



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
10 October 2017

Original: English
English, French and Spanish only

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

List of issues in relation to the second periodic report of Albania*

I. General information

1. Please describe the progress made in reviewing the Labour Code (see CMW/C/ALB/2, para. 38). Please provide updated information on any new legislation related to protection of rights of migrant workers and members of their families, as well as on new strategies, action plans adopted to improve the implementation of the provisions of the Convention, and recently ratified international instruments related to migration. Please also provide information on the specific, time-bound and measurable goals and targets set for the implementation of migrant workers' rights and on the provisions made for monitoring them.

2. According to information before the Committee, in August 2017 the State party established a new State ministry to support Albanians living outside the country's borders. Please provide detailed information on its mandate, as well as on human, financial and technical resources allocated to it. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources and on monitoring activities and follow-up procedures. Please provide information on the mandate of this ministry or institution, as well as on resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

3. Please provide information on the measures taken to improve the collection of quantitative and qualitative data, disaggregated by sex, age, nationality/ethnicity and migration status, in particular of unaccompanied children, and on Albanian migrants abroad, for use in evaluating the implementation of the Convention. Please also provide data, disaggregated by sex, age and nationality, or, failing that, estimates, on the number of irregular migrant workers residing or in transit in Albania. Please also provide data, disaggregated by sex and age, on the number of Albanian migrant workers and members of their families abroad, including those in an irregular situation.

4. Please indicate whether the State party plans to make the declaration provided for in articles 76 and 77 of the Convention and to thereby recognize the competence of the Committee to receive communications from States parties and individuals. Please also indicate whether the State party intends to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

* Adopted by the Committee at its twenty-seventh session (4-13 September 2017).



5. Please provide information on measures taken by the State party to strengthen migration regulation and control mechanisms to ensure that private recruitment agencies do not charge excessive fees for their services and do not act as intermediaries for abusive foreign recruiters. Please inform the Committee whether recruitment agencies that facilitate the overseas employment of migrant workers who are nationals of Albania are required to be licensed in both the State party and the country of employment. Please also inform the Committee whether they assume joint and solidary liability with the overseas employer for claims and liabilities that may arise in connection with the execution of the employment contract, including in respect of wages, disability compensation, repatriation and death, in particular the repatriation of the bodies of deceased migrant workers.

II. Information relating to the articles of the Convention

A. General principles and part II of the Convention

6. Please describe the concrete steps taken to guarantee non-discrimination, in practice, to all migrant workers and members of their families with regard to the rights provided for in the Convention. Please include information on the education, training and awareness-raising programmes to combat stereotypes, xenophobia and discrimination against migrant workers.

7. Please provide examples of cases in which the Convention has been applied by national courts or administrative authorities. Please also provide information on:

(a) The judicial bodies and/or administrative structures authorized to examine complaints from migrant workers and members of their families, including those who are undocumented or in an irregular situation, who feel that their rights have been violated;

(b) The number and type of complaints examined by those bodies since 2010, and the decisions taken;

(c) The legal assistance provided to migrant workers in a regular or an irregular situation and the measures taken to inform them and members of their families about the remedies available to them for violations of their rights;

(d) The reparation awarded to victims of such violations, including in the form of compensation.

B. Part III of the Convention

Article 11

8. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, both those in regular and those in irregular situations. Please also provide information on any cases identified in the State party of domestic servitude, forced labour, and sexual exploitation involving migrant workers, especially in the context of sex tourism, and on measures to prevent and combat these phenomena. In addition, please provide information on the measures taken to bring the national legislation into compliance with the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

Articles 16-18

9. Please provide information on border governance measures, in particular with respect to procedures applicable to migrant workers and asylum seekers arriving at the international borders of the State party, including with respect to reception facilities, and how the State party processes protection claims to ensure that it acts in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion. Please provide information on measures taken to improve the existing pre-screening system at the border, to establish a unified pre-screening system, and to establish reception facilities for minors, including all children below 18, in line with the Convention on the

Rights of the Child, as well as on measures taken to provide trained interpreters to migrants at the border, in line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

10. Please provide information, disaggregated by sex, age and nationality, on the number of migrant workers in a regular or an irregular situation placed in administrative custody or judicial detention in the State party since 2010, as well as on the Albanian migrant workers held in States of employment, and whether the deprivation of liberty of these persons is linked to their status under immigration laws. Please provide information on the decisions taken against detained migrant workers in the State party, the number of cases in which they have benefited from the free assistance of an interpreter if they could not understand or speak the language used, and the places of detention and the conditions in which they are held, indicating whether convicted prisoners are held separately from persons in pretrial detention.

11. Please provide detailed data on convictions and penalties for migration-related infringements and indicate whether the State party's legislation provides for alternative measures in lieu of fines and imprisonment for migrant workers in an irregular situation. Please also indicate whether children may be prosecuted and deprived of liberty, including in administrative detention, for reasons of irregular migration and whether there exist legal and practical alternatives to their detention, including for unaccompanied children and families with children. In cases where no such alternatives are applied, please provide information on the grounds for and conditions of their detention, indicating whether the children are held separately from adults, and on the measures taken to ensure that the best interests of the child are fully taken into account.

Article 23

12. Please provide specific examples of the activities of and services provided by embassies and consulates of the State party to migrant workers and members of their families in the countries of employment, including in relation to cases of detention or expulsion. Given the growing percentage of Albanian women among migrant workers, please provide information on efforts made to increase the gender sensitivity of staff dealing with labour issues in embassies and consulates. Please provide information on how gender mainstreaming and training are ensured in diplomatic missions.

Article 27

13. Please provide information on the current status of the drafting and implementation of the National Programme of Social Integration of Foreigners (see CMW/C/ALB/2, para. 40). Please also provide disaggregated data on the number of migrant workers, including those in an irregular situation, who are registered in the social security system of the State party. Please indicate whether migrant workers in an irregular situation and members of their families are covered by the social security system. Please provide information on the benefits granted to migrant workers, including those in an irregular situation.

Article 33

14. Please indicate the number of labour inspectorate visits that have been undertaken by the State party to make sure that equal working conditions and safeguards are applied to migrant (foreign) workers as to national workers. Please also indicate what measures have been taken to inform Albanian emigrants, and migrant workers in transit through or living in the State party, as well as members of their families, of their rights under the Convention and their rights and obligations in the State of employment. Please also provide information on whether the State party has devised any specific information and training programmes on the Convention for relevant public officials, such as law enforcement officials, embassy and consular staff, social workers, judges, prosecutors and government officials, and for the media.

C. Part IV of the Convention

Article 40

15. Further to the Committee's previous recommendation (see CMW/C/ALB/CO/1, para. 30), please provide information on the measures taken to guarantee to migrant workers and members of their families the right to form, and to form part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention as well as with parts I and II of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Article 41

16. Please provide information on the measures taken by the State party to review its legal framework, as well as on other steps to facilitate the exercise of voting rights by migrant workers and members of their families of the State party residing abroad. Please also provide information on measures taken to ensure migrant workers' and their family members' participation in, and consultation on, the life and administration of local communities.

Article 44

17. Please provide information on measures taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children. Please indicate how many of the migrant workers requested and were facilitated by the State party to reunite with their spouses, minor children and other family members, during the reporting period.

Article 47

18. Please provide information on the measures taken to facilitate the exercise by Albanian migrant workers of their right to transfer their earnings and savings from the State of employment to Albania and describe the applicable legal framework in place to ensure this right. Please inform the Committee about fees charged for the transfer of earnings and savings. Please also provide information on how the bilateral and multilateral agreements concluded in the area of migration, including temporary labour programmes, guarantee migrant workers protection and social security and exemption from double taxation.

D. Part V of the Convention

Article 59

19. Further to the Committee's previous recommendation (see CMW/C/ALB/CO/1, para. 34), please provide information on the situation of seasonal workers in the State party. Please indicate whether seasonal workers enjoy equal treatment to national workers, particularly in respect of remuneration and conditions of work, and provide information on measures to ensure systematic monitoring by the relevant authorities of employers' compliance with the Convention.

E. Part VI of the Convention

Article 64

20. Please provide updated information on the status of the draft bilateral agreement with Switzerland (see CMW/C/ALB/2, para. 129). Please also provide information on the implementation of the agreements signed with Turkey, Belgium, the former Yugoslav Republic of Macedonia, Hungary, Romania, Canada, Luxembourg, Germany, Czechia, Austria, Spain, Croatia, Denmark and France (see CMW/C/ALB/2, paras. 132-142 and 146), how those bilateral agreements protect the rights of migrant workers and members of

their families under the provisions of the Convention and whether they are in compliance with the Committee's general comment No. 1 (2011) on migrant domestic workers, including by providing safe working conditions, ensuring their access to justice, guaranteeing, inter alia, standard employment contracts, labour inspections, and access to remedies and other services.

Article 65

21. According to information before the Committee, the National Strategy for Development and Integration 2015-2020, approved in May 2016, contains a specific section on migration management, including the development of the new migration governance policy. Please provide updated information on the current status of this new migration governance policy, and on whether the provisions of the Convention have been mainstreamed.

22. The State party indicates in its report that it established 36 migration counters throughout the country (see CMW/C/ALB/2, para. 72). Please indicate whether the State party conducted any evaluation of the migration counters in order to understand the decrease in the number of migrants using them. Please provide information on measures taken to proactively reach the migrant workers and members of their families who increasingly do not contact the migration counters, in particular disadvantaged groups of persons such as Roma and Balkan Egyptians, unskilled workers, persons with disabilities and persons in a situation of poverty, and their children.

Article 67

23. Please provide disaggregated statistical information on the number and proportion of returnees using the transportation services described (see CMW/C/ALB/2, para. 149), the employment promotion programmes (para. 151), the professional training courses (paras. 152 and 170), and health cards, health insurance and social security schemes (para. 153). Please also provide information on the number and proportion of returnees obtaining agriculture promotion support (para. 154). Furthermore, please elaborate on measures taken to update the immunization status of returnee children, align it with the national immunization schedule and reflect it accordingly in the national health records.

24. Please provide information and disaggregated data on the number and proportion of enrolled students equipped with textbooks (see CMW/C/ALB/2, para. 166), including children of migrant workers as well as Albanian children who have returned to the country. Please elaborate on the implementation of the special plans for assisting the educational, social and personal development of students returning from abroad (paras. 165 and 168). Please provide additional information on the summer schools for learning the Albanian language (para. 176), and as they are available in only 10 out of 65 districts, please indicate whether children from other districts are able to attend the summer schools, and how the travel and accommodation costs for them are funded.

Article 68

25. Please provide detailed information on the Office for Victim Assistance, established in 2016 (see CMW/C/ALB/2, para. 195), specifically on the various schemes in place to facilitate the detection of victims of human trafficking who are abroad, to bring them back to the country and to help them reintegrate into society and their families. Please provide disaggregated data on the number of repatriated and assisted victims, as well as on the type of assistance provided by the National Referral Mechanism (paras. 187 and 188).

26. In relation to migrants who fall victim to organized criminal groups involved in trafficking in persons, please provide information on:

- (a) Registered cases of trafficking of migrant workers;
- (b) Efforts made to prevent such situations;
- (c) Measures taken to assist and protect migrants who fall victim to organized criminal groups involved in trafficking in persons;

(d) Training programmes provided to the judiciary, law enforcement officials, border guards and social workers in all regions of the State party on protecting the rights of migrants who fall victim to organized criminal groups involved in trafficking in persons;

(e) Measures taken to combat the root socioeconomic causes of trafficking of migrants, such as poverty and underdevelopment.
