



## Economic and Social Council

Distr.: General  
15 January 2007  
English  
Original: French

---

### COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-seventh session

#### SUMMARY RECORD OF THE 46th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 15 November 2006, at 3 p.m.

Chairperson: Ms. BONOAN DANDAN

#### CONTENTS

#### CONSIDERATION OF REPORTS

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE  
WITH ARTICLES 16 AND 17 OF THE COVENANT (*continued*)

First periodic report of Albania (*continued*)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 3.05 p.m.*

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (*continued*)

First periodic report of Albania (E/1990/5/Add.67; Core document (HRI/CORE/1/Add.124); List of issues to be taken up (E/C.12/Q/ALB/1); Written replies by the Albanian Government to the list of issues to be taken up (E/C.12/Q/ALB/1/Add.1)) (*continued*)

1. *At the invitation of the Chairperson, the Albanian delegation resumed its place at the Committee table.*

Articles 1 to 5 of the Covenant (*continued*)

2. Mr. SADI asked the Albanian delegation to explain why the State party did not consider the Roma people to be an ethnic community, and expressed amazement that certain Egyptians could be considered as Roma.

3. Ms. GHOSE wanted to know how many Egyptians were living in Albania, and what their status was (refugees or asylum seekers?). Noting that a workgroup had been set up to prepare a national gender equality strategy, she enquired what had become of the various plans of action that had been produced in that area.

4. Mr. ABDEL-MONEIM noted that while article 2 (paragraph3) of the Covenant stated that "Developing countries ... may determine to what extent they would guarantee the economic rights recognized in the ... Covenant to non-nationals," the implied potential limitation was not applicable to social and cultural rights.

5. Ms. LESKOVIKU (Albania) replied to the questions that had been raised at the previous meeting concerning the Ombudsman, harmonization of national legislation with the provisions of the Covenant, and certain rights pertaining to handicapped persons. She explained that the Office of the Ombudsman was a constitutional institution set up to protect the rights, freedoms and legal interests of all individuals from any illegal or irregular act carried out by agents of the State. The Office of the Ombudsman had jurisdiction to make recommendations and propose measures in cases of proven violation, and all government institutions were required to furnish it with documents and information that were relevant to its work. Albanian legislation was consistent with the provisions of the international instruments to which Albania was a party. In 1999, the Constitutional Court had nonetheless ruled that certain provisions of the Penal Code were no longer appropriate, and it had abolished the death penalty. With regard to handicapped persons, those suffering serious mental disturbances were prohibited from marrying under the provisions of the Family Code.

6. Mr. QERIMAJ (Albania) said that "Kanun" customary law, which was still influential in rural areas in the north of the country, was contrary to Albanian legislation. Concerned by that phenomenon, which involved vendettas, blood debts and crimes of honour, the Government had followed up the recommendations made by the Committee on the Rights of the Child (CRC/C/15/Add.249), concerning the right to life, survival and development, by organizing a number of information and awareness-raising workshops, particularly in the most affected zones, in conjunction

with the United Nation's Children's Fund (UNICEF) and non-governmental organizations (NGOs).

7. Mr. HOXHA (Albania) said that the fall in the birth rate in the State party, which was generally considered a positive development, was probably due to a number of factors such as regime change (the Communists had a very robust pro-birth policy), the evolution of ways of life and mentalities, and family planning programmes implemented mainly by civil society organizations.

8. Mr. QIRKO (Albania) stated that the Roma and the Egyptians were never considered as asylum-seekers or refugees, but as 100% Albanians, enjoying the same rights as all other citizens. It was they themselves who claimed to belong to one or other community, and they were fully entitled to do so.

#### Articles 6 to 9 of the Covenant

9. Mr. TEXIER noted that paragraph 80 of the written replies submitted by the Albanian Government to the list of issues to be taken up stated that the unemployment rate was around 14%, amounting to 153,000 people; and he asked whether that rate was calculated in accordance with International Labour Organization (ILO) standards; whether jobseekers registered in employment offices received a minimum income, and, if so, how much; and what measures had been taken to promote employment among women, who were more prone to unemployment than men. He also wanted to know whether the minimum wage guaranteed workers a decent life for themselves and their families; whether it was periodically increased; and whether informal work, which did not give entitlement to social protection, existed in the State party, and in what proportion. He also wanted to know what was being done to ensure equal treatment between men and women, and to sanction irregularities; and information on the current status of union rights: had Albanian unions joined the International Confederation of Free Trade Unions or the International Union Federation created in 2006?

10. Given the relatively numerous restrictions on the right to strike in key sectors, Mr. Texier asked the Albanian delegation to specify whether strike action was strictly prohibited, or whether it was possible as long as a minimum service was maintained. He also asked whether teachers were included among public-sector employees who were prohibited from taking strike action, and what the negotiating procedure was prior to a strike.

11. Ms. BRAS GOMES asked what measures had been taken to support the categories of women who were most affected by unemployment, as mentioned in paragraph 86 of the first periodic report of the State party; and what actions had been taken to combat sexual harassment in the workplace. She also asked whether the State party was considering ratifying ILO Conventions 118 and 183, dealing with equal treatment (social security) and maternity protection, respectively; whether steps had been taken to ensure that social assistance programmes were really benefiting the most disadvantaged; and what type of emergency assistance was provided for persons who were not covered by the ordinary social security system. Lastly she expressed concern about the apparent disparity between rural and urban retirement pensions.

12. Mr. MARTYNOV, noted the high rate of unemployment in Albania, which had fluctuated between 15% and 30%, and asked why the Albanian State had not ratified ILO Conventions 2 and 122, and what intentions the Government had in that regard.

He also wanted to know why the unemployment rate was so high among Roma and Egyptian people (90%), and whether they were entitled to unemployment subsidy. Referring to paragraph 98 of the written replies by the Albanian Government to the list of issues to be taken up, he asked what the Government was doing specifically to introduce the minimum wage in the private sector, which had already been envisaged for the public sector. On the issue of workplace accidents, he requested recent statistics, with an annual breakdown making it possible to follow the trend, and he asked whether the Government intended to amend the law that prohibited employees from avoiding dangerous situations at work, at the risk of losing their job. Lastly, he questioned the delegation on the ban on civil servants from joining unions.

*The meeting was suspended at 3.50 p.m. and resumed at 4.05 p.m.*

13. Ms. PODA (Albania) said that the unemployment figures were based on data pertaining to registered jobseekers, produced by employment offices. The country had a national strategy on employment and vocational training. Council of Ministers Decision No. 632 aimed to promote job opportunities for unemployed women. One of the Government's priorities was long-term job security and employment for unemployed workers in difficulties. Decree No. 394 of the Ministry of Labour and Social Affairs guaranteed women victims of trafficking and Roma women free access to training courses held at vocational training centres.

14. Mr. HOXHA (Albania), replying to Mr. Martynov, said that the range of rates given for unemployment was likely to change when figures from the underground economy were taken into account (informal work), since this was widespread in Albania. The 90% unemployment rate among the Roma people reflected their poor education level. They benefited from the social security regime if they fulfilled the necessary conditions.

15. Mr. Hoxha specified that, when an Albanian citizen took legal action after losing a job, and the legal ruling was favourable, he or she received full pay for a year. Albania legislation did not provide for the payment of unemployment subsidy, but families that satisfied conditions specified in the law were entitled to certain payments. Currently, about 120,000 families were benefiting from that.

16. The principle of equal pay for equal work was fully respected in Albania, since the pay system was based on fixed and immutable categories that prevented any kind of discrimination.

17. Mr. NINA (Albania), replying to questions on the right to form unions, said that the initial report submitted by Albania under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/ALB/2004/1) contained all the information required (paragraphs 1,114 and 1,031, in particular). The report contained details statistics and basic information on specific aspects of union movements since 1990, along with very precise data on women's participation in unions in particular. The country's independent unions, grouped together under the Albanian Union Confederation, were members of the International Confederation Free Trade Unions (ICFTU). Mr. Nina did not know whether Albanian unions were members of the International Confederation of Trade Unions. He confirmed that, on 18 August 2004, Albania had ratified ILO Convention No. 183 on maternity protection, and that the Government intended to ratify Conventions Nos. 2 and 122 in the near future.

18. Mr. Nina said that the number of workplace accidents was falling; 51 cases had been registered by the employment inspection body in 2005, and only 34 since 2006.

19. Ms. LESKOVIKU (Albania) said that sexual harassment at the workplace was widespread in Albania, and that a number of cases had been publicized in the media. Nonetheless there were no provisions or specific legislation dealing with the issue in Albanian law. The perpetrators of such offences were generally prosecuted for attempted rape or abuse of power.

20. Ms. PODA (Albania) gave details on measures existing or envisaged in relation to social services — Law No. 9355 of 10 March 2005, the national strategy on social services (which forms part of the national strategy on social security), plan of action, or regulations, in particular. Social service reform had begun by decentralizing services, followed by their institutionalization and the authorization of public or private suppliers of services for handicapped persons, Roma, children and victims of trafficking. Several regulations had been issued (social services, services to children) and three other series of regulations (handicapped people, victims of trafficking, the elderly) were currently being prepared.

21. Mr. HOXHA (Albania) said that emergency assistance was provided in the form of accommodation, food and health facilities, and was maintained as long as the beneficiary needed them.

22. With regard to the minimum wage, its level — 14,000 leks per month, or US\$140 — based on a 2001 study, was reviewed each year to take account of the cost of living and the inflation rate. As private sector wages had always been much higher than those paid in the public sector, the minimum wage in force in the public sector was also implicitly valid for the private sector.

23. Ms. LESKOVIKU (Albania) noted that the initial report of the State party clearly stated that the Civil Service Charter prohibited civil servants from taking strike action, but they were authorized to join unions and to set up professional associations. The Civil Service Charter stated that teachers were not classified as civil servants and were therefore entitled to strike, unless they worked in a local or central government institution, in which case they were covered by the ban on strikes.

24. Mr. HOXHA (Albania) clarified that, as the law on strike action was well-defined in Albania, there was no specific provision regarding the maintenance of a minimum service in key sectors. Negotiations proceeding any strike had two phases, a mandatory mediation phase which took place following the announcement of the strike and lasted at most 10 days; and, in the event of failure, the conciliation phase, lasting up to 20 days, directed by a representative of the Ministry of Labour and Social Affairs.

25. Mr. SADI requested information on mechanisms whereby workers in categories that were banned from strike action could publicize their claims.

26. Ms. GHOSE wanted to know whether the State party had taken positive steps to promote employment among the most disadvantaged groups.

27. Ms. PODA (Albania) replied that a 2003 Council of Ministers decision required employers to hire women wherever possible, and to provide permanent jobs to members of groups which the statistics showed to have greater difficulties than

others in finding work. She noted that the main beneficiaries of that measure were Roma people, mothers of large families, women heads of family, and handicapped women.

28. Mr. HOXHA (Albania) said that civil servants wishing to lodge a complaint about an injustice of which they considered themselves to be victims, could go through an internal remedy procedure or appeal to the Civil Service Commission. The decisions reached by that Commission were binding, but if the civil servant in did not win the case, he or she could also apply to the Appeals Court. Disagreements between civil servants and the Government often arose following a change of political majority; but they were generally settled internally.

#### Articles 10 to 12

29. Mr. ATANGANA, lamenting the lack of official statistics on the employment of adolescents between 14 and 16 years of age, asked what happened to children in that age group who had abandoned school but were not yet able to work.

30. Mr. Atangana also regretted the lack of statistics on domestic violence, noting that the Committee Against Torture and the Human Rights Committee had already drawn the State party's attention to that shortcoming in their concluding observations.

31. Information would be welcome on the national strategy for the protection of children implemented by the State party, especially as it seemed that corporal punishment was still being used as a disciplinary method.

32. Mr. TIRADO MEJIA asked whether prostitution was prohibited by law or regulated, and particularly whether it punished the victims of sexual exploitation or the traffickers. He also wanted to know whether sanctions were applicable against persons employing children, and particularly criminal sanctions against those responsible for the sexual exploitation of children.

33. Mr. Tirado Mejia wanted to know what measures had been taken by the State party to avoid the use of abortion as a means of contraception, since that practice had been responsible for some 45% of all maternal deaths in 1989.

34. Referring to figure 8 of the report under review, relating to the total number of students in the State party, Mr. Tirado Mejia asked what explained such a sharp drop in the number of schoolchildren, totalling around 150,000 between 1990 and 2000, and whether it was not the result of cuts in the education budget, which was also responsible for a rise in illiteracy.

35. Mr. PILLAY, deploring the fact that a quarter of the population were living below the poverty line defined by the State party, and that about 5% of the population were living in extreme poverty, of whom half were young women under 21 years of age, requested further information on the situation of the poorest people living in rural areas, including Roma and more specifically Egyptians.

36. Mr. Pillay wanted to know why the right to housing was not regulated either by legislation or by the constitution of the State party, and whether forced evictions, of which Roma and Egyptians were victims in particular, complied with the principles formulated on that subject in the Committee's General Observation No. 7, entitled "The right to adequate housing (article 11, paragraph 1 of the Covenant): Forced Evictions." In particular he wanted to know whether members of those

communities received compensation on an equal footing with other Albanian people, or were rehoused in situations of forced eviction and, if not, what measures the State party intended to take to remedy the situation. Lastly, he wanted to know whether a law providing for the allocation of housing to the most deprived social groups had been adopted.

37. Mr. MARTYNOV asked whether ILO Convention No. 182, concerning the prohibition and immediate action for the elimination of the worst forms of child labour, ratified by the State party on 2 August 2001, was also being applied in the informal sector, and why Albania had not ratified the two optional protocols to the Convention on the Rights of the Child, concerning respectively, the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

38. Ms. GHOSE wanted information and up-to-date statistics on domestic violence, sexual exploitation and human trafficking, and asked whether the State party had adopted a law penalizing domestic violence, had implemented training programmes on that issue for judges and police officers, and had undertaken awareness-raising campaigns on the subject. She pointed out that “domestic violence” did not only mean violence perpetrated against a spouse, but also included violence against children.

39. Ms. BARAHONA RIERA considered gender equality could only be guaranteed by setting up a strong mechanism with its own budget, which would have decision-making and consultative powers, and be able to propose laws and reforms in that area.

40. Ms. Barahona Riera regretted the absence of provisions in Albania legislation that penalized sexual harassment and domestic violence, and asked for further information on the situation of very young girls living in rural areas, who were often victims of arranged marriages, and had no rights over family assets following the death of their parents. She also enquired how the health system was financed, whether there was any plan to reform it with a view to expanding coverage, and what health provisions independent workers could aspire to, if they did not contribute to the general social security regime.

41. Lastly, Ms. Barahona Riera asked whether the State party intended to set up a health programme to reduce the prevalence of infectious diseases and diarrhoeas in rural areas, which recorded the highest rates of maternal and infant mortality and sexually transmissible diseases (STDs).

42. Mr. ABDEL-MONEIM said that the part relating to application of article 12 of the Convention showed that the State party had a limited view of the scope of that article, which established “the right of every one to the enjoyment of the highest attainable standard of physical and mental health”, and not only the right to “public health care” as the State party seemed to believe.

43. Lastly, in view of the alarming number of abortions reported in tables 42, 43 and 46 of the report under review, Mr. Abdel-Moneim wanted to know whether or not those abortions were provoked, and whether the figures were thought to understate the true situation.

44. Mr. SADI enquired about the age of consent for sexual relations, and why the rate of reporting acts of domestic violence was relatively low in Albania

compared to other European countries. He also wanted information on the prevalence of drug addiction, HIV/AIDS, and smoking among young people. Noting that the number of abortions was very high, he asked what measures the State party had taken to provide information on sexuality and reproductive health. Lastly, he wanted to know how Albania intended to address the problem of low school attendance by Roma children.

45. Mr. RIEDEL noted that table 44 of the first periodic report of the State party showed that the number of cases of syphilis had increased between 1995 and 2003, and asked about the current situation. He noted that paragraph 393 of the report under review stated that the number of cases of viral hepatitis remained high in urban areas, and stressed that improving the drinking water supply network would make a major contribution to combating that disease. In that regard, he drew the delegation's attention to the Committee's General Observation No. 15, on the right to water. He also wanted to know the results of strategies to combat HIV/AIDS which had been implemented in 1998. In general, Mr. Riedel welcomed the large amount of information supplied on the right to health, but asked the State party to provide detailed indicators in its next report, to make it possible to monitor the health situation.

46. Mr. RZEPLINSKI asked whether there were cases of polygamy in Albania and, if so, whether the delegation had a point of view on the subject.

#### Articles 13 to 15 of the Covenant

47. Mr. KERDOUN asked the Albanian delegation to reply to questions 34 and 37 of the list of issues to be taken up. Noting that the number of private schools continued to increase in the country, he asked the delegation to explain the trend towards private education and provide statistics on the number of pupils registered in private and public schools. He also wanted to know why Albania had reformed its education system by adding an additional school year, which meant that school education had been extended from eight years to nine. Also on the issue of education, he wanted to know why 10% of students paid for their university studies when, according to the State party, higher education was free. He also requested information on teachers' salaries and measures taken to combat school dropout. Lastly, he asked what the State party was referring to in paragraph 524 of its first report, when it mentioned pupils who were victims of bloody disputes between families, particularly in the north of the country.

48. Ms. BRAS GOMES quoted information that children in minority groups who moved to the interior of the country were finding it hard to enrol in school because they could not produce the necessary papers; and she asked for an explanation. Noting that it was difficult for children to attend school on a daily basis in certain remote areas, Ms. Bras Gomes asked whether the State party intended to use other forms of instruction, for example distance education. She wanted to know whether there were any campaigns to raise awareness of the importance of education, among the Roma community — particularly for girls, who were much more likely to drop out of school than boys. Lastly, she requested information on teacher training in the areas of human rights and the promotion of tolerance.

49. Mr. MARCHAN ROMERO asked what percentage of the State budget was allocated to promoting culture and what steps had been taken to ensure the right to participate in cultural life. He also wanted to know whether there was a framework



law on culture and the protection of cultural heritage. Lastly, he asked for clarification of the meaning of the expression “Pan-Albanian development” used in paragraph 606 of the State party’s first periodic report.

50. Mr. ABDEL-MONEIM asked what role religion played in Albanian cultural life, and what the State party meant by “the country’s integration into the Euro-Atlantic region”, in paragraph 606 of its initial report.

*The meeting rose at 5.55 p.m.*