labour Code and made progress on the protection of victims following amendments to the Code of Administrative Procedures and Criminal Procedure Code of Albania. An education approach with the state police and judges was beneficial to provide further understanding on tolerance and non-discrimination.

There is an on-going initiative of the Parliament to draft a new law on Legal Aid, which has considered a range of recommendations by the international organisations, including the EC report on Albania, and the Albanian People's Advocate. Yet, the challenge remains to provide an adequate budget to fully finance the implications of these key legislative decisions, including legal aid services, given the increasing number of legal aid applicants. Amendments to the Criminal Code and criminal measures against hate speech and discrimination are also key expected changes following ECRI's recommendations.

The Parliament and parliamentary committees use their monitoring and accountability mandate to monitor discrimination and intolerance, according to key recommendations by independent institutions including those of ECRI. The Criminal Code is deemed to be the most suitable mechanism; however, improvement of the Civil Code is also required to effectively address hate speech and discrimination.

Media self-regulation was a substantial argument elaborated throughout the seminar, as it is an important mechanism to inform and educate media consumers. The Media sector was strongly encouraged to propose an innovative approach to manage hate speech and discrimination.

1.2. Politics, tolerance and non-discrimination

A key question raised by opposition parliamentarians was whether politicians are tolerant and free of hate speech and discrimination. In this context, it was argued that acts of intolerance and hate speech by political leaders had a direct impact on public opinion. They added that intolerance is often exercised by the decision-making of the majority, rejecting the opposition's voice. The control over media is creating a critical situation in Albania. They noted that pressure on and intimidation of journalists and media could no longer be accepted from politicians or the public. Parliamentarians and politicians need to show political will to stop hate speech and discrimination.

Members of parliament advocated for continuous support through concrete initiatives to fight hate speech and discrimination by all international organisations, civil society and politicians. Opposition MPs called on the majority to support the Democratic Party Resolution on Domestic Violence, as a model of political will to promote tolerance and non-discrimination.

1.3. Education of the new generation

Education is an ally in the fight against hate speech, and has been an important basis for the work that is done by the No Hate Speech movement in Albania. Thirteen civil society organisations, members of the No Hate Speech Committee, support the campaign in Albania, promote equality and equity, fight discrimination and hate speech and promote human rights for all. Ms Irena Topalli, Chair of the Albanian No Hate speech movement in Albania argued that existing 'tradition' and 'masculine' culture are affecting the state of tolerance and non-discrimination in society. The older generation does not necessarily convey values of tolerance, equality, and non-discrimination to the younger generation. Young people need positive examples. Young people participate in politics but they need to be given a chance to learn and grow. Ms Topalli called on young parliamentarians to support the No Hate Speech movement and be the voice of the younger generation. Fighting against the escalation of hate speech and discrimination in Albania is a converging point for civil society, members of parliament, representatives of the government and other politicians, outside partisanship.

Support has been provided by the government namely, the Ministry of Education, Youth and Sport and Ministry of Health and Welfare and the donor community. The No Hate Speech campaigns of Europe gathered for a European coordination meeting in 2016 in Tirana, with the support of the government. However, there is a crucial need to expand the movement in to those places, cities, villages not yet reached. A number of innovative projects are currently carried out by the Ministry of Education, Youth and Sports, such as pilot educational programmes in nine schools in Tirana, and the adoption of extra-curricular activities in other municipalities to stop bullying, hate speech and discrimination.

Participants in the seminar agreed to support an effective cooperation between the education system and No Hate Speech Movement to provide educational material and programmes on human rights and antidiscrimination in pre-schools and elementary schools, and other academic institutions.

1.4. No Hate Speech Movement in Romania

The No Hate Speech Movement campaign supported by the CoE started as a European campaign but soon expanded beyond Europe. As head of the No Hate Speech movement in Romania, Ms Irena Drexler presented the work of the national campaign as a model for human rights education with youth. A national campaign with focus on online education is running and proving to be effective and well accepted by the youth. Concrete education materials have been produced by the Council of Europe, which can be easily translated into Albanian. The volunteers have extensively used the two

Council of Europe manuals: Bookmarks and We can. Research is another key dimension of the Movement, as it is useful to understand the rise of hate speech even though pertinent legislation exists. Research has revealed that people are not educated enough to recognise hate speech, hate crime and discrimination, therefore reporting statistics and data result on violations are low.

Members of the No Hate Campaign in Romania have been involved in the legislative work to update the criminal code in Romania with regard to hate speech and crime. The reinforcement of legislation with concrete measures (i.e. fines and criminalisation) to prohibit hate crimes and discrimination is recommended in Albania.

She noted that the No Hate Speech movement will end in December 2017 at the European level but the work will continue in national settings. She called for governments to continue to support the national campaigns which have expertise on hate speech.

1.5. Summary of the discussion

Some participants acknowledged the work of the Parliament for the recently approved law no. 96/2017 on the “Protection of national minorities in Albania”, following a model of wide-ranging consultation with ethnic and minority groups in Albania, a huge step forward in respect of human rights and freedoms.

Young parliamentarians and politicians are to become role models of tolerance and non-discrimination starting within the Parliament and elsewhere. For young MPs, close partnership with civil society is imperative to raise public awareness to fight hate speech, intolerance and discrimination.

Media and journalists share the responsibility regarding hate speech related messages. Hate speech should not be reported. However, critical debate should be promoted, but not deteriorate into hate speech and discriminate the arguing parties.

Monitoring of parliamentary debates reveal extensive use of offensive language which goes beyond proper ethics and disrespect to the rules and procedures in place. Journalists call on politicians and political parties to re-design the essence of a political debate and to hold on to the value of pluralist and constructive political debates.

The integration of the Roma community, an on-going issue, requires effective and better coordination by the government institutions and relevant ministries. Activists of the Roma community acknowledged the government's effort to accommodate Roma issues, however they saw a lack of institutional coordination as a major challenge to meet the needs of the Roma community. The international organisations continue to support the cause of the Roma community. However, the synergy of interventions requires better coordination and an alignment of efforts by the government and partners, as well as increased interaction with the Roma community, the right-holders. Opportunities for Roma people should also be sought within the business sector, a sector that often prejudices equal access and equal opportunities to the labour market for the Roma community

Civil society is a key actor in holding the government accountable in respecting the rights of minorities and human rights in Albania. However, opposition MPs argued that the Albanian government's limited amount of allocated funding may compromise the quality of the work of civil society and may prevent civil society from exercising its essential role as a watchdog in regard to the government's policy, legislation and action plan frameworks to address issues faced by the Roma and Egyptian communities.

Taking note of the importance of respecting the division of power, participants also recalled Parliament's role as the major actor in holding the government accountable, as well as showing a sense of cooperation across party lines on such human rights issues. The Parliament must ensure effective mechanisms are in place to consult civil society, inform civil society in due time and guarantee its participation in the legislative process. Young and long-standing MPs have to interact, all are important to promote tolerance and non-discrimination. Women's parliamentarian Alliance is a fundamental body to push the No Hate Movement's agenda, and further support all legislative initiatives to address human rights in Albania.

Media influences the public space and democracy happens in the public space. Public media has an imperative role. The government has to guarantee the impartiality of public broadcast media. An independent public media can heal society's problems.

Session Two: Antidiscrimination legislation and the protection of national minorities in Albania

2.1 The law on the “Protection of national minorities in Albania”

Minority rights are an integral part of the overall human rights; therefore, Albania is especially attentive to guarantee minority rights are in line with international commitments. For more than two years, the Albanian government followed the recommendations of the Advisory Committee of the Council of Europe's Framework Convention for the Protection of National Minorities. The process of drafting the law has been an inclusive one, ensuring participation and contributions of stakeholders, including minorities' organisations, civil society and international organisations. The CoE support has been imperative.

The new law introduces a range of novelties such as: the definition of the national minorities; listing of nine defined national minorities; legal clauses on the specific rights of minorities, such as self-identification, education and cultural rights, preservation and maturity of their identity; a benchmark of 20 percent of minority population to guarantee the right to use the minority's language. In addition, the law anticipated the establishment of a fund for national minorities, to support project initiatives from the minority community, and to be administered by the Albanian Committee on National Minorities.

Several participants underlined the fundamental importance of the recently approved law on the “Protection of national minorities in Albania”. Yet, the challenge ahead for the government is to maintain and preserve the ‘principle’ of the CoE Framework Convention – the protection of minorities as fundamental for stability, democratic security and peace. The question is how this law will be translated into sub-legal acts, and what measures the government will take to guarantee its full implementation. Mr Sinani, Professor at the University of Tirana, argued that debate over minority rights shall neither be used by politicians, for political gains, nor be part of political rhetoric, otherwise it damages the diversity status minorities are entitled to enjoy. Professor Sinani argued that the implementation of the law should be aligned with thematic commentaries of the Advisory Committee on the Framework Convention on education, on participation, on the language rights of persons belonging to national minorities, and on managing diversity through minority rights.

Despite the novelties of the new law, what can the state do to secure diversity? It was argued that a better division of power between central and local government is needed, full respect of freedom of speech and increased activism of civil society as an opponent to state policies and actions. Closer dialogue between the government, civil society and other minority organisations was also recommended as imperative for a better decision-making.

2.2 Protection of the Roma community

The government representatives noted the on-going commitment of the Albanian Government towards the protection of Roma and Egyptians. The 2016-2020 National Action Plan for the integration of Roma and Egyptians has a two-fold purpose: non-discrimination and integration of Roma and Egyptian minorities. The Action Plan defines concrete measures on civil registry of Roma and Egyptians, education, employment, vocational qualification, health care, housing and social protection. Moreover, the 2016-2025 National Strategy for Social Housing defines key priority actions for Roma and Egyptians: rental of social housing, low-cost housing rent, and improvement of existing housing conditions. At municipal level, Roma and Egyptian communities benefit up to five percent of housing programme. There is an increasing number of Roma and Egyptian beneficiaries in government programmes for employment, vocational training, health care, education, and civil registry. However, funding of the Action Plan remains a challenge for the Albanian Government, as 55 % is covered by the State budget and 45 % by donors' contributions. Finally, technical assistance of the CoE through 'Horizontal Facility', 'ROMACTED', 'CAHROM' is imperative for the Albanian government in the context of policy and legal framework.

2.3 Human rights watch

Civil society acknowledged the progress made in Albania by politicians and the government especially with regards to the amendments to the Constitution (human rights chapter), Criminal Code, Labour Code, and the law on national minorities. Activists of civil society argued that improvements of the Constitution are still required, especially in addressing LGBTI rights, and reinforcing the Criminal

Code and Family Code. Another concern mentioned by Mr Hazizaj, CRCA/ Human Rights House was the absence of adequate protection from online discrimination. Corruption in the justice system also hinders the implementation of human rights.

Civil society activists noted that unfortunately some politicians play a role in inciting hate, discrimination and social exclusion. Often politicians and the political discourse they use disrespect fundamental human rights. The political debate goes beyond fairness and respect for vulnerable and marginalised people. At a local level, the government lacks mechanisms that guarantee the inclusion of marginalised groups in the public service (education system, police forces) and generally, in local decision-making. At central level, law enforcement, the implementation structures and the weak budgeting of education programmes and further social services are challenges that civil society urged the government to overcome in close cooperation with civil society and minority communities.

Civil society called on the Albanian government and international partners to support them as agents of change, agents of awareness and campaigning, agents of participatory and inclusiveness, for national and local policies and actions.

Session Three: Antidiscrimination legislation: enforcement

3.1 Access to legal aid

The Parliament has been working on a new draft law on ‘Legal Aid’, thus considering a range of recommendations by the international organisations, the People’s Advocate and European Commission report on Albania. The draft has a two-fold approach: first, to provide a grants’ mechanism, seeking legal aid from specialised civil society service-providers, and second, provision of legal aid by an officially approved lawyers’ roster. According to the new draft law, legal aid has to be sought directly at the level of the court, thus avoiding problems with delays and appointment of lawyers accumulated in the past.

Civil society representatives argued that the access to court and legal aid has been very limited especially for the marginalised groups (Roma and Egyptians) who reside in remote areas. Therefore, civil society activists called on the Albanian Government and non-governmental organisations to reach out to vulnerable communities with information and campaigning, especially in rural and informal areas.

3.2 Human rights and responsible institutions

The People’s Advocate and the Commissioner for the protection from discrimination (CPD) are two important independent institutions in Albania that guarantee human rights and protection from discrimination. The People’s Advocate has been instrumental in guaranteeing the rights of Roma and Egyptians, raising the issue high on the Albanian Government’s agenda by monitoring efforts and reporting. A key issue for the People’s Advocate was the forced relocation from informal settlements of Roma and Egyptians, criticising government institutions and the business sector, for actions that did not respect human rights’ principles.

Following ECRI’s recommendations, the People’s Advocate strongly recommended legal improvements to the laws ‘for the protection from discrimination’ and the ‘Family code’ that anticipate and guarantee human rights for Roma and Egyptians, LGBTI. It is fundamental that there are no legal barriers to the LGBTI community’s enjoyment of freedoms, gender equality and human rights.

Since 2013, the People’s Advocate has recommended legal improvements for the integration of Roma children from pre-school to the higher levels of education, for the registration of Roma community members in the civil registry of the municipality where they reside, for social services and social housing of Roma and Egyptian communities.

The law ‘on the protection from discrimination’ provides a wide range of grounds and motives for discrimination which citizens can claim. However, given the implementation practice in recent years, the law requires revision and amendments. Awareness and public information has been fundamental to the implementation of the law. The ‘open days’ awareness campaign implemented by the CPD has resulted in an innovative approach to inform and increase awareness as well as assist minority groups, including migrants and refugees. The CPD noted that most of the complaints for discrimination are received during such open days. She urged civil society to further advocate for minority rights and inform the public. The Albanian Ombudsperson also pushed for more training of

judges to protect the rights of the citizens. Participants agreed that all actors – state institutions, civil society and courts – should be engaged and capacities should be built.

Several participants, including international partners, underlined Albania's progress on pertinent inclusive anti-discrimination legislation, although it was noted that social prejudice and discrimination across the country are still prevalent. Certain socially marginalised groups are consequently not able to access mainstream services, including access to justice to victims of discrimination, and their basic rights. In addition, the role of local government was underlined, being close to these groups, in rendering adequate social services for the most vulnerable citizens of the Albanian society.

Appendix I : PROGRAMME

24 November 2017

9.30 – 9.50 *Registration of participants and welcome coffee*

10.00 - 10.30 am

OPENING SESSION

Welcome by **Ms Vasilika HYSI**, Vice-Speaker of the Parliament of Albania

Ambassador Claus NEUKIRCH, Head of the Council of Europe Office in Tirana

Mr Gvozden FLEGO, Honorary Member of the Parliamentary Assembly of the Council of Europe (Croatia)

Mr Stephen STORK, Head of Operations, Delegation of the European Union to Albania

Video message by **Ms Gabriela HEINRICH** (Germany), General Rapporteur on combating racism and intolerance, and Coordinator of the No Hate Parliamentary Alliance

10.30 am - 12.30 pm

SESSION 1: Discrimination, hate speech, hate crimes: How to stop the escalation?

Hate speech paves the way to other forms of violence. Hate crimes should be clearly defined in legislation and specific measures should be adopted to prevent and sanction them. This session aims to contribute to the debate on this issue, comparing experiences in various Council of Europe member states and indications from specialised bodies.

Moderator: **Mr Gvozden FLEGO**, Honorary Member of the Parliamentary Assembly of the Council of Europe (Croatia)

Speakers: **Ms Vasilika HYSI**, Vice-speaker of the Parliament of Albania, Member of the European Commission against Racism and Intolerance (ECRI) in respect of Albania

Ms Albana VOKSHI, Chair of the Parliamentary Committee on Education and Public Information Media, Albanian parliament

Mr Shpati KOLGEGA, Deputy Minister of Education, Youth and Sport

Discussants: **Ms Irena TOPALLI**, NGO Beyond Barriers, Albania

Ms Irina DREXLER, National Coordinator of the No Hate Speech Campaign in Romania

Discussion

12.30 – 2.00 pm *Lunch hosted by the Parliamentary Assembly of the Council of Europe*

2.00 - 3.30 PM

SESSION 2: Antidiscrimination legislation and the protection of national minorities in Albania

Albania has adopted general antidiscrimination legislation covering all grounds of discrimination. The aim of this session is to discuss in particular the protection of national minorities, including the Roma.

Moderator: **Mr Adão SILVA**, Member of the No Hate Parliamentary Alliance, Vice-Chairperson of the Portuguese delegation to the Parliamentary Assembly of the Council of Europe

Speakers: **Ms Artemisa DRALO**, Deputy Minister for Europe and Foreign Affairs

Mr Gjergj SINANI, Professor at the University of Tirana, former representative of the Advisory Committee on the Framework Convention for the Protection of National Minorities

Ms Merita XHAFAJ, Member of the Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Discussants: **Mr Altin HAZIZAJ**, Human Rights House / CRCA Albania

Mr Danjel HYSENI, Youth Coordinator at Roma Active Albania

Discussion

3.30 – 4.00 pm *Coffee break*

4.00 – 5.30 pm

SESSION 3: Antidiscrimination legislation: enforcement

This session aims to deal with the enforcement of the Albanian antidiscrimination legislation, particularly as regards the issue of access to justice for victims of discrimination.

Moderator: **Mr Gvozden FLEGO**, Honorary Member of the Parliamentary Assembly of the Council of Europe (Croatia)

Speakers: **Ms Klotilda BUSHKA**, Member of the Albanian delegation to the Parliamentary Assembly of the Council of Europe

Ms Erinda BALLANCA, Albanian Ombudsperson

Ms Irma BARAKU, Commissioner for the Protection from Discrimination

Discussants: **Ms Teuta VODO**, Deputy Minister of Justice

Mr Emir KAMENICA, Acting head of the Rule of Law and Human Rights Department at the OSCE Presence in Albania

Ms Erida SKENDAJ, Executive Director of Albanian Helsinki Committee

Discussion

5.30 – 6.00 pm

CLOSING SESSION

Conclusions by the seminar's General Rapporteur, **Mr Rezart XHELO**, Consultant and Human Rights Expert

6.00pm

PRESS CONFERENCE

Appendix II : Background documents

PACE

[Charter of Commitments for membership to the No Hate Parliamentary Alliance \(in English\)](#)
[Charter of Commitments for membership to the No Hate Parliamentary Alliance \(in Albanian\)](#)

[PACE Resolution 2019 \(2014\) the honouring of obligations and commitments by Albania](#)

[PACE Resolution 2144 \(2017\) Ending cyberdiscrimination and online hate \(in English\)](#)
[PACE Resolution 2144 \(2017\) Ending cyberdiscrimination and online hate \(in Albanian\)](#)
[PACE Recommendation 2098 \(2017\) Ending cyberdiscrimination and online hate](#)

[PACE Resolution 2054 \(2015\) Equality and non-discrimination in the access to justice](#)

[PACE Resolution 1967 \(2014\) A strategy to prevent racism and intolerance in Europe](#)
[PACE Recommendation 2032 \(2014\) A strategy to prevent racism and intolerance in Europe](#)
[PACE Reply to recommendation 2032 \(2014\) A strategy to prevent racism and intolerance in Europe](#)

[PACE Resolution 2106 \(2016\) Renewed commitment in the fight against antisemitism in Europe \(in English\)](#)
[PACE Resolution 2106 \(2016\) Renewed commitment in the fight against antisemitism in Europe \(in Albanian\)](#)

[PACE Resolution 2069 \(2015\) Recognising and preventing neo-racism \(in English\)](#)
[PACE Resolution 2069 \(2015\) Recognising and preventing neo-racism \(in Albanian\)](#)

[PACE Resolution 1998 \(2014\) Improving co-operation between national human rights institutions and parliaments in addressing equality and non-discrimination issues](#)

[PACE Resolution 1985 \(2014\) The situation and rights of national minorities in Europe](#)
[PACE Recommendation 2040 \(2014\) The situation and rights of national minorities in Europe](#)
[PACE Reply to Recommendation 2040 \(2014\) The situation and rights of national minorities in Europe](#)

[PACE Resolution 2153 \(2017\) Promoting the inclusion of Roma and Travellers \(in English\)](#)
[PACE Resolution 2153 \(2017\) Promoting the inclusion of Roma and Travellers \(in Albanian\)](#)

[PACE Resolution 1927 \(2013\) Ending discrimination against Roma children](#)

[PACE Motion for Resolution No. 14040 Protecting children from racism and hate speech](#)
[PACE Motion for Resolution No. 14251 Promoting the rights of persons belonging to national minorities](#)

ECRI

[ECRI General Policy Recommendation No. 15 on combating hate speech \(adopted on 8 December 2015\)](#)

[ECRI 5th Report ECRI on Albania \(English version - June 2015\)](#)
[ECRI 5th Report ECRI on Albania \(Albanian version - June 2015\)](#)

Horizontal facility for western Balkans and turkey

National Survey on Bullying and Violent Extremism in the Education system of Albania, Tirana 2017 (in English)

National Survey on Bullying and Violent Extremism in the Education system of Albania, Tirana 2017 (in Albanian)

Strengthening the protection of national minorities in Albania

Rights of National Minorities

Fourth Report submitted by Albania pursuant to Article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities (Received on 18 November 2016)

Committee of Ministers Resolution ResCMN(2009)5 on the implementation of the Framework Convention for the Protection of National Minorities by Albania

Committee of Ministers Resolution ResCMN(2005)2 on the implementation of the Framework Convention for the Protection of National Minorities by Albania

Brochure on the Framework Convention for the Protection of National Minorities

Roma

Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Thematic report on social housing for Roma and legalisation of Roma settlements and houses (Albania, Bosnia and Herzegovina, "FYR. Macedonia"), 2013

Council of Europe team working on Roma and Travellers

Letter by the Commissioner for Human Rights to Minister for Urban Development (2016)

Reply from the Albanian authorities to the Commissioner for Human Rights (2016)

National Action Plan for Integration of Roma and Egyptians in Albania, 2016-2020