

Universal Periodic Review
(19th session, May –June 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Albania

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratification 21/11/1963	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	10/07/1989 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	04/04/2006 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	17/11/2006 Accession			Right to take part in cultural life

--	--	--	--	--

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. **The Constitution of Albania of 1998¹** guarantees the right to education for everyone in its **Article 57**. According to this Article, mandatory education and general high school education in public schools are free but pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of law. General high school public education is open for all and professional high school education and higher education can be conditioned only on criteria of abilities. This Article provides that mandatory school education is determined by law and the autonomy and academic freedom of higher education institutions are guaranteed by law. In addition, **Article 20** guarantees the right of persons belonging to national minorities to study and be taught in their mother tongue. According to **Article 59** the State aims to supplement private initiative and responsibility with education and qualification according to ability of children and the young. Moreover, the State aims to supplement private initiative and responsibility with care and help for the aged, orphans and persons with disabilities. **Article 18** enshrines the principle of non-discrimination and states that "1. All are equal before the law. 2. No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry. 3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist."

Legislative Framework:

3. The basic legislative framework for education in Albania is made up of:

- The **Pre-University Education Act No. 7952 of June 1995²** and subsequent amendments,
- The **Normative Provisions for Public Schools³**.
- The **Labour Code of the Republic of Albania (1995)**.
- The **Private Education Act (1995)**.
- The **Higher Education Law no. 9741 of 21 May 2007 (amended in July 2010)⁴**.

¹ <http://www.president.al/english/pub/doc/Albanian%20Constitution.pdf>

² http://www.see-educoop.net/education_in/pdf/law_on_pre_univ_educ_syst-alb-enl-t04.pdf

³ http://www.mash.gov.al/File/Legjislacioni_MASH/Annex%206-NORMATIVE%20PROVISIONS.pdf

⁴ http://www.mash.gov.al/File/Legjislacioni_MASH/LHERA-EN.pdf

- The **Decision of the Council of Ministers No. 156** of March 2001, which concerns the recognition of non-public higher education programmes.
- The **Decision of the Council of Ministers No. 864** of 5 December 2007 (amended in June 2008) in order to regulate the offering of doctoral studies at the university level in accordance with the Bologna process.
- The **Council of Ministers' Decree No. 467** of 18 July 2007, which defines the criteria and procedures for the pedagogic and scientific qualifications system of academic staff in higher education institutions.
- The **Vocational Education and Training (VET) Law No. 8872** of 29 March 2002 (amended in June 2011)⁵.
- According to **Instruction No. 20 of 2004**, which is about university programs and cycles.
- The **Law No. 78** of 8 February 2006⁶ provides for the establishment of state *matura* exams to be administered at the end of secondary education through external evaluation.
- The **Law on Gender Equality in Society No. 9970** of 24 July 2008⁷.

Policy Framework:

4. The **National Education Strategy 2004-2015**⁸ owes a great deal and relies heavily on the document “National Pre-university education development Strategy”, already formally approved by the Albanian Government in June 2004. The strategy identifies four priority areas: (i) reforming and strengthening the management capacity (governance); (ii) improving the quality of the teaching and learning process; (iii) financing pre-university education; and (iv) capacity-building and human resource development. This strategy is expected to help strengthen the sector’s performance and serve as a basis for concerted efforts to achieve better learning outcomes in a more equitable and efficient manner. Decentralization of the education system management and service delivery at the pre-university level is a core aspect of the country’s ongoing broader efforts.

- **Child protection in schools**⁹

5. A **national roundtable on Child Protection in Schools** was held on **30 March 2010** in Tirana in Albania. The roundtable brought together around **30 representatives** from central and local government levels in Albania, including the **Deputy Minister of Education and Science**, officials from local and international NGOs, donors and partners to the Child Protection Safety

⁵ http://www.mash.gov.al/File/arsimi-parauniversitar/arsimi_profesional/16-09-2011_Ligji_arsimit_profesional_azhornuar_en.pdf

⁶ http://www.mash.gov.al/File/Legjislacioni_MASH/Annex%2010-DCM%20No.78,%20dated%208.2.2006%20-%20On%20Maturity%20Exams.pdf

⁷ http://www.mpcs.gov.al/dpshb/images/stories/files/ligjet/3.4.1.1.Law_on_gender_equality_in_society.pdf

⁸ <http://planipolis.iiep.unesco.org/upload/Albania/Albania-Education-Strategy-2004-2015.pdf>

⁹ Terre des Hommes, *National roundtable on child protection in school*, 3 April 2011, <http://www.tdh-childprotection.org/news/national-roundtable-discusses-ways-to-strengthen-child-protection-in-schools>

Net (CPSN) Project¹⁰. The participants had the chance to share comments and discuss the findings and recommendations of the *Terre des hommes (Tdh) Report on Child Protection in Schools*. This report marks the conclusion of a series of **child protection trainings** delivered by Tdh Albania to education personnel in **5 Regional Directorates of Education** (namely, **Tirana, Durrës, Fier, Korça and Elbasan**) that took place during February 2009 – November 2010, in close collaboration with the **Human Development Centre**. Nationwide, a total of **122 school directors, 188 school psychologists and 11 school psychologist coordinators** have benefited from these trainings. Many of the participants agreed that schools should be assisted in formulating clear child protection policies and procedures, increase their collaboration with other local child protection stakeholders, particularly the Child Protection Unit, and include more awareness raising activities on child rights and child protection in their educational programs. In this context, the school psychologists should be empowered to play their crucial child protection role by better clarifying their responsibilities and by offering them proper on-the-job training, support and supervision.

- **Teacher training**¹¹

6. In November 2010, *Terre des hommes* in collaboration with the Human Development Center had organized a **training seminar on Child Protection in the School for school directors** in Korça. In total, 19 school directors participated. Among issues discussed the most important ones were: i) How to implement case management procedures in the school; ii) How to better solve various child protection issues in the school; iii) How to have an effective collaboration among various actors in the school to better respond to children's need for protection. Participants displayed particular interest when it came to learning about the distinction between **child protection from a rights-based approach** and a **needs-based approach**, as well the respective responsibilities that would derive from a better implementation of child protection standards and procedures in the school.

- **Quality**

7. It shall be noticed that all primary schools suffer from the lack of computers, overhead projectors, television sets, slide projectors, cassette decks, and modern classrooms and teaching materials for the teaching of physics, chemistry, biology, technical subjects and physical education. Secondary schools face the same situation, although it differs from school to school. To upgrade the quality and relevance of pre-university education, curriculum and textbook reforms have been initiated, aiming to complete the implementation of the revised curriculum of basic education by 2010 and of secondary education by 2015. Moreover, efforts to improve the quality of teaching include the development of competencies for teachers and a teacher accreditation system, introduction of an in-service training programme and reforms in pre-service training.

8. **The National Center for Assessment and Evaluation** has been established to carry out independent assessment of learning achievement and support university entrance examinations.¹²

¹⁰ <http://tdh-childprotection.org/projects/albania/description>

¹¹ Terre des Hommes *Korça school directors received child protection training*, 13 December 2010, <http://tdh-childprotection.org/news/korca-school-directors-received-child-protection-training>

Cooperation:

9. Albania is party to the 1960 UNESCO Convention against Discrimination in Education (CADE) since 1963. However, it did not report to UNESCO on the measures taken for the implementation of the Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).
- Eighth Consultation of Member States (covering the period 2006-2011).

10. Albania did not report within the framework of the Fourth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

11. Albania did not report within the framework of the First and Second Consultations (1993 and 2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education.

12. Albania is not party to 1989 UNESCO's Convention on Technical and Vocational Education.

Cultural rights

Freedom of creative activity, artistic freedoms, right to conduct cultural practices – cultural heritage practice

Normative Framework: constitutional and legislative frameworks:

13. The Albanian Cultural Heritage legislation is based on Law No 9048 “on Cultural Heritage”, issued in 2003 and amended by law No 9882, issued on 2008, which recognizes as the material values of cultural heritage the centres, zones and regions, inhabited or uninhabited, of archaeological, historic, ethnological, architectonic and engineering value and set the protection for a large number of individual buildings as Cultural Monuments of 1st and 2nd category.

A new “Law on Cultural Heritage“ is currently being drafted to address concerns of Cultural Heritage institutions as well as some procedural concerns. The implementation of the Convention for the protection of the diversity of cultural expressions is based on Law n°9613 issued in 2006.

Institutional framework:

14. The public services involved in the protection of cultural heritage and cultural expressions is, at the central level, the Ministry of Tourism, Culture, Youth and Sports, and in particular the

¹² World Data on Education, sixth edition, 2006/07,

http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/CENTRAL_and_EASTERN_EUROPE/Albania/Albania.pdf

Institute of Cultural Monuments (IMK), a scientific and budgetary state institution responsible for the protection, restoration and revitalization of cultural and historic monuments, the Directory of National Cultural Heritage, a policy-making body, which coordinates the Regional Directories of National Culture and Archaeological Parks dealing with national issues of cultural heritage management (tangible and intangible). At the local level there are the Regional Directories of National Culture, under the Ministry of Tourism, Culture, Youth and Sports. The Ministry of Culture has approved a new structure in which the Cultural Heritage department is also in charge of cultural diversity. A national committee chaired by the Minister of Culture has been set up for the implementation of the 2003 Convention

Policy measures:

15. A global strategy for culture has been drafted in 2012. It focuses on support to (i) creativity of Albanian artists and their art, (ii) protection and promotion of cultural heritage and national identity and (iii) increase of role of cultural life in the improvement of quality of life. Policy measures have therefore focused on the establishment of proper mechanisms to enable the development of diverse cultural communities in Albania. In the field of cultural heritage, during the last three years the IMK, in collaboration with other stakeholders, has worked towards taking under control the illegal interventions.

Work with civil society:

16. The civil society is actively involved in the implementation of the conventions in their various fields of action. With regard to the 1972 World Heritage Convention, the civil society participates in the elaboration and implementation of the management of sites and properties included in the World Heritage list. The role of civil society focuses on involving with local communities through participatory processes and on raising their awareness and responsiveness to challenges pertaining to heritage safeguarding and management. The same is true for the implementation of the 2003 Intangible Cultural Heritage Convention which assigns a key role to individuals, groups and communities in the identification and safeguarding of their intangible cultural heritage. As such, the implementation of the Convention at the local level is largely ensured thanks to civil society organizations and actors. Similarly, the role of the civil society in the implementation of the 2005 Convention is also important in relation to minority groups and other indigenous groups of Albania.

Freedom of opinion and expression

Constitutional and Legislative Framework:

17. Freedoms of expression and the press are guaranteed under the Article 22 of the Albanian Constitution (1998) and Article 23 assures the right to information.

18. Defamation is a criminal offense under Article 120 of the Penal Code with punishment of a fine or imprisonment of up to two years. Under Article 240 and 268, defamation toward public officials on duty or the country's symbols is punishable with a fine or imprisonment of up to two

years. Furthermore, Article 241 extends the punishment to up to three years when the crime is committed toward the president.

19. A freedom of information law has been in existence since 1999.

Media Self-Regulation:

20. Self-regulation mechanism exists through entities such as the Association of Albanian Journalists, League of Professional Journalists, Albanian Press Council, and the Albanian Media Club (AMC).

Safety of Journalists:

21. UNESCO has not recorded any killings of journalists between 2008 and 2012.

Right to development and environmental issues

22. Ensuring environmental sustainability¹³: Albania is rich in biological diversity and natural resources. However, overexploitation and poor management have had significant negative effects on the diversity and abundance of biological wealth. Due to recent rapid growth, solid waste management as well as water and air quality have become pressing issues. Deforestation and land degradation also need to be addressed. The size of protected areas remains insufficient to ensure effective conservation of the country's biological diversity.

23. Progress in environmental management and the legal framework in Albania regarding environmental issues is already quite comprehensive. However, increased legal, institutional, human capacities and funding are necessary to meet the levels appropriate for EU integration.

III. RECOMMENDATIONS

Right to education

24. Albania should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

25. Albania could be encouraged to take additional measures to provide girls and women with increased educational opportunities.

¹³ UNESCO Country Programming Document for Albania (2009-2010):
<http://unesdoc.unesco.org/images/0018/001832/183243e.pdf>.

26. Albania could be encouraged to continue its efforts to upgrade the quality of education and notably with regard to the implementation of the revised curriculum of basic education and of secondary education.

27. Albania could be encouraged to intensify its efforts to improve the quality of teaching, including the development of competencies for teachers.

Cultural rights

28. Cultural conventions are covered through various legal documents adopted on different governing levels. Yet, a clearer and stronger coordination and synergy in the implementation of the concerned Conventions should be pursued, in order to fully reach their objectives. Such an integrated and coordinated implementation would also increase the opportunities for each individual or group to take part in cultural life

29. The existing state legislation “Law on Cultural Heritage” is very broad and insufficient to effectively protect the historic towns, also generating uncertainty on procedures for development projects in the protected areas. Some suggested revisions in the existing law regard the ownership law for private monuments, but also the definition of the duties and the obligations of local institutions and IMK;

30. Albania is invited to introduce programs for more public information and awareness about the Outstanding Universal Value of the World Heritage property. There is also a need to motivate residents to return to their houses for the revival of the historic centre. The completion or renewal of the city’s infrastructure is also crucial to attract or keep residents, commerce and tourism.

31. There is a strong need of training of administrators and policy-advisors in cultural diversity issues; involvement of civil society is also a challenge.

Freedom of opinion and expression

32. Albania is encouraged to decriminalize defamation and place it under the civil code in accordance to the international standards.

Freedom of scientific research

33. With regard to contribution of science and technology to development, Albania is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.