

**RACIAL DISCRIMINATION IN ALBANIA AND THE ROLE OF THE
COMMISSIONER OF PROTECTION AGAINST DISCRIMINATION (CPD) ANALYSIS
OF CASES OF RACIAL DISCRIMINATION TIME PERIOD 2010-2014**

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ABSTRACT: *A large number of studies link the dynamics and trends of racial discrimination with the shield that the legal framework or political activity of the judicial institutions at the national, regional, or global level provide. The effect expected from the improvement of laws that determine the cases and precede the limiting of cases of racial discrimination and with the undertaking of concrete actions to protect individuals and groups exposed and vulnerable to racial discrimination, is the reduction of the level, types, shapes, and cases of racial discrimination. Despite this expectation, in Albania, although the legal framework and the concrete actions since a decade ago have marked improvement in the attitude, treatment and protection of discriminated individuals or groups because of their race, data from the institution of the Commissioner of Protection against Discrimination show a growing number of cases of racial discrimination during the period 2010-2014. What can explain this paradox? This paper examines racial discrimination in Albania in the light of the relationship between three internal factors: the legislative, the executive, and the Commissioner of Protection against Discrimination. Based on the data analysis, this paper argues that the increase in cases of racial discrimination in Albania, more than the result of the weak impact of the legislature and executive, is a result of the increasing role of the Commissioner of Protection against Discrimination (CPD) and it is the expression of two trends, one in the short-term plan, and the other in the long-term plan. In the short term one, growth in the number of cases of racial discrimination is explained with the growth and strengthening of the role of such internal factors. In the long run, the decline in the number of cases of racial discrimination is explained with the impact that internal factors such as CPD exercise on the activity of political and legal factors as the legislature and the executive.*

KEYWORDS: Racial Discrimination, Commissioner of Protection, Albania

INTRODUCTION

Racial discrimination occurs in different countries, it is practiced in various fields, and despite all the efforts to minimize or eliminate it, remains always present¹. It remains a complex issue in the academic plan due to the difficulties with its definition and measurement. It reflects ups and downs

¹ Racial discrimination is a phenomenon not only European companies but also other companies. Racial discrimination in the US has not only a long single story, but it continues to be present even today. For more information see National Research Council. (2004). Measuring Racial Discrimination. Panel on Methods for Assessing Discrimination. Rebecca M. Blank, Marilyn Dabady, and Constance F. Citro, Editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, p. 1; About racial discrimination in other countries see Human Rights and Equal Opportunity Commission (2008), *An International Comparison of the Racial Discrimination Act 1975*, Background Paper No. 1.

in different areas of life which demonstrate the role and influence as the internal political, legal, and social factors as well as the external international, global or regional ones.²

Albania, also, shows practices of racial discrimination, with its ups and downs, in various fields, and it is influenced by various factors.³ This is why explanation of the dynamics of racial discrimination in Albania remains intriguing and this is what this paper does exactly. It builds on the argument that the increase of cases of racial discrimination in Albania, more than the result of the impact of the weak internal legal and political factors, it is a result of the increasing role of other internal factors as such, the Commissioner of Protection against Discrimination (CPD), the Ombudsman (AP), or the Non-Governmental Organizations (NGOs).

From this perspective, the explanation of the dynamics of racial discrimination observed in Albania notices two trends: a short-term one and a long-term one. In the short-term one, the number of cases of racial discrimination shows growth which is explained with the growth and strengthening of the role of other internal factors such as CPD, AP, or NGOs; In the long run, the number of cases of racial discrimination shows a decline which is explained with the impact that internal factors such as CPD, AP, or NGOs, carry on the activities of political and legal factors such as the legislative, the executive, or the judiciary.

This paper is organized into 6 sections. The second section summarizes the problems with the definition, measurement, and the areas of racial discrimination discussed in the literature, and how they are considered in this analysis. The third section presents the dynamics of racial discrimination in the Albania during 2010-2014. The fourth section explains the role of the judicial and political factors such as the Legislature and the Executive. The fifth section is focused on the role of CPD in relation to the racial discrimination and its relationship with the legislature and the executive. The final section offers some conclusions.

RACIAL DISCRIMINATION AND SOME ISSUES

The analysis of racial discrimination in Albania takes into consideration three issues addressed by the literature about discrimination.

The first issue has to do with the peculiarities that characterize the definition of racial discrimination. Discrimination in general, it is meant the denying of an individual or group of the rights, benefits, justice, equal treatment and accessibility because of the socio-economic status, gender, age, education, race, sexual orientation or other characteristics. Discrimination, therefore, represents the treatment of an individual or a group based on prejudice, distinction, restriction,

² A wider treatment of the role, relationships, and influence of these factors can be seen in International Law Association (2002), Hafner-Burton and Tsutsui (2007), Simmons (2009), Byrnes and Freeman (2012).

³ Problems with racial discrimination in Albania are identified by a number of reports from institutions and organizations such as Protection against Discrimination Commissioner, the Ombudsman, the European Commission against Discrimination and Intolerance (ECRI), or the Convention on the Elimination of Racial Discrimination (CERD).

exclusion, and putting someone in a difficult situation than other people.⁴ Racial Discrimination represents only one of the types of discrimination.⁵ With it we understand the different treatment based on race, national or ethnic origin, nationality, color, language, and religion.⁶ This understanding, however, is not trouble-free.

The concepts of "race" or "ethnicity" do not have a clear definition and distinction between them, and the researchers give different interpretations to them.⁷ More than a biological phenomenon⁸ *race* represents a concept created by the society⁹ that refers more than certain physical features as skin color, facial features, or color and shape of hair, which generate different perceptions, behavior and attitudes of social groups against each other.¹⁰ In the racial categorization, besides the physical features, Nagel adds other additional social features such as name, clothing, or food diet.¹¹ But what gives a social dimension to the content to the concept *race* is the subjective use of racial classifications.

While, the concept of "ethnicity" is seen more connected with cultural factors such as language, religion, and nationality.¹² The complexity and social character of the definition seems in the fact that the concept of *race* and *ethnicity* is difficult to be used consistently in the definition of some populations¹³ and the concept itself is also changing.¹⁴

⁴ This description is found in the Introduction to Sociology, 7th Edition, New York: WW Norton & Company Inc., 2009, p. 334, and Cambridge Dictionaries Online, Cambridge University.

⁵ Some of the main types of discrimination include discrimination because of 1) age, 2) disability, 3) payment and income, 4) genetic information, 5) national or ethnic origin, 6) race and color, 7) religion 8) orientation and sexual harassment, or 9) pregnancy.

⁶ This is the definition that the European Commission against Racism and Intolerance (ECRI) does to racial discrimination, see in the http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n7/Recommendation_7_en.asp#P80_4931

⁷ For a wider discussion about the meaning of the concept "race" and "ethnicity" see Alba 1992, Appiah 1992, Jones 1997, Anderson and Fienberg, 2000 Omi 2001 Winant, 2001, Fredrickson 2002 and Lory 2002. For the origin of modern conception of race and racism in the Europe see O'Callaghan, 1980, Anderson 1983, Graham 1990, Blau 1993, Northrup 1994 Hannaford 1996, Higginbotham 1996, Klein 1999, Frederickson 2002 and Winant 2001.

⁸ According to van den Berghe 1967 Montagu 1972, Zuckerman 1990 or Zuberi, 2001, 2002 Crow biological definition of race comes from naturalists of the 18th century and has served to distinguish the populations of different areas on the basis of their physical features. Differences between groups of people using as a criterion the biological definition of race is opposed by a number of scholars such as Mead et al., 1968, Cavalli-Sforza 2000 Omi 2001 after, according to them, science has failed to identify a group of genes that correspond the social conception of race.

⁹ Banton 1983, Omi and Winant 1986, Fiske and Taylor 1991, Lory 2002

¹⁰ Fiske and Taylor 1991, Hollinger 2000, Smelser et al., 2001, Lory 2002.

¹¹ Nagel (1994)

¹² Bobo 2001

¹³ For example in the US, in the early 20th century, Italians and Jews from Eastern Europe were considered different racial groups. While at the beginning of the 21st century, Census US distinguishes racial groups under 15 categories: 1) White 2) Black 3) Native American, 4) Asian Indian, 5) Chinese, 6) Filipinos, 7) other Asian, 8) Japanese, 9) Korean, 10) Vietnamese 11) Hawaiian, 12) Guamanian or Chamorro, 13) Samoa, 14) different from the Pacific Islands, and 15) Pedigree-compounding. Classification includes Hispanikwt as a separate ethnic group. For more information see US Census Bureau, 2001a.

¹⁴ A change in the meaning is noted especially in the US as a result of the socio-political rate change, economic, and waves of immigration. Nowadays, the concept of race can have different meanings for different groups, which sometimes contain the common elements and sometimes not. For more information see Lieberman in 1993.

In the Albanian reality, the problems with the concept of *race* and *ethnicity* is observed in the determination of the status of different groups within the Albanian population. According to the census conducted in 2011 with the Albanian population there are six main groups of various origins, which are listed in Table 1.

Table 1 Communities with racial, ethnic and cultural affiliation

	No. of residents	Percentage
The population of Albania	2,800,138	100.00 %
Greek origin	24,243	0.87 %
Rom origin	8,301	0.30 %
Arumanian origin	8,266	0.30 %
Macedonian origin	5,512	0.20 %
Egyptian origin	3,368	0.12 %
Montenegrin origin	366	0.01 %

Source: INSTAT, Census 2011

Although the Albanian Constitution prohibits discrimination on various grounds, including ethnicity, and guarantees cultural rights for minorities,¹⁵ there is confusion about whether these groups represent "ethnic" or "minorities" groups. It does not mention the term "*minority*" and Egyptian and Rom communities are recognized as *linguistic minorities*, not as *national minorities*.¹⁶ Therefore, in this paper, the analysis ensures the examination of cases of racial discrimination in all groups, if any, without distinguishing between them.

The second issue that takes into account the analysis in this paper is concerned with the types and areas of the racial discrimination occurrence.

Based on the definition of racial discrimination as a behavior or treatment that puts at a disadvantage an individual or racial group to an individual or another group, from the perspective of legal racial discrimination includes two components: 1) differential treatment because of race, and 2) the justification treatment with various factors of race.

The first case represents a deliberate discrimination and such an attitude is usually declared inadmissible by the Constitution or laws of the Legislature. The second case represents a more complex situation of discrimination because it is hidden and because of this goal becomes a thing proving difficult and the law will be able to make a discriminatory situation only in case of strong and convincing reasons.¹⁷

¹⁵ The Constitution of the Republic of Albania (1998), Article 18 and Article 20.

¹⁶ The Government of the Republic of Albania, National Strategy for the improvement of living conditions (2003), Tirana: Organization for Security and Co-operation in Europe, p. 7, <http://www.osce.org/albania/21232>; OSCE Office for Democratic Institutions and Human Rights (ODIHR), (201), "Best Practices for Integration of Roma" (BPRI), a regional report on anti-discrimination and participation of Roma in the local decision making, p. 26, 56; Minority Rights Group International, "Egyptians" in <http://www.minorityrights.org/1377/albania/egyptians.html>

¹⁷ National Research Council. (2004). Measuring Racial Discrimination. Panel on Methods for Assessing Discrimination. Rebecca M. Blank, Marilyn Dabady, and Constance F. Citro, Editors. Committee on National

Based on the source, The racial discrimination occurs in 4 types. Three of them reflect the behavior of individuals and organizations, while the fourth reflects the practices that characterize the organizational culture. So we have these types of discrimination: 1) intentional, 2) hidden, 3) statistical profiling, and 4) structural.¹⁸

Intentional discrimination is opened and it is expressed with resentment in words¹⁹, avoidance of interaction and isolation from the rest of the group,²⁰ exclusion or denial of the right for resources or usage,²¹ physical assault,²² to murder.²³

Hidden discrimination is practiced often unconsciously, automatically, and has a psychological basis.²⁴ It is the expression of beliefs, attitudes, and of socially embedded behaviors²⁵, indirect prejudice,²⁶ fear and anxiety reactions,²⁷ negative stereotypes²⁸ or discriminatory impulses.²⁹

The statistical and profiling discrimination is the use by individuals or organizations of some phenomena that are attached to social groups in decision-making to an individual who is considered part of this group.³⁰ Illustrative case is the example when an employee considers the application of a black man not by his qualifications and skills but given that the group of blacks in general, tends to commit more crimes than the group of whites.

Structural discrimination is institutional, is based on rules and processes supposedly neutral to race, and reflects the prejudices of people who represent and manage an institution.³¹ It is expressed in formal or informal approaches and different outcomes for specific individuals or groups in relation to other individuals or groups.³²

Racial discrimination occurs in many areas of daily life and social relations, economic, political, and cultural. The main feature is the different level of racial discrimination, in some areas, such as those of the economic situation and employment, housing, criminal justice, it appears at a higher level than in other areas, such as the education or health.³³

Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, fq. 4, 39-41.

¹⁸ Ibid., fq. xii, 55-64.

¹⁹ Feagin 1991, Essed 1997, Fiske 1998, Dovidio et al. 2002, Talaska et al. 2003

²⁰ Johnson and Stafford 1998.

²¹ Bobo 2001, Duckitt, 2001

²² Green et al. 1998, 1999, 2001, Schneider et al. 2000, Glaser et al., 2002.

²³ Allport 1954, Staub 1989, Newman and Erber 2002.

²⁴ Fiske 1998.

²⁵ Dovidio and Gaertner 1986, McConahay 1986, Katz and Hass 1988.

²⁶ Pettigrew 1998a, Hewstone et al. 2002.

²⁷ Hart et al. 2000, Phelps et al. 2000.

²⁸ Fazio and Olson 2003.

²⁹ Bargh and Chartrand 1999.

³⁰ Phelps 1972, Arrow 1973, Lundberg and Startz 1983, Coate and Loury 1993.

³¹ Lieberman 1998, Sidanius and Pratto 1999.

³² Squires 1994, Squires and O'Connor 2001, Waldinger and Lichter 2003.

³³ National Research Council. (2004). Measuring Racial Discrimination. Panel on Methods for Assessing Discrimination. Rebecca M. Blank, Marilyn Dabady, and Constance F. Citro, Editors. Committee on National

In the economic and employment situation of The racial discrimination is expressed at the highest level of poverty and unemployment or lower wages;³⁴ in housing, housing grouping in separate areas, high rates of rental, the low level of ownership of apartments, or giving a lower price apartments or houses in their possession;³⁵ in criminal justice at the highest level offense, arrest, and imprisonment;³⁶ education in access, treatment, vocational training, education level;³⁷ and health, the barriers to access, benefit services, or quality of medical treatment.³⁸

Racial discrimination in Albania also makes no difference either in terms of the type, even that of the field where it appears. The local analysis of racial discrimination keeps in its mind its diversity looking at the types of racial discrimination and the areas where it finds its expression are in focus or not, and if so to what extent, the activity of Legislative,....., and CPD - as the main internal factors influence the dynamics of racial discrimination.

The third issue that takes into account this paper is that of measurement and indicators of racial discrimination. One problem that remains is always such determination when dealing with racial discrimination. This is because the discriminatory behavior is rarely opened and observable directly. So often, the definition of discriminatory behavior based on racial affiliation of the individual or the results of the relationship.³⁹ The second problem has to do with measurement. This is because racial discrimination is difficult to measure.⁴⁰

The difficulty derives from the ambiguity and character changing of the concept of race,⁴¹ lack of consistency to groups or individuals of reporting of racial affiliation, problems with racial self-identification often form declaring of racial affiliation, because of the most varied reasons, is filled not by the person itself but by other people - and also by the number of indicators used to determine the racial affiliation.⁴² The third problem has to do with the impact on the determination of ethnic and racial discrimination to several factors relating to how data are collected. These factors include the method of collection of information (telephone, personal interview), location (work, home), answer-provider (the person, parent, employer, teacher), the wording of the question (words, the ranking), and perceptions (synchronic diachronic).⁴³

Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press,pg. 5-10, 24-27, 44-48, 66-67.

³⁴ Altonji and Blank 1999.

³⁵ Massey 2001, Charles and Hurst 2002.

³⁶ Blumstein 1982, 1993

³⁷ Mare 1995, Choy 2002, Lloyd et al. 2002.

³⁸ Imperato et al. 1996, Chin et al. 1998, McMahon et al. 1999, Mayberry et al. 2000, Epstein et al. 2000.

³⁹ National Research Council. (2004). Measuring Racial Discrimination. Panel on Methods for Assessing Discrimination. Rebecca M. Blank, Marilyn Dabady, and Constance F. Citro, Editors. Committee on National Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, pg. 77.

⁴⁰ Ibid. pg. 33-37, 88.

⁴¹ Lieberman 1993.

⁴² Harris (2002) gives a matrix of 6 indicators of racial determinants: 1) insoles, 2) expressed, 3) external 4) the origin / type of gene, 5) phenotype, and 6) culture.

⁴³ National Research Council. (2004). Measuring Racial Discrimination. Panel on Methods for Assessing Discrimination. Rebecca M. Blank, Marilyn Dabady, and Constance F. Citro, Editors. Committee on National

The fourth issue has to do with the impact of the measurement methods to determine the level of racial discrimination.⁴⁴ The main methods of measuring racial discrimination are 4: 1) laboratory experiments, 2) field experiments, 3) statistical analysis of natural observation and experimentation, and 4) the analysis of surveys and administrative documents.

Because the measured level of racial discrimination can result in different due to the use of a particular method, it is suggested to measure the level of racial discrimination by combining several methods. This is because the discriminatory behavior rarely is observed directly and each method has its strong and weak sides. Laboratory experiment represents a checked stimulus. It helps to identify the mechanisms and factors that determine the behavior and attitudes of racial discrimination at the individual level. But the results do not provide information on discriminatory practices as a whole and can not be used to generalize.⁴⁵ Field experiment represents the choice that is liable or not to stimulus. It helps in measuring the degree of racial discrimination in a particular area, for example housing, and more. But it suffers from a low level of control.⁴⁶ Statistical analysis of observation and natural experiment represents a non-experimental approach and a regressive model analysis that includes the variable of race and other variables, represents the most used way to determine the extent of racial discrimination. It helps in a better understanding of the resources and the generating factors of racial discrimination, and the degree of the correlation and the relations of racial discrimination with other variables through examination of the role of some variables. But the fact that this method is based on limited data, characteristics, or variables, makes the measurement of racial discrimination not to be precise and statistical model itself needs additional explanation so that his conclusions make sense. Even statistical analysis of observations from natural experiments are rarely sufficient to establish a causal link between the racial discrimination and its source.⁴⁷ The Analysis of surveys and administrative documents represent experiences, perceptions, and self-reporting attitudes. It offers a useful evidence and helps in understanding the extent of racial discrimination. But he fails to measure and distinguish the current perceived discrimination and may either overestimate or underestimate the extent of discrimination. Also, due to self understanding, prejudice and discriminatory behavior changes from time to time, it needs refreshment of the content and wording of survey questions and if this cooling does not run the data and conclusions can not be considered accurate in relation to the situation in reality.⁴⁸ The fifth and last problem in the measurement has to do with the indicators used to measure the dynamics of racial discrimination. To achieve a better measurement, the measuring indicators usually affect 4 main elements: 1) actors, 2) the right of access, 3) the treatment during the process and the relationship, and 4) the relationship and treatment results.⁴⁹ In the employment, the actors include employers, customers, and employees; access has to do with hiring, interviewing; treatment has to do with wages, evaluation, and work environment; the results are related to the increase in duty, dismissal, re-

Statistics, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press, pg. 33-37, 77, 88.

⁴⁴ Ibid. pp. 5-10

⁴⁵ Ibid. pg. 72.

⁴⁶ Ibid. pg. 72.

⁴⁷ Ibid. pg. 73.

⁴⁸ Ibid. pg 73.

⁴⁹ Ibid.pg. 66-67

employment. In the housing, the actors include owners, retailers, lenders, neighbors; access has to do with the handling of applications for housing, the position of banks to lending and repayment; treatment has to do with the price; and the result has to do with the level of wealth as property or the resale value of the property. In criminal justice actors including police, prosecutors, judges, juries, and practices of forgiveness; access has to do with the behavior of the police and arrests; treatment refers to treatment by the police and the quality of legal representation; and the result has to do with the sentences and the pardons. In education, actors include teachers, professors, executives, students; access has to do with the acceptance into the program and the financial assistance; treatment has to do with the place that is given, the group where it is placed, grading and evaluation, learning environment, spending per person, and the provision of special programs; and the result has to do with the promotion, maintenance program, and graduation. In health, actors include employees, an administrator, and health insurance companies; access has to do with space for care, health insurance; treatment has to do with the quality of medical care, the price of care provided; and the result has to do with prescriptions and recommendations.

In this paper, the analysis of racial discrimination in Albania considers the problems with measurement and indicators in two ways: Firstly, given the difficulty and lack of Albanian studies and figures that measure and show the situation of open or hidden racial discrimination, the statistical or structural one, in a year or in some years in order to create an idea about the dynamics of racial discrimination in this study are used cases reviewed by the Commissioner for Protection against Discrimination (CPD). Cases handled by the CPD were identified through the collection of information by telephone or personal interviews, from conversations with discriminated persons, parents, employers, teachers, through questionnaires and surveys that have investigated the perceptions of people.⁵⁰ Secondly, given the fact that the areas in which racial discrimination is practiced in Albania, they are more or less the same with the ones from the general literature of racial discrimination, the indicators that the analysis uses to classify a case of racial discrimination, are more or less those 4 that the general literature identifies: 1) the actors, 2) the right of access, 3) the treatment process and the relationship, and 4) the relationship and treatment results.

RACIAL DISCRIMINATION IN ALBANIA: TRENDS of 2010-2014

Four main observations can be made about the trends of racial discrimination in the country for the period 2010-2014.

First, racial discrimination cases **occupy the largest number as a proportion** between the total number of cases of discrimination on different grounds.⁵¹ Table 2 shows that cases of racial discrimination which have taken a weight of 75% of cases in 2010, 10% of cases in 2011, 35% of cases in 2012, 60% of cases in 2013 and 49% of cases in 2014.

⁵⁰ The Commissioner for Protection against Discrimination (CPD), Report 2010.

⁵¹ The Commissioner for Protection against Discrimination (2011), Report on the Activities of the CPD, p. 18

Cases of racial discrimination are presented not only by individuals, but by the organizations as well.⁵²

Second, cases of racial discrimination are mostly observed against the Rom and Egyptian community. Of the six groups with different racial and ethnic origin from that of the Albanian population, these two racial groups appear to be among the most marginalized and discriminated ones.⁵³ Racial discrimination faced by these two groups appears in some areas of life,⁵⁴ and Egyptian community has been lacking and there has been no strategy for this situation.⁵⁵

Table 2. Racial Discrimination: Weight of claimed cases for discrimination

Discrimination for	2010 (4 cases)	2011 (11 cases)	2012 (191 cases)	2013 (253 cases)	2014 (366 cases)
Limited Capacity	-	1 (9.0 %)	31 (16.0 %)	23 (9.0 %)	19 (5.2 %)
Religious Conviction	-	-	-	1 (0.3 %)	5 (1.3 %)
Political Persuasion	-	-	4 (2.0 %)	22 (9.0 %)	43 (11.7 %)
Special Quality	-	-	10 (5.0 %)	-	-
Ethnicity	1 (25.0 %)	1 (9.0 %)	4 (2.0 %)	-	8 (2.2 %)
Educational Condition	-	-	-	1 (0.3 %)	9 (2.4 %)
Civil State	-	-	-	-	1 (0.2 %)
Economic Condition	-	-	29 (15.0 %)	8 (3.2 %)	20 (5.4 %)
Family State	-	-	-	-	6 (1.6 %)
Marital State	-	-	-	-	2 (0.5 %)
Health Condition	-	-	-	11 (4.3 %)	17 (4.6 %)
Social State	-	-	-	-	9 (2.4 %)
Gender	-	2 (18.0 %)	8 (4.0 %)	5 (1.9 %)	8 (2.2 %)
Language	-	-	-	-	1 (0.2 %)
Gender Identity	-	-	-	-	1 (0.2 %)
Age	-	1 (9.0 %)	4 (2.0 %)	4 (1.6 %)	5 (1.3 %)
Color	1 (25.0 %)	-	-	1 (0.4 %)	3 (0.8 %)
Sexual Orientation	-	3 (27.0 %)	13 (7.4 %)	7 (2.7 %)	3 (0.8 %)
For Any Other Reason	-	1 (9.0 %)	-	10 (3.9 %)	31 (8.5 %)
Belonging To A Specific Group	1 (25.0 %)	-	-	1 (0.4 %)	4 (1.09 %)
Genetic Predisposition	-	-	-	-	1 (0.2 %)

⁵² According to the Commissioner for Protection against Discrimination (2013, p. 25) in 2013, cases presented by individuals were about 149 or (89.8%) and cases presented by organizations were 17 or (11.2%). In the Commissioner's report for 2014 (pp. 35-36), the number of cases of racial discrimination filed by individuals was 104 (65%) while the cases presented by the organization was 56 (35%).

⁵³ The Commissioner for Protection against Discrimination (2011), Report on the Activities of the CPD pg.10

⁵⁴ According to the Commissioner for Protection against Discrimination (2013, pp 9-11), Roma and Egyptian people face discrimination in employment, education, communications, or public goods and services.

⁵⁵ Report of CPD (2013), pg. 11

Race	1 (25.0 %)	-	63 (33.0 %)	149 (58.9 %)	164 (44.81 %)
Pregnancy	-	-	-	1 (0.4 %)	1 (0.2 %)
The Unidentified One	-	2 (18.0 %)	13 (7.0 %)	7 (2.7 %)	-
Residence	-	-	4 (2.0 %)	2 (0.8 %)	5 (1.3 %)

Source: Commissioner for Protection against Discrimination, reports for the years 2010, 2011, 2012, 2013, 2014.

Thirdly, racial discrimination is observed to be present in many areas of life such as political, economic, social or cultural ones. It is observed in education, employment, income and economic status, housing, goods and public services, health condition, or political representation and decision-making.

In **education**, despite the steps taken to change the situation,⁵⁶ the level of racial discrimination is considered to be quite high.⁵⁷ Racial Discrimination has problems with access to educational institutions⁵⁸ registration and acceptance of Rom and Egyptian children in schools,⁵⁹ having their rights effectively,⁶⁰ punishment,⁶¹ behavior, communication and socialization with other children.⁶² Racial discrimination extends even to the treatment of members of these communities regarding payments, boards, school location and facilities and transportation of students,⁶³ the

⁵⁶ According to the Commissioner for Protection against Discrimination (Report, 2013, pp. 9-11), despite that the Law "On pre-university education" which facilitates the registration of Roma children in schools without birth certificate, secondary schools still neglect it, rejecting their application of admission of students from Roma and Egyptian communities.

⁵⁷ In a poll organized by the Commissioner for Protection against Discrimination in 2011 with parents and students, the latter put racial discrimination in the first four places of the list of possible causes. For more, see the Commissioner for Protection against Discrimination (2011), Report on the Activities of the CPD, pg. 18, 55, 61.

⁵⁸ Commissioner for Protection against Discrimination (2012), Report on the Activities of the CPD, pg. 12; CERD report on Albania in 2011.

⁵⁹ The problem is noted by the European Commission Progress Report on Albania in 2011, but it is determined even by UNICEF, which in a study in November 2011 by the Center for Economic and Social Studies in Tirana, Albania, estimates that only in 2011, 395 Roma children are not enrolled in pre-school level. In analyzing the Commissioner for Protection against Discrimination, this problem has continued to be present not only in 2010, 2011, 2012, 2013, but in 2014, and observed not only in the preschool level but also at the level of professional education or university. For more information see the CPD Reports 2012, pp 12-13 and CPD Report, 2014, pp 17-18.

⁶⁰ According to the Convention of the Elimination of Racial Discrimination (2011), CERD, Report on Albania, and the Commissioner for Protection from Discrimination (2014) CPD Activity Report, pg. 17-18, the enjoyment of rights is hampered by a number of obstacles.

⁶¹ According to the European Commission Against Racism and Intolerance (2010), ECRI Report for Albania, it is noticed that there are more penalties against Roma children than other students in Albania.

⁶² Verbal racist insults, vulgar behavior, collection of Roma children or Egyptians in special classes or placing them at the end of the class, physically keeping away from others, are observed during the period 2010-2013 by a number of organizations and institutions. These include: European Commission Against Racism and Intolerance (2010), ECRI Report for Albania; State Agency for Protection of Child Rights (2012), Annual Report, monitoring the implementation of the law "On the protection of children's rights"; Human Rights (2012), Report for Albania; Protection from Discrimination Commissioner (2013), Report on the Activities of the CPD, pg. 52).

⁶³ School abandonment by Roma children is at the highest levels during the period 2010-2013 and it is determined by a number of organizations as the European Commission Against Racism and Intolerance (2010), Erci Report for Albania; State Agency for Protection of Child Rights (2012), Annual Report on monitoring the implementation of the law "On the protection of children's rights); or the Committee of Social Rights, Economic and Cultural Rights (2013), Conclusions.

consequences of racial discrimination are observed in the school dropout⁶⁴ exploitation in the street,⁶⁵ non-attendance of classes "the second chance" and the failure of this project,⁶⁶ or isolation from the other part of the society.⁶⁷

In employment, despite the efforts to give life to plans and strategy for the employment of Rom and Egyptian people,⁶⁸ awareness increase among members of these communities for these programs,⁶⁹ and increase of jobseekers to 10% in 2011 and 20% in 2012,⁷⁰ the situation is still a problematic one. State priorities are not often applied by local authorities.⁷¹ Racial Discrimination is expressed by a lack of access to labor markets,⁷² high level of unemployment, long term unemployment, employment in the informal labor market,⁷³ or non-profit in social security schemes.⁷⁴

Rom and Egyptian community faces open racial discrimination in accommodation. It is expressed in difficult housing conditions, inadequate housing space,⁷⁵ denying the benefit from housing programs and social housing, establishing impossible criteria for them,⁷⁶ or displacement and eviction due to the construction of public acts or development of the property by the owner.⁷⁷ Discriminatory practices and lack of commitment to a long-term and stable solution⁷⁸ have pushed Rom and Egyptian people towards self-arrangement, informality,⁷⁹ and isolation from the other part of society.⁸⁰

In services and public goods, racial discrimination is expressed in minimal access of economic, social and cultural rights, facing direct or indirect barriers, prohibitive criteria,⁸¹ secrecy,

⁶⁴ Commissioner for Protection against Discrimination (2014), Report on the activity of CPD, pg. 17-18; Sinani, Gj, Taho B. (2011), "Country Assessment: Albania," Roma Education Fund, www.romaeducationfund.hu

⁶⁵ According to a report from the Ministry of Social Affairs, posted on www.mpcs.gov.al, in the second half of 2012, the Police of Tirana, in cooperation with the Regional Office have identified 30 cases of Roma and Egyptian children, aged 1 month to 14 years old, that were used by parents in the streets of Tirana.

⁶⁶ Commissioner for Protection against Discrimination (2013), CPD Activity Report, pg. 10.

⁶⁷ UN (2012), Study on assessing the needs of Roma and Egyptian communities in Albania

⁶⁸ Commissioner for Protection against Discrimination (2013), CPD Activity Report, pg. 9-11

⁶⁹ This is an assessment of the Rom community Secretary at the Ministry of Labor and Social Affairs of Albania, made in 2012.

⁷⁰ Commissioner for Protection against Discrimination (2012), report on the activity of the CPD, pg.11

⁷¹ Committee of Economic, Social and Cultural Rights (2013), Conclusions, pg.3

⁷² European Commission Against Racism and Intolerance (2010), Report for Albania; Committee of Economic, Social and Cultural Rights (2013), Conclusions, pg.3

⁷³ For these see the reports of Commissioner for Protection from Discrimination on CPD Activity: Report, 2011, p. 12, Report, 2013, p. 9-11 Report, 2014, pg. 14-15

⁷⁴ Commissioner for Protection against Discrimination (2014), CPD Activity Report, p. 14-15.

⁷⁵ Commissioner for Protection against Discrimination, the CPD Activity Report for 2012 (p. 13) and 2013 (p. 9-11).

⁷⁶ UN (2012), Study on assessing the needs of Roma and Egyptian communities in Albania; Commissioner for Protection against Discrimination (2013), CPD Activity Report, p. 9-11.

⁷⁷ Committee on Economic, Social and Cultural Rights (2013), "Conclusions"; Open Society Foundation for Albania, Soros (2015), "Analysis of legislation on housing problems," February 9, 2015, p.5, www.osfa.al

⁷⁸ European Commission (2014), Progress Report on Albania

⁷⁹ Commissioner for Protection against Discrimination (2014), CPD Activity Report, pg. 15-16.

⁸⁰ UN (2012), Study on assessing the needs of Roma and Egyptian communities in Albania.

⁸¹ Committee of Economic, Social and Cultural Rights (2013), "Conclusions," pg.4; Commissioner for Protection against Discrimination, the CPD Activity Report 2013, p. 9-11; 2014, pg. 16-17.

stigmatization, lack of administrative procedures explanation, or deprivation of legal aid and free lawyer access.⁸² As a result many members of the Rom and Egyptian communities are not registered in the register of civil status offices.⁸³

Racial discrimination **in economic status** is expressed in monthly low income,⁸⁴ insufficient economic aid, unemployment payments, and lower pensions for orphans and the exclusion of assistance.⁸⁵ This situation may also explain why the Rom and Egyptian communities result as the poorest groups in Albania.⁸⁶

Regarding **health conditions**, racial discrimination is expressed in limited access of health services.⁸⁷ Consequently, Rom and Egyptian communities, have the lowest number of health cards, characterized by a worse state of health than the majority of the Albanian population, and the lowest lifespan.⁸⁸

Racial discrimination in terms of **political representation and participation in decision-making**; Although Albania has signed and received special measures in International Convention against Discrimination and adopted laws against discrimination,⁸⁹ racial discrimination remains evident and is expressed in lack of comprehensive policies, not putting at the disposal of administrative capacity, or inadequacy of budget of local government.⁹⁰ Consequently, Rom and Egyptian people have low representation in politics and decision-making⁹¹ and young Rom women are not very active in politics and political decision-making.⁹²

Finally, a number of cases of racial discrimination have been investigated by the Commissioner for Protection against Discrimination in ex-officio line, i.e, their investigation by the CPD has begun as a result of publicity and information circulated in the media and available to the CPD, as

⁸² Commissioner for Protection against Discrimination (2014), CPD Activity Report, pg. 16-17.

⁸³ Ibid.

⁸⁴ In the Census 2014, conducted by the Open Society Foundation for Albania, "Housing and Roma population in Albania," www.osfa.al, 48% of Roma families declare less than 10,000 All monthly income, 35% reported less than ALL income 20,000 per month, and only less than 1% of them declare the income of 50,000 All per month.

⁸⁵ People's Advocate (2014), Recommendation no. Doc. 201401869/4, 4 December 2014; Commissioner for Protection against Discrimination (2014), Report Activities of the CPD, p. 14-19.

⁸⁶ Commissioner for Protection against Discrimination (2014), Report on the Operation of the CPD, p. 14.

⁸⁷ Ibid.

⁸⁸ Commissioner for Protection against Discrimination (Report, 2014, p. 14) found that only 58% of Roma and 76% of Egyptians said they had a health card.

⁸⁹ According to the Commissioner of Protection against Discrimination (2014, pp. 18-19) here can be calculated Convention on the Elimination of Discrimination Against Women (CEDAW), the Law "On gender equality in society", the Law "On protection against discrimination," and the Electoral Code.

⁹⁰ Commissioner for Protection against Discrimination (2014), Report on the Activities of the CPD, p. 18-19.

⁹¹ OSCE-ODIHR (2013), best practices for the integration of Roma community. Regional Report on anti-discrimination and participation of Roma people in local decision-making, p. 25, 56-60.

⁹² Commissioner for Protection against Discrimination (2014), Report on the Activities of the CPD, p. 18-19.

well. Thus CPD in 2010 investigated one case, in 2011 investigated 2 cases,⁹³ in 2012 investigated 3 cases,⁹⁴ in 2013 investigated 2 cases⁹⁵, and in 2014 investigated 2 cases.⁹⁶

Based on the increase number of cases of racial discrimination that was appeared in Albania for the period 2010-2014, the question that emerges is what can explain this. The answer begins with an analysis, in the following fourth section, of the laws of the Legislature and the Executive, as the number and quality are thought to affect the level of racial discrimination and the practice of its frequency.

RACIAL DISCRIMINATION AND IMPACT OF LEGISLATIVE AND EXECUTIVE

What is observed in terms of the legislative role before and during the **2010-2014** period is a general trend to equip its country with a legal framework that deals with racial discrimination and racial status with new laws, or by improving existing laws, not only until 2010, but during the period 2010-2014, as well.

Until **2010**, the protection of racial discrimination was treated through three different legal instruments 1) National, 2) Global, and 3) Regional. Table 3 provides a list of these instruments. Table 4 shows four common element of instruments in relation to racial discrimination: 1) the sanction of equality for all people in front of the law, 2) the sanction of respect and protection of human rights and fundamental freedoms, which include the political ones (participation in elections, voting, candidacy, equal access to public services), civil (free movement, choice of residence, citizenship, marriage, husband / wife choice, ownership, inheritance, thinking, religion, non-violent organization) and socio-economic and cultural one (employment; syndicalism, housing, medical treatment, social security, social services, education), 3) ensuring their rights de facto, equally, without discrimination, and 4) the sanction of the principle of non-discrimination and prohibition of racial discrimination for reasons of race, ethnicity, national origin, minority affiliation, color, language, or religion.

During the period **2010-2014** the legislature has continued to improve legislation of individual and group protection against discrimination in general and racial discrimination in particular. This

⁹³ One case is that of discrimination against the Romani children by some executives of the secondary school Bajram Curri (CPD Report, 2011, pp. 36, 44-46). The second case is that of violence committed by the police against some young Romanis (CPD Report, 2011, pp. 39-40).

⁹⁴ One case is that of discrimination against Roma children by some leaders of the secondary school Bajram Curri (CPD Report, 2011, pp. 36, 44-46). The second is violence committed by police against some Roma young people (CPD Report, 2011, pp. 39-40). Another case is the exclusion of Roma students from the registration fees at the University of Korca; The second case is that of blocking the working facilities by the Municipality of Tirana, while the third case is that of discrimination on grounds of ethnicity and language of the Macedonian minority in the municipality Liqenas (CPD Report, 2012, pp. 28-29, 37).

⁹⁵ A case is the refusal of a Roma student in the secondary school "Shyqri Peza" in Tirana; The second case is the removal of Roma from their territory in Tirana (CPD Report 2013, p. 28-30)

⁹⁶ The first case is the offensive words used by employees of the Police State to the Roma community in Tirana; The second case is the claim of a Roma person for racial discrimination by the Director of the Post in Elbasan (CPD Report, 2014, pp. 36-37).

improvement is expressed in three ways: 1) in the approximation of Albanian legislation with EU legislation,⁹⁷ 2) the establishment of the institution of the Commissioner for Protection against Discrimination,⁹⁸ and 3) the issuance of specific laws aimed at strengthening the Rom and Egyptian community in Albania.⁹⁹ Table 5 lists the main legislative Albanian acts in 2010-2014.

TABLE 3: Albania Legal Framework for Racial Discrimination until 2010

	Albania Legal Framework for Racial Discrimination	APPLICABLE
NATIONAL INSTRUMENTS	Albanian Constitution Law No. 7510 dated 08.08.1991 "Accession of the Republic of Albania in the International Covenant on Civil and Political Rights". Law No. 7511 dated 08.08.1991 "Accession of the Republic of Albania in the International Covenant on Economic, Social and Cultural Rights". Law No. 7961, dated 12.07.1995, "Code of Labor of the Republic of Albania" Law No. 8137, dated 31.07.1996 " Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms", amended) Law No. 8485 dated 12.05.1999 "Code of Administrative Procedures"	1998 1991 1991 1995 1996 1999
GLOBAL INSTRUMENTS	1948 - Universal Declaration of Human Rights 1969 - International Convention on the Elimination of All Forms of Racial Discrimination 1976 - International Covenant on Economic, Social and Cultural Rights 1976 - International Covenant on Civil and Political Rights	1994 1991 1991
REGIONAL INSTRUMENTS	1953 - European Convention for the Protection of Human Rights and Fundamental Freedoms 1998 - European Social Charter 1999 - European Convention for Protection of National Minorities 2000 - European Council Directive 2004/43, 29 June "Racial Equality Treatment" 2004 - Protocol No. 12 of ECHR	1996 2002 1999 2000 2005

⁹⁷ Approximation of Albanian standards for racial discrimination legislation reflects the alignment of all legislation with the EU. This approach is the result of Albania's interest for EU integration and the conditions set by the EU for Albania, conditions that stem from the Stabilization and Association and require fulfillment of the third Copenhagen criterion administrative (acquis communautaire), so that Albania can afford the obligations of membership. Expression of this approach is the adoption of the Law "On the Protection against Discrimination," which was formulated in accordance with the European Council Directives 2004/43 / EC, 29 June 2000 "On application of the principle of equal treatment between persons irrespective of racial or ethnic origin".

⁹⁸ Albania Parliament, Law no. 10-221, dated 04.02.2010, "On the Protection against Discrimination." Entered into force on 13 March 2010, after the decree of the President of the Republic and its publication in the Official Journal.

⁹⁹ Commissioner for Protection against Discrimination (2014), Report on the Activities of the CPD, p. 13.

TABLE 4. Legal instruments, principles and articles for Racial Discrimination

PRINCIPLES	LEGAL INSTRUMENTS	Articles
Equality in from of Law	Albanian Constitution Law No. 8485 dated 12.05.1999 "Code of Administrative Procedures" The Universal Declaration of Human Rights (1948) Convention on the Elimination of All Forms of Racial Discrimination (1969) International Covenant on Civil and Political Rights (1976) European Social Charter (1998)	Article 18/1 - Article 7 Preamble / Article 5 - Article 20
Human Rights and Fundamental freedoms	Albanian Constitution The Universal Declaration of Human Rights (1948) International Convention on the Elimination of All Forms of Racial Discrimination (1969)	Part II - Article 5
de facto Rights, Equality without Discrimination	Albanian Constitution Convention on the Elimination of All Forms of Racial Discrimination (1969) International Covenant on Civil and Political Rights (1976) European Convention for the Protection of Human Rights and Fundamental Freedoms (1953)	Chapter IV Article 5 - Article 14
Sanction of non-discrimination & Prohibition of Racial Discrimination	Albanian Constitution Law No. 7961, dated. 12.07.1995 "Code of Labor of Albanian Republic" The Universal Declaration of Human Rights (1948) Convention on the Elimination of All Forms of Racial Discrimination (1969) International Covenant on Civil and Political Rights (1976) European Convention for the Protection of Human Rights and Fundamental Freedoms (1953) European Social Charter (1998) European Convention for the Protection of National Minorities (1999) European Council Directive 2004/43, June 29, 2000 "Racial Equality Treatment"	Article 18/2 Article 9 Article 7 Preamble, N1, N5 - Article 1, Article 14 Article 21 - -

TABLE 5. Legal acts of Albanian Legislature in 2010-2014

YEAR	LEGAL ACTS	PURPOSE
2010	Law no. 10,221 (04 February), "Protection against Discrimination"	protection against discrimination, creation of CDP Office
	Decision No. 33 (April, 22), "Election of Commissioner for Protection against Discrimination"	Commissioner appointment
	Decision No. 34 (May, 20), "Approval Of The Structure, Organizational Structure Of The Office Of Commissioner for Protection Against Discrimination"	approval of the structure of CDP Office
2012	Law No. 54, "Social Housing Programs" modifies Law no. 9719, 2007; Law No. 9232, May, 13 2004.	subsidy of housing / rent
	Law No. 69, (June, 29) "Pre-University Education System"	standards in pre- university education
2014	Law "Legal Aid" modifies Law No.10039, December, 22 2008	facilitating documentation and free legal aid
	Law No. 104 (July, 31) "Social insurance in Albania Republic " modifies Law no. 7703, May, 11 1993	pension benefit

In 2010-2014, the most important act of the Legislature is the Law "On protection against discrimination." It is a response to the terms of the EU to Albania¹⁰⁰; the law provides effective protection against racial discrimination and creates the institution of Commissioner for Protection against Discrimination, as an independent public juridical person and responsible authority for an effective protection against discrimination.¹⁰¹ The powers of Commissioner include reviewing complaints from individuals or organizations, investigation, sanctions, giving opinion and representation of the complainant in front of the court, making recommendations, publication of reports, reporting to international or regional promotion of equality and non-discrimination through information, communicating with the public, information about protection against discrimination and legal means, the development of dialogue with social groups and non-governmental organizations, as well as awareness and education.¹⁰²

Although other acts issued pay attention to it, again there is space for racial discrimination. Although Law no. 54 (2012) on housing, Article 24, paragraph 2, gives priority to Rom families to subsidize rent and their involvement in social housing programs, there is still a certain limit of income as a criterion for benefit of other social programs.¹⁰³ In employment, while Law No. 104 (2014) provides benefits in the retirement age of 70, social criteria are practically difficult Rom

¹⁰⁰ Commissioner for Protection against Discrimination (2010), Report on the Activities of the CPD, p. 2.

¹⁰¹ Commissioner for Protection against Discrimination (2012), Report on the Activities of the CPD, p. 9.

¹⁰² Law no. 10-221, dated 4 February 2010, "Protection against Discrimination," Article 32.

¹⁰³ Commissioner for Protection from Discrimination (2014), Report on the Activities of the CPD, p. 16-17.

and Egyptian community.¹⁰⁴ In education, the Law no. 69 (2012) aims to establish a comprehensive standard in pre-university education, but their fulfillment leaves much to be desired.¹⁰⁵ As far as services and public goods are concerned; although the most recent law excludes Rom and Egyptian people from the obligation of submission of additional documents, there is no data on how many members of these communities have received legal aid from the State Commission on Legal Aid.¹⁰⁶

Even in the **actions of the executive** during the period 2010-2014 is also observed a trend to increase the commitment to guarantee the rights of racial communities and create more opportunities to these communities in order they enjoy their rights. Prior to 2010, the engagement of the executive is mainly observed in education¹⁰⁷ and employment.¹⁰⁸ In 2010-2014, the executive increased its commitment by issuing administrative acts and funded a number of programs, which are provided in Table 6.

TABLE 6. Administrative Acts of the Executive in 2010-2014

ACTS & PROGRAMS	PURPOSE
2010	
September, 6 2010. The Ministry of Finance, Letter no. 10255/76 protocol "On application of the Law no. 10310 dated July, 26 2010 "On Amendments to the Law no. 10190 dated November, 26 2009 "On the budget."	Funds for CPD
2011	
October, 5 2011. The Council of Ministers. Decision no. 709 "On the use of public funds for the transportation of teachers and students who work and study away from their residence	Access to education
2012	
11 January, 11 2012. The Council of Ministers. National Action Plan for the Improvement of Living conditions and Rom community Inclusion	monitoring of living conditions and integration of Rom community in 10 districts

¹⁰⁴ Ibid. p. 14-15

¹⁰⁵ Ibid. p. 17-18

¹⁰⁶ Ibid. p. 16-17

¹⁰⁷ In education, the concern has been the registration and acceptance of Roma children in schools. For this, the Ministry of Education, issued on 9 March 2006 Instruction no. 06, "the enrollment in schools of Roma students not provided with birth certificates." For more, see the Commissioner for Protection from Discrimination (2012), Report on the Operation of the CPD, p. 12-13.

¹⁰⁸ In employment, concern has been the employment of unemployed people in difficulty of specific social groups, including the Roma. For this, the Council of Ministers on 16 January 2008, issued Decision no. 48 "program promoting employment of unemployed job seekers in difficulty". The program has managed to employ about 340 people, including members of the Roma community. For more, see the Commissioner for Protection from Discrimination (2012), Report on the Operation of the CPD, p. 12-13.

Council of Ministers Decision no. 27, "The incentive program for the employment of women from special groups".	employment of unemployed from special groups
April, 23 2012. The Council of Ministers. Order no. 52, "The establishment of the working group for drafting the bylaws, pursuant to Law no. 10-221, February, 4 2010 "Protection against Discrimination"	bylaws for the Law "On the Protection against Discrimination"
National Plan of Action for the Decade of Rom community Inclusion 2012-2015.	Integration
Employment programs for jobseekers from specific groups.	employment
National Program for Zero Dropout	Education, free text books
2013	
August, 2 2013. The Ministry of Education, Instruction no. 29, "On the part-time attendance of basic school."	equality of access, enrollment attendance
August, 2 2013. The Ministry of Education, Instruction no. 31, "On the pursuit of basic education for students who have not attended at least two classes."	equality of access, enrollment attendance
2014	
Ministry of Education. Instruction no. 21 Attend of preschool education by Rom children	Access, enrollment
September, 30 2014 Ministry of Education. Instruction no. 34, "On the criteria, selection procedures, registration for candidates with the blind, paraplegic and quadriplegic, orphan status, Rom and Egyptian students, in the first cycle of studies programs full time, in not -university professional study programs , in the second cycle of integrated programs, in public institutions of higher education (2014-2015). "	access, tuition, enrollment
Social Inclusion Strategy	development / integration policy
Strategy for Development and Integration	development / integration policy
The National Action Plan for Integration of Rom and Egyptian community 2015-2020	development / integration policy

Despite this increase in engagement, the practices of racial discrimination still continue for various reasons. In the field of public goods and services, although there is a national strategy and action plan, Rom and Egyptian community continue to face discriminatory practices due to insufficiency of resources and low level of institutional involvement of central and local government.¹⁰⁹ In employment, despite the employment activation programs, it cannot be assessed what impact has

¹⁰⁹ European Commission (2012), Progress Report on Albania; Commissioner for Protection from Discrimination (2012), Report on the Activity of the CPD, p. 10.

been on Rom and Egyptian people as the program handles all special groups.¹¹⁰ In education, even though the commitment was to ensure enrollment and attendance by giving text books for free, there are still cases of neglect or failure of the orders issued by the Ministry of Education.¹¹¹

Also, despite the decision of the Council of Ministers, Rom pupils still don't benefit from the program providing free transport.¹¹² In housing, although there are laws and programs dealing with Rom community, they continue to suffer evacuations by force and the reactions of the institutions of central and local government in cases of evictions have been absent or weak.¹¹³

Also, Rom people continue not to benefit social housing from municipalities.¹¹⁴ In health, although there is an increase in number of Rom people vaccinated, the number still remains low.¹¹⁵

Despite the increased commitment of the Legislature and the Executive, the number of cases of racial discrimination during the period 2010-2014 has been growing. This inconsistency gives rise to the question how can it be explained. This paper finds the explanation in the role and activities of the Commissioner for Protection against Discrimination which continues in the following section

RACIAL DISCRIMINATION AND THE ROLE OF THE COMMISSIONER OF PROTECTION AGAINST DISCRIMINATION

The creation of the Office of the Commissioner of Protection against Discrimination is one of the requests and a kind of pressure exerted by the EU on the Albanian Government. The EU has considered very important the establishment of this institution for dealing with the phenomenon of discrimination in general and racial discrimination in particular.¹¹⁶ The Rom and Egyptian communities face racial discrimination in their life conditions,¹¹⁷ housing,¹¹⁸ and lack of access to

¹¹⁰ Sekretariati i Romëve, Ministria e Punëve dhe Çështjeve Sociale; Komisioneri i Mbrojtjes nga Diskriminimi (2012), Raport për Veprimtarinë e KMD, fq. 11. Roma community Secretariat, Ministry of Labor and Social Affairs; Commissioner for Protection from Discrimination (2012), Report on the Activity of the CPD, p. 11

¹¹¹ State Agency for the Protection of the Rights of Children "(2012), Annual Report on monitoring the implementation of the Law"; On protection of children's rights "; Commissioner Protection from Discrimination (2012), Report on the Activity of the CPD, p. 11-12.

¹¹² UN (2012), "One Program" Study to assess the needs of Roma and Egyptians in Albania, Tirana, Albania; Commissioner for Protection from Discrimination Commissioner (2014), Report on the Activity of the CPD, p. 17-18

¹¹³ Commissioner for Protection from Discrimination Commissioner (2012), Report on the Activity of the CPD, p. 13.

¹¹⁴ Commissioner for Protection from Discrimination Commissioner (2013), Report on the Activity of the CPD, p. 9-11

¹¹⁵ State Agency for Protection of Child Rights (2012), Annual Report on monitoring the implementation of the Law "On protection of children's rights"; Commissioner for Protection from Discrimination Commissioner (2012), Report on the Operation of the CPD, p. 13

¹¹⁶

¹¹⁷ According to the European Commission (2014), The Progress Report for Albania, bad conditions are the result of the lack of coordination of public administration at central and local level.

¹¹⁸ According to the 2014 Progress Report on Albania, of the European Commission, the Roma suffer discrimination because there is not a long-term solution for their housing and the new law on property legalization took into account the views of stakeholders. According to the Commissioner for Protection from Discrimination (Report, 2014, pp. 15-

education, public services and goods, justice or health care.¹¹⁹ Since its creation in 2010 as an institution, the Commissioner of Protection against Discrimination has increased the level of activity and its involvement in dealing with issues of discrimination in general, including racial discrimination. This increasing role and commitment is expressed in four ways: 1) consolidation and affirmation of the CPD function, 2) discrimination cases reviewed, 3) relationships with the legislative and executive, and 4) relationships with global or regional international institutions.

The affirmation and consolidation of the role and function of the CPD during the time period 2010-2014 represent one of its main activities. This is accomplished in several ways. **First**, by defining its **strategic priorities**.¹²⁰ As such are defined *public awareness, the increasing number of reviewed cases, the efficient organization, and the increasing presence in the public and private sector*. **Secondly**, by clarifying the **functioning rules** as an institution.¹²¹ For this reason the Office of the Commissioner has issued the internal regulations, the code of ethics, and the complaint form for the initiation of the administrative proceedings. **Thirdly**, by raising its **capacity**.¹²² This is done by training its staff,¹²³ the organization of seminars and conferences in order to be familiarized with the jurisprudence of the Strasbourg Court as well as the spirit and principles of the decisions of the European Court of Justice,¹²⁴ and the organization of special training for discrimination against Rom and Egyptian community.¹²⁵ **Fourthly, by cooperating with national and international organizations**.¹²⁶ List of cooperation with the national organizations includes *the Albanian Helsinki Committee (AHC), the Fund for the Rights of People with Disabilities in Albania (ADRF Albania), or Soros Albania*, whereas that of cooperation international organizations includes cooperation with *the European Network of Equality Bodies (Equine), OSCE, UNDP, UNICEF, the European Union delegation in Albania, the European Commission PROGRESS* programs. **Fifthly**, by collaborating with NGOs which operate in the field of racial discrimination.¹²⁷ Based on the register of non-for-profit organization in the Court of Tirana, the office of the CPD has partnered with 13 NGOs that defend the rights of the Rom and Egyptian communities.¹²⁸ **Sixth, by raising the public awareness** on the rights and protection

16) the practices followed in Albania for Roma housing standards collide with the Human Rights Committee on Economic, Social, and Cultural Rights of the United Nations (1997), the European Court Human rights (ECHR) and the European Convention of Human rights, Article 8.

¹¹⁹ According to the 2014 Progress Report on Albania EC the access problems and the effective enjoyment of rights from the existence of barriers and discriminatory and exclusionary criteria. For more information see the Commissioner for Protection from Discrimination (2014), CPD Annual Report, p. 13-14.

¹²⁰ Protection from Discrimination Commissioner (2012), Report on the Operation of the CPD, p. 6.

¹²¹ Protection from Discrimination Commissioner (2010), Report on the Operation of the CPD, p. 7.

¹²² Ibid. p. 4-6, 13.

¹²³ During 2010 some of the training for the staff of the Office of the CPD include those organized by the Commissioner for the Human Rights at the Council of Europe, the Dutch Embassy in Albania, the Albanian Helsinki Committee, UN Volunteers Programme in Albania, JEF Albania, Young European Federalists or OSCE and the British Council.

¹²⁴ Commissioner for Protection from Discrimination, the CPD Activity Reports 2011, p. 29-33 and 2014, p. 4-5.

¹²⁵ In March 2014 the CPD staff participated in two courses: "The Opened days with Roma and Egyptian communities" (4 March) and "Human rights and non-discrimination of Roma and Egyptian minorities" (March 25-26). Trainings have been part of the project "Support to social inclusion of the Roma and Egyptian communities."

¹²⁶ The Commissioner for Protection from Discrimination, CPD Activity Reports, 2010, p. 15, and 2011, p. 14-36.

¹²⁷ The Commissioner for Protection from Discrimination . CPD Activity Reports, 2010, p. 13 2013 p. 61-62.

¹²⁸ These NGOs include: 1) Institute of Roma Culture in Albania, 2) "Different and equal," organization 3) association Rromani Baxt-Albania, 4) Association Roma Women Rights, 5) Association Rromano KHAM 6) Association of

against discrimination and the role and the help that CPD can give.¹²⁹ This was done by organizing surveys and polls, meetings, workshops, and projects,¹³⁰ awareness campaigns in 9-year schools, health centers or open lectures to students at universities, and by preparing, publishing, and distributing throughout the territory of Albania materials, brochures, information leaflets on the anti-discrimination law.¹³¹ **Seventh**, by training other **actors in the society** how to treat the various racial groups in the relations created with them, and the identification of the cases of discrimination, and the possible ways of assisting the victims.¹³² These trainings have included such actors as *Chambers of Commerce* or *Non-Profit organizations*.

The time period 2010-2014 shows an increase in the role and influence of the Office of the CPD. Indication of the growing importance and influence are three elements: 1) an increase in the number of complaints about discrimination, 2) the increasing in the number of decisions of the CPD, and 3) taking into consideration the CPD opinions from the Albanian judiciary. Tables 7 and 8 reflect the increase if the number of complaints filed to the CPD, as well as the decisions made by the CPD.

TABLE 7: CPD and the number of discrimination cases during the period 2010-2014

	2010	2011	2012	2013	2014
The number of cases submitted to the CPD	4	12	191	253	366
The number of cases that meet the conditions of discrimination	4	8	166	131	289
The number of cases reviewed by the CPD	4	8	59	51	289
The number of cases of racial discrimination	1	1	59	151	175
Ex-officio cases	1	3	16	31	35

Source: Protection against Discrimination Commissioner, 2010-2014 Reports

TABLE 8: Types of decisions of the Commissioner of Protection against Discrimination

	2010	2011	2012	2013	2014
Total no. of Decisions	-	-	-	135	209
The rejection of the appeal	-	-	-	26	43
Assertion of non- discrimination	-	-	-	39	115
Assertion of discrimination	-	-	15	19	27
Recommendation for discrimination	-	1	-	4	-
Recommendations for improving the situation	-	-	-	15	1

Community Egyptians "are also in" 7) Amaro Drom, 8) Association Disutni Albania, 9) Association Roma Active Albania, 10) Association Women's Center Roma Development, "11) Roma Association for Integration, 12) the "integration Roma North, "and 13) Roma Association North.

¹²⁹ The Commissioner for Protection from Discrimination, the CPD Activity Reports, 2011, p. 14-28, and 2014, p. 12.

¹³⁰ In order to affirm and consolidate the role of the institution of the CPD have to participation in the 2014 Office of the Commissioner at the meeting "For a health service effective Roma minority" (22 January), the workshop "Discrimination against Roma: Challenges anti-gypsism and double discrimination "(30-31 January), and the project " best Practices Roma Integration "(28 February).

¹³¹ The Commissioner for Protection from Discrimination (2014), CPD Activity Report, p. 106.

¹³² The Commissioner for Protection from Discrimination (2014), CPD Activity Report, p. 4-5.

Recommendations for avoiding discrimination	-	-	-	36	-
Dismissal of the case examination for various reasons	-	2	-	7	3
Dismissal of the case after reaching the objective	-	-	-	14	5
No discrimination found	-	3	-	-	-
Dismissal because of the withdrawal of the applicant	-	2	-	10	12
Sanctions with fines	-	-	-	15	3

Source: Commissioner of Protection against Discrimination, 2010-2014 Reports

As far as complaints submitted to the CPD are concerned, is the expand of the geographical mapping of complaints,¹³³ the increase in their number of individuals as well as of organizations,¹³⁴ and the variety of fields where the racial discrimination is pretended.¹³⁵ As far as the decisions and recommendations of the CPD are concerned, what is striking is that they are targeted at government institutions at the central¹³⁶ as well as local level,¹³⁷ to which is suggested to establish a greater cooperation between them in terms of the insufficient budget and administrative capacities for the policies of involvement of the Rom and Egyptian community in representation and decision-making.¹³⁸ CPD has made recommendations for various agencies. Also, CPD has also been active, as shown in Table 9, in the judicial processes. What is striking is the increasing number of the court cases where CPD is a party six times more often in 2014 compared to 2012. In addition to presenting as a party, CPD has partnered with the First Instance Court of the five Judicial Districts in Albania providing training and awareness of the issue of discrimination against the Rom and Egyptian communities in the light of the European case law, and has also given an opinion for the Constitutional Court.

¹³³ According to the CPD reports (2013, p. 4) complaints include individuals from northern cities such as Shkodra, Lezha, Kukes, southern cities like Saranda, Gjirokastra, Permet, Vlore, Fier, eastern cities as Korca, Pogradec, Elbasan, Dibra, and cities of the western part of Tirana and Dures.

¹³⁴ European Commission (2014) Progress Report on Albania

¹³⁵ The Commissioner of the Protection from Discrimination (2014), Report on the Operation of the CPD, p. 6, 12-13.

¹³⁶ In 2014 The Commissioner for the Protection from Discrimination has recommended to the Ministry of Education, establishment of facilities for the access of Roma children in educational institutions. See CPD, Letter no. 757, 11.09.2014, "Recommendations for measures to combat discrimination in connection with the right to education at the start of the school year 2014-2015 in pre-university education system."

¹³⁷ During the period 2013-2014, the Commissioner for Protection from Discrimination on the recommendations that were sent to the Municipality of Tirana, the District Police Directorate of Tirana, Urban Construction Inspectorate of Elbasan, has asked to these institutions when Roma migrate to public buildings, before to do so to assess the social state, economic need and take steps to accommodate them. The Commissioner has also made other recommendations for the local governments in the field of public goods and services, in which suggests the establishment of local offices that Roma should be given the opportunity to obtain information about their rights, be treated with priority requirements, take advantage of free legal services. See, the Commissioner for Protection from Discrimination (2014), Report on the Operation of the CPD, p. 15-17.

¹³⁸ The Commissioner of Protection from Discrimination (2014), Report on the Operation of the CPD, p. 18-19.

Table 9: Cases of collaboration of CPD with the Judiciary

	2010	2011	2012	2013	2014
Judicial cases	-	-	3	6	18
As a respondent party	-	-	1	3	6
As a third party	-	-	1	3	3
Giving opinion	-	-	1	-	6
Request for executions	-	-	-	-	3

Source: the Commissioner of Protection against Discrimination (2014, p. 59), the CPD Activity Report.

During the time period of 2010-2014 CPD has cultivated active relations with the legislative and the executive. **In relation to the legislature**, this is expressed in the recommendation that CPD has done to change and approximate the existing legislation in accordance with the provisions of law about protection against discrimination.¹³⁹ Recommendations have been made for the Labour Code, the Administrative Procedure, Civil Code and that of the Criminal Procedure, the Family Code, and the Election Code. In their essence, the recommendations have affected issues such as the causes and forms of discrimination, the burden of proof, the monitoring of the implementation of law, or for the inclusion of the principles of equality and non-discrimination as guiding principles for any public or private body.¹⁴⁰ **Compared to the executive**, this is expressed in the cooperation of CPD with the institutions of the central government such as the Ministries of Justice, Integration, Labour, Social Affairs, Education, that of the Interior, the public agencies such as the Department of Public Administration, the General Directorate of State Police, the Interstate Legal Aid Commission, the Commissioner of the Protection of Personal Data, or INSTAT,¹⁴¹ as well as the local government institutions. CPD has given its support to the drafting of the Action Plan for the Integration of Rom and Egyptians 2015-2020.¹⁴² It has also helped to build the capacity and the knowledge on the issues of racial discrimination, to train the local administrative officials,¹⁴³ and has also conducted roundtables and consultations.¹⁴⁴

Finally, the CPD has developed active relationships even **with the international institutions and organizations**, such as the EU, Council of Europe, or the United Nations on issues of discrimination. This is expressed in the contribution provided by CPD in the preparation of reports to international institutions and organizations and the reporting of the situation in Albania.¹⁴⁵ CPD

¹³⁹ In 2013, the CPD was recommended that the Regional Employment Offices of Shkodra, Kukes, and Lezha to promote employment of Roma and Egyptians. See Commissioner for Protection from Discrimination (2013), Report of CPD activity, p. 9-11,

¹⁴⁰ The Commissioner of Protection from Discrimination, CPD Activity Reports, 2011 fl. 33-36, 2014, p 4-5, 106.

¹⁴¹ The Commissioner of Protection against Discrimination, (2013), Report on the Activities of the CPD, p 4.

¹⁴² See The reports of the Commissioner of Protection against Discrimination, the activity of the CPD, 2013, p. 4, 2014, p. 4-6.

¹⁴³ The Commissioner of Protection against Discrimination, (2013), Report on the Activities of the CPD, p 4.

¹⁴⁴ See The reports of the Commissioner of Protection against Discrimination, the activity of the CPD, 2013, p. 4, 2014, p. 4-6.

¹⁴⁵ The Commissioner of Protection against Discrimination, Report on the Operation of the CPD p. 6-7, 54.

has also participated in many activities organized and financed by the international institutions such as roundtables,¹⁴⁶ seminars and workshops.¹⁴⁷

SEVERAL CONCLUSIONS

What can explain the increase of the cases of racial discrimination in Albania during the 2010-2014 period? The above analysis of the facts shows that the increase of the cases of racial discrimination in Albania after 2010 rather than a lack of legislation or lack of effectiveness of the actions of the legislative and executive Albanian can be explained by the increasing active role of the Office and the Commissioner of Protection against Discrimination. The fact that individuals or the discriminated groups since 2010 have had the help of an institution like CPD has increased the confidence and hope for greater opportunities for confrontation and making justice in cases of discrimination either in general, or that of the racial one in particular. The analysis shows that in addition to the internal legal and the political factors, such factors as the CPD, can play their role and carry out a significant influence on the level and dynamics of racial discrimination.

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¹⁴⁶ . The Commissioner of Protection against Discrimination, Reports on the CPD activity, 2010, p. 15, 2011, p. 33-36.

¹⁴⁷ During the 2014 the Ministry of Youth and Social Welfare and the Ministry of Internal Affairs has organized consultations on the Action Plan for Integration of Roma and Egyptians, 2015-2020 in which CPD addressed the main problems facing the Roma and Egyptian communities. See Commissioner for Protection against Discrimination (2014), Report on the Activities of the CPD, p. 106.

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