

Albanian Helsinki Committee realises the regional conference ‘For the protection from discrimination’

Albanian Helsinki Committee (AHC), on **4 June 2010**, with the financial support of Civil Rights Defenders (former Swedish Helsinki Committee) organised the regional conference ‘For the protection from discrimination’. This activity was realized in the framework of the project ‘Raising the public awareness for the new law on non discrimination’

The purpose of this conference was exchanging experiences in the region regarding non discrimination issue, in general, and particularly on the legal adjustment for the protection from discrimination. The structures for the control and implementation of the legislation in this field were also in focus of this conference.

The main objectives where:

- raising the awareness of the state institutions and to a broader public, regarding the non discrimination issue in Albania,
- good functioning of the supporting structures for the implementation of the law.

Participants in the conference were representatives from diplomatic bodies in the country, of international organisations, employees from different state institutions, public representatives, civil society and different groups of interest, representatives from the academic world etc..

To open the conference was Ms. Vjollca Mecaj, the Executive Director of AHC, who presented the purpose and the objectives of the conference as well as the expectations regarding its workings. Ms. Zana Sota, member of the AHC Assembly and Ms. Blerta Çani, Executive Director of the Albanian Disabilities Rights Foundation moderated this conference.

To greet the conference many honoured guest spoke. In his speech **H.E. Ambassador of the Kingdom of the Netherlands Mr. Henk G.C. van den Dool** strongly emphasised the necessity of the observation of the fundamental human rights in Albania and changing the mentality of the society regarding discrimination and different ways of its manifestation. **H.E. Ambassador Mr. John L Withers II, Ambassador of the USA Embassy in Albania** in his speech emphasised the fight against discrimination in Albania, in which all should actively take part: political actors, state institutions and civil society in total, as well as encouraged the non governmental institutions to continue the fight against all kind of discrimination. He stresses the fact of taking actions to fight discrimination and also the necessity of immediate public reaction towards manifested cases of discrimination. **Mr. Frank Dalton**, representative of the OSCE Presence in Albania, in his speech emphasized the need for improvement of the existing legislation, in order to be adoptable with the law ‘for the protection from discrimination’. **Ms. Irma Baraku**, the Commissioner for the Protection from Discrimination in her speech highly appreciated the organisation of this conference, as well as undertook the commitment for further institutionalisation of the fight against discrimination, by establishing and functioning of the supportive structures which will make possible the implementation of

the law in practice. She also undertook the commitment to closely collaborate with civil society during the work activity.

The conference was greeted also by **H.E. Ambassador Helmuth Lohan**, Ambassador of the European Union Delegation in Albania through an official letter addressed to AHC.

To realise an overall approach regarding this issues, object of the conference, were presented 5 main speeches from the experts as follow:

- **Prof. Dr. Shaban Sinani**, member of the AHC Assembly, who treated the topic “Non discrimination culture of the Albanians regarding ethnicity and religious belonging”.
- **Ms. Elira Kokona**, national expert on cases of ECHR, who treated the topic “The legal practice of the European Court for Human Rights (ECHR) regarding the prevention of discrimination”.
- **Mr. Frank Dalton**, Rule of Law Department at OSCE, who treated the topic “Albanian Law no. 10221, date 04.02.2010 “For the protection from discrimination’ and its approach towards EU standards”.
- **Attorney Maria Virgilio**, Italian expert on non-discrimination issue who treated “Italian experience from the protection from discrimination, achievements and challenges”.
- **Mr. Goran Miletic**, Civil Rights Defender Layer who treated the topic “Mechanisms in anti-discrimination laws and role of civil society in implementation of the law”.

After the treatment of the above mentioned topics, the participants were separated in two groups which discussed the issued:

1. Protection from discrimination in practice, most common cases, tools for preventing and reclamation of the rights
2. Legal, technique and organisation instruments for the institutions of the Commissioner for the Protection from Discrimination.

The groups presented the problematic, as well as issued recommendations for each subject as below:

Regarding the first topic **“Protection from discrimination in practice, most common cases, tools for preventing and reclamation of the rights”** were given the below suggestions.

1. **The most extended and common forms of discrimination¹** in Albania are more often faced regarding:
 - a. **health services** offered to the LGBT² groups, sex workers, drag users, people with disabilities and orphans;
 - b. **education**, first, for people with disabilities and second, estimated lack of special programs for this vulnerable group;

¹ Discrimination can be direct and indirect

² Stands for lesbian, gay, bisexual, transsexual

- c. **employment**, especially for Roma and Egyptian community, LGBT people, people with disabilities, as well as the gender discrimination regarding the payment for the same job; regarding financial, social, educational status, etc..
- 2. It is of great importance **to interfere in the society culture and mentality**, as refusal or exclusive toward different communities such as Roma and Egyptians people etc., persons from LGBT, people with disability, orphans etc. regarding the fight against discrimination. The association with groups of LGBT and sex workers is another important factor which leads to discrimination.
- 3. **The prevention tools towards different forms of discrimination are:**
 - a. **awareness** of the groups of interest, media and a broader public in general;
 - b. **empowerment of victims** for reporting the cases;
 - c. **raising the capacities** of the civil society, media, trade unions, bines, state, educational and judgment institutions;
 - d. **improvement of the educational curricula** regarding non discrimination on different levels of the education system.
- 4. **Reclamation of the rights and prevention of this phenomena:**
 - a. **continuing monitoring and testing** of the implementation of the law;
 - b. **increasing the trust** on the state institutions for the implementation of the law; it is suggested that such mechanisms as the Institutions of the Commissioner for the Protection from Discrimination should show cases of violations of the rights guaranteed by law; through presenting positive practices (case held by the judiciary system or the Commissioner), or gaining experience from bad practice in this field;
 - c. **providing the practical tools**, accessible from the groups of interest for reporting the cases of discrimination;
 - d. **raising the capacities** of the judiciary system for positive cases (best practice) for the burden of proof or the changing of the Procedural Civil Code.

Regarding the second topic “**Legal, technique and organisation instruments for the institutions of the Commissioner for the Protection from Discrimination**” was noticed that it is already been nominated the Commissioner for the Protection from Discrimination as well as it is already have an approved structure and organigram from the Albanian Parliament, The Commissioner has informed the conference that is already decided were the surroundings of the institution will be.

The working group estimated as important in order to have a complete efficiency of the institution of the Commissioner for the protection from discrimination, focusing on:

First, the information regarding the structure and its competences,

1. The acknowledgement of the law ‘For the protection from discrimination’ from the state institutions as well as from a bracer pubic and groups of interest, so to make clear and transparent the way of its functioning.
2. It is important also the creation of the informative facilities necessary for the public, for the functioning of the Commissioner, opening of a web page were to present all the necessary information regarding the compliment procedure,
3. Offering a standard form for all the persons who want to complain to this institution.
4. Public information is at great importance regarding the right to not being discriminated, especially towards marginalised groups of the Albanian society such as Roma and Egyptians, people with disabilities, LGBT, mentally disabled persons, elderly, minors and other vulnerable groups.

Second, building a network made of state institutions and non profit organisations spread out all over the country:

1. To make possible gathering as much as possible information from various sources, in a standardised way, in accordance with a model which contains unified data for each case (same skit for all the collaborative institutions with the Commissioner),
2. This will help the Commissioner institution to act effectively in taking and investigating complains addressed to it,
3. The collaboration with the public or private institutions, or civil society organisations will be realised throughout a collaboration agreement with reciprocal commitment, were all the parties will express their willingness to contribute to the non discrimination issue.

Third, the necessity of the undertaking of the preliminary studies regarding the approach and the mentality for discrimination issues:

1. In order to create the basis of necessary knowledge for this issues,
2. To compare different ways of solving the complains for discrimination,
3. Testing the public opinion regarding the active and passive discrimination is another effective way which helps the Commissioner institution,
4. To create the ways of the work on the ground for the analysing the way how complains addressed to it are solved,
5. Drafting the periodic reports especially to make evident the characteristics of the way how the discrimination is manifested in Albania (territorial areas, field and subject more jeopardized).
6. For drafting programs responding on the needs will be built.
7. In the report presented at the Parliament by the Commissioner, should be taken in consideration an overall approach regarding the discrimination, also the activity of the other actors of the civil society and broader, towards discrimination, in order to have a general overview of the problematic and achievements in the fight against discrimination.
8. An effective way of the concrete work done for the implementation of the law would be to make evident the number of the cases according the choices of the

remonstrant, to evaluate the public trust towards the different structures empowered by law for this issue. Such monitoring will make evident the further needs for the improvement of the law implementation.

This activity was realized in the framework of the project 'Raising the public awareness for the new law on non discrimination' which is implemented by AHC and it is financially supported by Civil Right Defenders