

INTERNATIONAL HUMAN RIGHTS DAY AND THE OSCE

By Eugen Wollfarth – Head of the OSCE Presence in Albania

The OSCE Presence in Albania has chosen 10 December as a special day to celebrate its activities here in Albania. This date represents the International Human Rights Day – and the selection of this date as a date for celebration is not coincidental. The day was initially declared as a commemoration of the Universal Declaration of Human Rights, the first significant human rights document meant to be binding worldwide, the importance of which is as great today as it was right after the Second World War. Globalization has brought about new challenges to states, organizations and individuals with regard to the universal respect for human rights. But if one goes back to the preamble of the Declaration, still the *“recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”*.

The most well known document is the European Convention on Human Rights. Albania has done admirable work in moving toward full respect toward this Convention, especially as its principles are enshrined in the Constitution. The OSCE also has a major body of commitments in the field of human rights, in particular, the 1975 Final Act of the Conference on Security and Co-operation in Europe, the documents of the Follow-up meeting in 1989 and the 1990 and 1991 Conferences of the Human Dimension of the CSCE. In these documents, participating States, including Albania, agreed to adhere to certain principles, including respect for the rule of law, protection of freedom of expression, prevention of torture and equal treatment of national minorities.

In consideration of these commitments, the OSCE Presence in Albania has been actively working to improve the respect of human rights. When the Presence first arrived in 1997, the country was in turmoil and respect for human rights was a major problem in many fields. The acute issues to be addressed included trafficking in human beings, exploitation of women, people on death row, miserable prison conditions, difficulties exercising the right to vote, domestic violence and lack of respect for the rights of children. After almost 14 years, the country has evolved and many of these issues have been addressed effectively.

The adoption of the 1998 Constitution not only abolished the death penalty, but also introduced an important institution for dealing with human rights matters – the Office of the People’s Advocate. Before this, the Presence dealt with individual human rights cases directly. This process was extremely challenging, with Presence staff investigating individual cases in co-operation with the Albanian authorities. This changed with the creation of the Office of the People’s Advocate. When the People’s Advocate first started, some questioned whether the body would be publicly accepted. The Presence together with International partners supported the Office not only with legal assistance, but also with training and capacity building. This institution has gradually expanded its scope of work and demonstrated its ability to address human rights issues.

Although much remains to be done, Albania has shown progress in addressing human rights issues, and is now moving from those basic human rights concerns of a country in conflict to specific rights of citizens in a country seeking to reach higher democratic standards. The Presence continually has been interested in assisting both state authorities and civil society in achieving important human rights milestones. Of particular importance recently was the adoption, on 13 March 2010, of the Law on Protection from Discrimination. The aim of this

law is to prevent and stop discrimination, as well as to enforce the right to equality. No woman or man should be discriminated against on the basis of race, religion, political opinion, disability, sexual orientation or any other status. Not only does this law offer protection, but it provides for everyone the opportunity to enjoy equally their human rights.

Albania now has a Commissioner for the Protection from Discrimination, whose responsibility it is to ensure effective protection from discrimination. This Office, as the Office of the People's Advocate did so courageously almost ten years ago, is breaking new ground. In order to become an effective institution, it needs the support of all actors, so that the Commissioner can enforce the principle of equality in all its manifestations. While the People's Advocate provides for protection of the rights of citizens with respect to state bodies, for the first time, there is an institution that will provide for a proper respect of human rights of citizens in the private area too.

We should also look at today's challenges. One should consider children, the future of Albania. Unfortunately on the streets of most major cities, there are children selling in the streets or begging, when they should be at school. There are girls and boys who, by not going to school, become easy prey for violence and abuse. Child labour and exploitation is one of the human rights violations that remains most acute today. Minors under 14 years of age who commit crimes should not be forgotten. Even they are often victims, and in any case are at risk of living an adult life of crime, so it is important to develop responses to criminal behaviour in children as a human rights issue and not just a law enforcement matter.

Disabled people must not be forgotten either. Albania has signed the UN Convention on the Rights of People with Disabilities; now there is a need to take the next step, ratification of the Convention that should then bring changes in law. There is also a lack of community services for disabled people, which comes as a result of the lack of resources dedicated to this purpose. This requires effective co-operation of government and civil society.

Another area of concern is the treatment of Roma people. They are frequently seen in poorly paid jobs, or not working at all. Rarely do even well-educated Roma find themselves in the public administration or in other important positions.

The Presence is confident that Albania is on the right path with regard to respect for the rights of its citizens and human rights in general. The Presence stands ready to assist the country in its efforts to continue addressing these issues, and work together for a better society. Much has been done over the past decades, but a lot still needs to be done. By choosing the International Human Rights Day as a date for celebrating the Presence's work, we hope to emphasize the importance of not simply seeking to reach improved standards of human rights but of working continuously to achieve the highest standards possible at any given time.