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**Republic of Albania**

**Ministry of Culture**

**Contribution on cultural rights and the governance of development**

**Main questions (for all stakeholders)**

**Question 1**

*How are human rights generally integrated in your policies and programmes. Please indicate if human rights are mandatory considerations, at what stage of the programme they are integrated and if any, what kind of impact assessment and monitoring is done of their implementation.*

**Response**

Culture in Albania is regulated by the highest legal act of the country, the Albanian Constitution, followed by specific legislation and implementing sub-legal acts. There two articles of the Albanian Constitution, mentioning culture as an important element of the Albanian society: Article 58, paragraph 1: “The freedom of artistic creation and of scientific research, the use of and benefit from their achievements is guaranteed to all” and Article 59, paragraph 1, letter (g): The state, within its constitutional powers and the means at its disposal, as well as in addition to the private initiative and responsibility, aims at the: g) protection of the national heritage, of the cultural heritage and special care for the Albanian language”.

In addition, there are two important laws that regulate art, culture and cultural heritage in Albania:

Law No. 10 352, dated 18.11.2010 "On Art and Culture", as amended (Law on art and culture) and Law no. 27/2018 “On cultural heritage and museums” (Law on cultural heritage). The law recognizes:

* The right to cultural heritage access for cultural values use, thus envisaging their physical or intellectual accessibility, provided that such values be safeguarded and not exposed to danger
* The right and obligation to cultural properties’ owners and possessors to a) receive consultations, expert services and recommendations from authorities responsible for cultural values safeguarding and preservation; b)receive revenues generated from promotional materials and cultural value photographic, computer, video or any other means reproduction, in compliance with the provisions herein. c)apply for financial support, in the framework of programs funded by central or local government budget, or other streams, for emergency or consolidation purposes, including conservation and restoration necessary for cultural value safeguarding ç)receive financial aid or other revenues in terms of donation or sponsorship from special individuals and institutions.
* Cooperation with central and local government on exercising their rights and effectively implementing the obligations stemming from the present law.
* The rights of Movable Cultural Objects Owners and Possessors.
* Public access to public institutions and places of culture may be free of charge or pay per-use. The ministry responsible for cultural heritage, local power and other local public entities may enter into agreements to regulate the right to access. Entry to libraries and other public archives for reading, study and research purposes is free of charge.
* Public access to museum is free-of charge or pay-per-entry. The ministry responsible for cultural heritage, local self-government units and other public institutions, ad-hoc foundations or those established for the purposes of the present law may enter into agreements to regulate the right to public access to accredited museum.
* The right of expression, protection and promotion of cultural identity.
* The right to circulate cultural assets, according to the provisions of Law 27/2018 "On cultural heritage and museums".
* The right to use cultural assets according to the provision of the in the law 27/2018.
* The right to conduct researches in museum funds, etc.
* Other rights foreseen by the legislation in force for cultural heritage include also: Licensing right for:
* Intervention in cultural property: project design, restoration; supervision; commissioning, archaeological activity;
* Reproduction of cultural assets;
* Assessment of movable and immovable cultural assets;
* Licensing of commercial entities of movable and immovable cultural assets.

**Question 2**

*Please provide examples of any programmes that contribute to the respect, protection and implementation of cultural rights, in particular:*

* *The right to access, enjoy and transmit cultural heritage, including languages and ways of life*

**Response**

***"Cultural Heritage and Museums" budgetary program***

Each year, the Ministry of Culture's budgetary program "Cultural Heritage and Museums" supports projects and initiatives focusing on the protection, maintenance, conservation, rehabilitation and promotion of the cultural heritage assets of national importance including those privately own as well as the UNESCO world heritage properties of Albania of outstanding universal values.

***“Revitalization Bonus" (RB) Program***

The “Revitalization Bonus” is one of the government’s major projects part of the National Fund for the Care of Material Cultural Heritage launched for the first time in 2022. Through RB, the available grant offers to owners, financial support for the restoration and revitalisation of their buildings located within historic centers while contributing at the same time to the local communities’ wellbeing. This scheme strengthens the cooperation between the state and the private sector for the preservation of cultural heritage, improving the image of cities and creating conditions for sustainable economic development.

***"Education through Culture"***

"Education through Culture" programme aims that cultural and education institutions to encourage the interest of the young generation to participate in cultural life. It has also the component "Friend of the Monument” in the field of Heritage that aims to put in the spotlight both the monuments and the new generation.

***"Routes of Faith"***

"Roads of Faith" Program focuses on historical and commercial roads combined with cultural heritage, cuisine and handicrafts. Through this program several cultural monuments of religious objects have been restored.

***"Routes of Remembrance"***

For the program "Routes of remembrance ", unique of its kind in Albania, the Ministry of Culture, in cooperation with partners has undertaken several initiatives that through rehabilitation, transformation and museumization aim to highlight the historical and educational aspect of the sites of the former communist dictatorship, in order to preserve national memory and promote values to future generations.

***“Rural Development Program "100 Villages‟***

A rural renaissance program set to help lift rural economies by developing 100 villages based on their tourism potential. In the framework of this Program the Ministry of Culture through the dependent institutions and financial support of its partners has contributed by investing in the preservation and conservation of cultural monuments and the promotion of cultural heritage and traditions through fairs, local festivals, etc.

The right to take part in decision making processes that have an impact on one’s cultural life, including:

* the right to free, prior and informed consent by local population.

**Response**:

Stakeholders including local population are invited for consultation in legal and policy development phase in the frame of cultural heritage initiatives and according to standard procedures as established by the legislation in force, including but not limited to:

* Public hearing on initiatives aimed at improving the existing legal framework and new legal proposals.
* Bilateral and multilateral meetings with different actors of the field.
* information and consultation campaign.
* the right to access and transmit creative expressions and knowledge.

The Ministry of Culture, in implementation of the National Strategy 2019-2025 in support of art and culture, has created a favorable legal and institutional environment with the aim of developing and promoting the cultural and creative sectors. The Ministry of Culture has encouraged and supported organizations, individuals, artists, professionals in the sector of culture and creative industry, through Public Call projects, and inclusion in various cultural programs and activities. At the same time, in implementing its policies, the Ministry of Culture, through incentive and support programs, aims to recognize, promote, preserve and transmit creative expressions and knowledge. For this purpose, it has created stimulating, facilitating and financing instruments.

**Question 3**

*Please provide recent examples of programs, policies and commitments where:*

*Cultural right are mentioned and explained*

*Cultural development is mentioned and explained*

*Commitment to take into account the local aspiration, values and priorities rather than one-size-fits-all model, are explicit*

**Response:**

* Information and consultation campaign in the framework of the program “Revitalisation Bonus”
* Public hearings held in the framework of the preparation of several integrated management plans for cultural heritage assets and sites such as: Butrint, Archaeological Areas A and B of Durrës, Palace of Brigades in Tirana, Archaeological park of Bylis, etc.
* Meetings involving different stakeholders in the framework of the initiative to transform the formed Spaç prison (once held Albania’s imminent political prisoners under the Communist regime and closed in 1982), from a ruin to a place of reflection, where visitors learn about Spaç’s history and how to take action to ensure it is never again repeated.
* Meetings and public consultations with local communities and bearers in the frame of the project funded by the Intangible Cultural Heritage Fund of UNESCO "Community based Inventory of ICH in Albania with a view to safeguarding and transmitting to future generations" 2020-2022.

**Question 4**

*Please provide information on any monitoring or evaluation mechanisms assessing the impacts of your development programmes or policies on cultural rights. Also please discuss any mechanism to submit complaints and seek reparation in cases of violation*

**Response**

The monitoring mechanisms assessing the impacts of development programmes or policies is done by the Ministry of Culture, its depending institutions and decision making bodies (National Tangible Cultural Heritage Council, National Intangible Cultural Heritage Council, National Cultural Properties Management Council and National Museums Council), some examples as follows:

* The Ministry of Culture exercises among other the following functions[[1]](#footnote-1):
* monitoring the use of public funds in support of cultural development, preservation and continuity of the tradition of religious harmony in Albanian culture as well as regional cooperation
* realization of the registration, supervision and monitoring of the rights of the authors and other related rights, by the subjects, natural / legal persons, private or public, users of the literary, artistic and scientific property
* The National Institute of Cultural Heritage (NCHI) monitors and coordinates the work with cultural heritage regional directorates, and cooperates with local self-government units, and public and private entities - either native or foreign - operating in tangible cultural heritage area.
* The National Institute for Registration of Cultural Heritage (NIRCH) is responsible for the registration, digital cataloguing, documentation, evaluation, promotion of cultural heritage, as well as for the observance/monitoring of the national/international legal circulation of cultural properties. NIRCH manages the platform of National Register of Cultural Assets where cultural heritage assets are registered, catalogued, documented, evaluated and promoted. In Addition the NIRCH supervisions and monitors the transfer of ownership rights and the movement of national cultural tangible and intangible, as well as landscape assets in public and private ownership in the territory of the Republic of Albania.
* The Regional Directorates of Cultural Heritage (RDNC) and NICH continuously monitor the state of conservation of cultural heritage assets throughout the territory.
* The specialized institutions and/or licensed entities monitor the progress in the implementation of the projects as approved by the National Council of Tangible Cultural Heritage.

**Additional questions for Governments and their national development agencies**

**Question 1**

*How are human rights generally integrated in your development policies and programmes both in your internal policies and in all programmes of development assistance and cooperation?*

**Response**

The human rights focused on cultural rights are provided for in Law 27/2028 "On cultural heritage and museums", the National Culture Strategy 2019-2025, as well as in the national cultural programs mentioned above.

**Question** 2

*What human rights guarantees have your Government and its agencies integrated in the development strategies, programmes and cooperation and assistance agreements?*

**Response**

The human rights are provided for in Law 27/2028 "On cultural heritage and museums", the National Culture Strategy 2019-2025, as well as in the national cultural programs mentioned above, as cultural rights. The Ministry of Culture through its structures creates and guarantees conditions for equal public access to cultural values, the right to use cultural values as physical and intellectual access

**Question 4**

*Have the development priorities or the assistance provided by global agencies (such as the World Bank, the IMF and any other relevant international trade and development organizations) impacted the cultural rights and diversity aspects of your country’s development policies? Please provide positive and negative examples where relevant, especially after 2018*

**Response**

The Ministry of Culture has a successful cooperation with the Delegation of EU in Albania, UNESCO, AADF, World Bank, and other development and cooperation agencies of various states. Some positive examples of these cooperation are provided such as:

* *“EU4Culture Project”*, funded by the European Union (EU) and implemented by UNOPS in a close partnership with the Ministry of Culture. It is one of the largest cultural heritage programmes designed by the European Union with a total budget of € 40 million extended to the entire territory affected by the earthquake of November 26, 2019. In addition to the restoration, the project invests in the revitalization of selected cultural heritage sites, including upgrade of services and site conditions. Its goal is also to increase tourism potential, directly contributing towards Albania's socio-economic recovery. Local entrepreneurship, artisanship and creative creation evolving around selected sites shall be supported through grants, providing a direct boost to local production and social wellbeing.
* *“Tourism-led, local economic development with a focus on cultural heritage”*Project funded by the European Union (EU) within IPA 2018 Action Programme for Albania and implemented by Italian Agency for Development Cooperation (AICS) in a close partnership with the Ministry of Culture. The Project aims at preserving, conserving and restoring cultural heritage, improving sustainable and responsible tourism in the target area, thus regenerating local economic fabric and urban environment. Additional attractive tourist destinations will increase tourists’ spending, the length of the tourist season, provide job opportunities for local population and income in target area.
* *“Electronic Ticketing Systems in Cultural Heritage Sites”:* The Ministry of Culture in cooperation with Albanian American Development Foundation undertook and finalized the project in 2019 for e-ticketing at 10 cultural heritage institutions in Albania and the platform for their promotion and online ticket sales. Formalizing the ticket collection process for these sites increased efficiency and led to the implementation of modern financial reporting.
* *“Project for Integrated Urban and Tourism Development (PIUTD)” i*s a multiannual framework aimed at implementing activities for urban development and improvement of infrastructure with a focus on tourism development. It is financed by the World Bank and implemented by the Albanian Development Fund. Beneficiaries of the project are 3 Counties (Vlora, Berat, Gjirokastra) 4 municipalities (Saranda, Gjirokastra, Berat, Permet) and the tourism corridor of this region. The development objective of the PIUTD for Albania is to improve urban infrastructure, enhance tourism assets, and strengthen institutional capacity to support tourism-related local economic development in selected areas in the south of Albania. The project comprises of four components one of them aims at improving selected touristic sites along the south of the Albania touristic corridor by inter alia restoring of selected heritage and cultural assets.
* "*Community* based Inventory of Intangible Cultural Heritage in Albania with a view to safeguarding and transmitting to future generations" 2020-2022” project funded by the Intangible Cultural Heritage Fund of UNESCO**.** The project carried out a community-based inventory of intangible cultural heritage in Albania, with a view to drawing up tailored action plans for its safeguarding and transmission to future generations.
1. Law 27/2018 *“On Cultural Heritage and Museums”*, Article 13 ; Decision of the Council of Ministers (DCM), no. 507, dated 13.09.2017 *“On determining the field of state responsibility of the Ministry of Culture”*. [↑](#footnote-ref-1)