



# Economic and Social Council

Distr.: General  
4 April 2022

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of Albania\*

#### A. General information

1. Please provide information on cases in which Covenant rights have been invoked or applied by the courts, including examples thereof. Please report on the measures taken to ensure that the division of the Covenant's provisions in two different chapters of the Constitution does not impact their direct applicability and enforceability in domestic courts. Furthermore, please provide information on legal aid provided in cases of alleged violations of Covenant rights following the adoption in 2017 of the law on free legal aid.
2. With reference to the State party's report,<sup>1</sup> please provide information on the status of implementation of the recommendations issued by the People's Advocate and the Commissioner for Protection from Discrimination. Please also provide information on the division of roles and coordination between these two entities with respect to Covenant rights following the cooperation agreement they entered into in May 2018.<sup>2</sup>
3. Please provide information on the progress made in meeting the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also report on the measures taken to address the adverse effects of climate change on the enjoyment of economic, social and cultural rights, particularly by those living in disaster-prone areas and by disadvantaged and marginalized individuals and groups.

#### B. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Maximum available resources (art. 2 (1))

4. Please provide information on the evolution over the past 10 years of:
  - (a) The proportion of the population living below the nationally defined poverty line;
  - (b) The levels of inequality, defined both as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent and as the ratio between the assets owned by the richest decile of the population and the assets owned by the poorest 50 per cent;
  - (c) The proportion of public revenue that is generated through taxes;

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\* Adopted by the pre-sessional working group at its seventieth session (7–11 March 2022).

<sup>1</sup> E/C.12/ALB/4, paras. 130 and 135. See also annexes 1 and 2 to the State party's report, available from [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2519&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2519&Lang=en).

<sup>2</sup> See annex 2 to the State party's report, para. 20.



(d) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of value added tax on certain items, including luxury items) and the percentage of total revenue that is generated from personal income tax collected from the richest 10 per cent of the population;

(e) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) Any fiscal policy adopted to respond to the coronavirus disease (COVID-19) pandemic.

**Non-discrimination (art. 2 (2))**

5. Please clarify which are the prohibited grounds for discrimination under the current anti-discrimination legal framework and provide information on any steps taken to ensure the prohibition of direct, indirect and multiple forms of discrimination. Please also provide updated information on the number of complaints of discrimination received with regard to Covenant rights, the investigations carried out, the decisions rendered and the remedies provided to victims.

6. Please provide information on the progress achieved, including relevant examples, in preventing and combating discrimination against minorities and marginalized individuals and groups in accessing services relating to economic, social and cultural rights. In this regard, please report on the impact of the national action plan for the integration of Roma and Egyptians, 2016–2020; law No. 96/2017 on the protection of national minorities in Albania; law No. 93/2014 on the inclusion of and accessibility for persons with disabilities; the national action plan for persons with disabilities, 2016–2020, and the national action plan for lesbian, gay, bisexual, transgender and intersex persons, 2016–2020.

7. Please provide information on the measures taken and their impact to ensure that refugees and persons who have been granted subsidiary protection are provided with travel documents and identity cards. Please also provide disaggregated statistics on the number of stateless persons in the State party and indicate the steps taken to establish a dedicated statelessness determination procedure.

**Equal rights of men and women (art. 3)**

8. Please inform the Committee about the impact of the measures taken, including the amendments to the Labour Code in 2015 and the national strategy on gender equality, 2016–2020, to combat discrimination against women in the exercise of their Covenant rights, particularly in the areas of employment, health care and social security, and to address the persistence of gender stereotypes and harmful practices. Furthermore, please:

(a) Provide information on the measures taken and their effectiveness to narrow the gender pay gap, which remains particularly high in the manufacturing sector;

(b) Report on the steps taken and their impact to facilitate women's employment in non-traditional professions and to increase their participation in the labour market;

(c) Provide information on the measures taken and their effectiveness to combat all forms of violence against women, including domestic violence;

(d) Provide information on the measures taken to address the adverse impact that the COVID-19 pandemic has had on women's employment and on the disproportionate increase in the burden of unpaid domestic and care work for women.

## C. Issues relating to the specific provisions of the Covenant (arts. 6–15)

### Right to work (art. 6)

9. With reference to the unemployment data contained in the State party's report<sup>3</sup> and more recent figures from the State party's national institute of statistics, please indicate the challenges faced in reducing the high unemployment rates and the high incidence of young people who are not in employment, education or training. In this regard, please provide information on any quotas that may be in place for the employment of Roma and Egyptians and persons with disabilities.

10. Please provide information on measures taken and their impact to protect the economic and social rights of workers in the informal economy and to facilitate their transition to employment in the formal economy. Please also report on the impact of the measures taken to prevent and/or mitigate the impact of the loss of employment and livelihoods due to the COVID-19 pandemic, including of those working in the informal economy.

### Right to just and favourable conditions of work (art. 7)

11. Please provide information on the effectiveness of the measures taken, including the implementation of the Decent Work Country Programme, 2017–2021, to ensure that the minimum wage is sufficient to provide workers and their families with a decent living and that it is regularly indexed and adjusted to the cost of living. Please also clarify whether labour legislation and compensation schemes – including legal protection under the Labour Code, the criteria for applying for the minimum wage and occupational safety and health regulations – protect all workers, including migrant workers and workers in the informal economy and, if not, please indicate what measures have been taken to better protect the labour rights of these workers.

12. Please provide annual statistical data on labour inspections carried out over the past five years to monitor working conditions and compliance with labour legislation and health and safety standards and regulations, in the formal and informal sectors of the economy and among the self-employed. Please include information on the main types of violations identified and the measures taken to address them, including information on the sanctions imposed on employers. Please also provide information on the complaints mechanisms available to workers, the number and main types of complaints filed and their results. Furthermore, please provide information on the incidence of occupational accidents and diseases during the past five years and on the measures taken to prevent them.

13. Please inform the Committee of how the State party ensures equal pay for equal work and provide sex-disaggregated data on any complaints received in this regard, including on the proportion of cases in which the employee received compensation. Please also provide information on the measures taken and their effectiveness to enforce the principle of equal pay for work of equal value in all sectors of the economy.

### Trade union rights (art. 8)

14. In the light of the revisions made to the Labour Code in 2015, please provide information on how the State party guarantees the right to form and join trade unions, the right to collective bargaining and the right to strike, including by migrant workers without a permanent residence permit. Please also indicate what steps have been taken to remove excessive limitations on the right to strike, including the requirement to undergo a mandatory reconciliation procedure prior to initiating a strike and the prohibition of the right to strike for public employees even if they do not provide essential services.

### Right to social security (art. 9)

15. Please provide information on the impact of the following measures: the national strategy on social protection, 2015–2020; law No. 57/2019, on social assistance in Albania;

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<sup>3</sup> E/C.12/ALB/4, para. 124.

and the Social Assistance Modernization Project for Albania. Please indicate how these measures have contributed to narrowing the social protection gap evidenced during the COVID-19 pandemic and to ensuring the sustainable and effective exercise of the right to social security by all and, in particular, by the most disadvantaged and marginalized groups and individuals.

16. Please provide information, including statistical data, on the measures taken and their impact on addressing reported gaps in and shortcomings of contributory and non-contributory schemes of the social protection system, in particular those related to contributions, the availability of social services across the country, exclusion errors in assessments of eligibility of beneficiaries, the amount of benefits, beneficiary coverage and State funding. Please also report on steps taken to remove obstacles, including the lack of relevant documents and the digital divide, in accessing social assistance.

#### **Protection of the family and children (art. 10)**

17. Please provide information on any steps taken to ensure that the regulations and practices relating to family reunification for recognized refugees, beneficiaries of subsidiary protection and persons benefiting from a permit for a “humanitarian stay” are in conformity with the Covenant. Please also provide information on the impact of the measures taken to facilitate the birth registration and the acquisition of identity documents of Egyptian and Roma children and the children of irregular migrants, in order to guarantee their access to public services and reduce their risk of becoming stateless.

18. Please provide updated information, including disaggregated statistical data, on the proportion of children under the age of 16 years involved in labour activities and on the impact of those activities on the exercise of their Covenant rights, in particular the rights to education and health. Please also report on the measures taken and their effectiveness to ensure the enforcement of legislation on child labour and the strengthening of monitoring mechanisms, and to prevent children under the age of 18 years from working in hazardous conditions, particularly in the mining sector, in agriculture and on the streets.

19. In the light of the Committee’s previous recommendations,<sup>4</sup> please provide information on the steps taken to amend the Law on Status of Orphans in order to guarantee adequate support to young people during the transition from State institutions to an independent adulthood. Please also provide information, with relevant statistical data, on the impact of the measures taken to address the high rates of child marriage, particularly in Roma, Egyptian and rural communities.

20. In reference to the State party’s report,<sup>5</sup> please indicate the steps taken to reduce the amount of time (12 months) during which women must have contributed to the social security scheme prior to pregnancy in order to be entitled to maternity benefits. Please also indicate whether paternity leave and parental leave are provided for in labour legislation and, if so, please provide detailed information on the benefits foreseen and statistical data on whether workers actually take such leave.

#### **Right to an adequate standard of living (art. 11)**

21. Please provide information on the status of implementation and the impact of the law on social housing of 2018 and the national social housing strategy, 2016–2025, in increasing access to adequate housing for members of marginalized groups, particularly Roma and Egyptian and low-income families. Please report on any steps taken to address the obstacles that these groups face in accessing social housing, including the requirement to demonstrate proof of income, and indicate the extent to which the 5 per cent quota of accessible housing for Roma and Egyptians has been met. In this regard, please provide additional information on the housing programmes and financial instruments described in the State party’s report,<sup>6</sup>

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<sup>4</sup> E/C.12/ALB/CO/2-3, para. 26.

<sup>5</sup> E/C.12/ALB/4, paras. 42–43.

<sup>6</sup> Ibid., para. 79.

including updated statistical data on the beneficiaries, disaggregated by sex, age, ethnicity, disability, income and locality.

22. Please provide information on any steps taken to ensure that persons living in irregular settlements, in particular in Roma and Egyptian communities, have access to adequate basic services, including clean drinking water, sanitation and electricity. Please provide statistical data disaggregated by sex, age, ethnicity and locality on the number of forced evictions carried out, the number of households and persons affected and the compensation or alternative accommodations provided, indicating whether affected residents were consulted prior to the decision being taken. Please also provide statistical information on the extent of homelessness in the State party and the measures taken to reduce it. Noting recent figures from the State party's national institute of statistics, please provide information on the measures taken and their impact, including in the context of the COVID-19 pandemic, to combat poverty and child poverty, which disproportionately affect members of the Roma and Egyptian communities.

#### **Right to physical and mental health (art. 12)**

23. Please provide information, including relevant statistical data, on the steps taken to increase the budget allocated to the health-care sector and on any measures taken aimed at reducing out-of-pocket expenditures on health care. Furthermore, please:

(a) Provide information, including relevant examples and statistical data, on the impact of the national health strategy, 2016–2020, and the strategic document and action plan on sexual and reproductive health, 2017–2021, on improving access to and the quality and affordability of health care and related services;

(b) Provide an update on the implementation of the primary health-care services development strategy in Albania, 2020–2025;

(c) Report on the measures taken to ensure that constraints on health-care resources owing to the COVID-19 pandemic do not significantly hinder the provision of other health-care services.

24. Please provide information on any measures taken to reduce infant mortality and to improve access to sexual and reproductive health care and services, particularly among Roma and Egyptian women. Please also report on any assessment carried out of the impact of the action plan for the development of mental health services, 2013–2022, on the development of community-based services and the deinstitutionalization of persons with psychosocial or intellectual disabilities.

#### **Right to education (arts. 13–14)**

25. Please provide information on the measures taken to address the negative impact of the disruption of education attributable to an earthquake in 2019 and the COVID-19 pandemic, given the reported lack of availability and accessibility of online schooling, particularly among persons in vulnerable situations. Noting recent figures on education from the State party's national institute of statistics, please also provide information on:

(a) The impact of the measures taken to improve the overall academic achievement, to decrease the number of children who drop out of school, which mainly affects girls, including owing to child marriage, and to increase enrolment, attendance and completion rates in preschool, primary and secondary education;

(b) Any steps taken to remove any obstacles, including the lack of documentation, in accessing education at all levels, particularly by marginalized and disadvantaged individuals and groups;

(c) The effectiveness of the measures taken to eradicate segregation in schools of children belonging to Roma and Egyptian minorities, to promote integrated and inclusive education for all children and to address bullying.

**Cultural rights (art. 15)**

26. Please provide information on the effectiveness of the measures taken, in particular law No. 96/2017 on the protection of national minorities in Albania, in ensuring access to education in the languages of national minorities and inform the Committee of any challenges faced in this regard.

27. Please provide information on the impact of the measures taken, including through the national strategy for scientific research, 2017–2022, to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups. Please indicate any steps taken to increase funding for scientific research.

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