

ADDRESS

BY

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DEPUTY MINISTER OF FOREIGN AFFAIRS OF ALBANIA

AT

THE MARCH SESSION OF UN HUMAN RIGHTS COUNCIL

GENEVE, 17 MARCH 2010

Honorable Mr. President,

Distinguished Ladies and Gentlemen,

It is a distinct honor and pleasure for me to address the Human Rights Council and to provide, on behalf of the Albanian Government, the assurances for our full-fledged support.

Let me take this opportunity and extend the special thanks to all delegations that in the Session on Second December last year highlighted with their constructive recommendations my country's accomplishments in the human rights area, suggesting also legal and structural improvements, which in their essence boost respect for human rights in Albania.

A special thank goes to the Troika of delegations from USA, Russia, Mauritius and the Secretariat, with whom we had the chance to make an open, professional and very constructive communication.

Ladies and Gentlemen,

Although a relatively short period of time - more or less three months has elapsed from the last session, the activity of the Government I represent has been filled with intense events in the human rights area; a large part of them are a follow - up of the recommendations made from delegations last December. Accordingly, permit me to brief You on these developments as follows:

Early this January, the Albanian Government announced that it would conduct the population census during the year 2011. As it was stated, apart from other data, the census shall also include the question on the ethnic and religious affiliation. To this end, the Central Census Commission is set up, chaired by the Minister of State. The Commission has held a series of meetings with representatives of the associations of minorities and religious communities. Thanks to consultations with groups of interest, we have succeeded in setting the form of the Questionnaire. As far as the definition of the ethnic and religious affiliation is concerned, the census shall comply with my country's international commitments, both in the context of UN and the Council of Europe. In more concrete terms, with regard to the definition of national affiliation, we shall refer to the requirements specified in Article 32 of the European Convention on the Protection of Minorities. Considering the self-declaration of the national and religious affiliation as an indispensable standard of modern human rights, the Albanian Government holds that on one hand it complies with an international obligation it has taken and on the other hand this helps understanding the reality in the relevant aspects. We think that only by recognizing the realities, both in terms of ethnic and religious affiliation, the Government shall be guided in launching policies that ensure a better protection of the ethnic and religious identity. This becomes even more indispensable if we bear in mind that the latest census, which also included the rubric of nationality

dates back to year 1989, whereas religious affiliation occurred in the census of **the year** _____.

At the end of this January, the Albanian Government decided to set up the Institute of the Crimes of Communism. This Government's initiative relates to the necessity of bringing to evidence and punishing the crimes committed in Albania during the 45 years of communist occupation. During that period, the bloodiest regime ever of all Eastern European countries was installed in Albania; domestically, it adopted a repressive policy against all political opponents, whereas externally, it imposed a total isolation of the country from the rest of the world. The terrible toll of that reality is tens of thousands executed and hundreds of others interned.

True, a great deal was done during the last 20 years to integrate the former politically persecuted persons from communism in the political, economic and social life; yet, the thorough investigation and punishment of crimes perpetrated by that regime is a MUST. Accordingly, one should bring back to memory what has happened in Albania during those 45 years; moreover, today when we have a generation of 20 - year youngsters, who did not have the bad luck of suffering under that regime. The establishment of the Institute of the Crimes of Communism serves exactly this end.

Early this February, the Albanian Parliament adopted the "Law on Protection from Discrimination". In the last December Session of the Council proceedings, several delegations highlighted the absence of a complete legal frame, presumed to protect all vulnerable categories to discrimination in Albania. Today, I may declare that in legal terms, we have met this commitment. However, before I touch in brief on the substance of this Law, I would like to inform you that the legislative activity under preparation represents a novelty for my country. The elaboration of this Law is a contribution of an NGO, which has worked on drafting it for over three years, obtaining at the same time the best international

expertise in this area. The final version was consulted with almost all groups of interest and then it was referred to the Albanian Parliament for endorsement. Since under Constitution, an NGO does not enjoy the right of legislative initiative, a group of MPs from the governing majority, given both the substance and the necessity for such a law supported this initiative; then, the project was reviewed by various parliamentary commissions and it was unanimously enacted on the 4th of February 2010.

The Law on the Protection from Discrimination governs the implementation and compliance with the principle of equality on the account of gender, race, color, ethnicity, gender identity, sexual orientation, political, religious, philosophical, economic, education or social status, pregnancy, parental affiliation, health state, domicile and other grounds.

This Law is designed to ensure equality before the law and equal legal protection to each individual, equality of chances and opportunities in exercising the rights to enjoy the liberties and to take an active part in public life and protection from discrimination or any other form or behavior that incites discrimination.

Beneficiaries of this Law are Albanian and foreign physical and juridical persons.

For the purpose of protecting the persons due to be subject of discrimination, an institution called the Commissionaire for the Protection from Discrimination shall be set up; he/she is not simply a person, but an institution set to employ the most renowned experts in the field of human rights during the last 20 years. It shall provide effective protection from discrimination and any other form that incites discrimination.

The Commissionaire shall be elected by the Parliament and should be an individual with a notable contribution in the human rights