



## **Economic and Social Council**

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### **Committee on Economic, Social and Cultural Rights**

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Combined second and third periodic reports submitted by  
States parties under articles 16 and 17 of the Covenant**

**Albania<sup>\*,\*\*</sup>**

[9 April 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translations services.

\*\* Annexes can be consulted in the files of the Secretariat.

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## Abbreviations

CESCR	Covenant on Economic, Social and Cultural Rights
DEOP	Directorate of Equal Opportunity Policies
IOM	International Organization of Migration
ILO	International Labor Organization
ISI	Institute of Social Insurance
IPAT	Institute of Public Administration Training
INSTAT	Institute of Statistics
CoE	Council of Europe
MLSAEO	Ministry of Labor, Social Affairs and Equal Opportunities
MTCYS	Ministry of Tourism, Culture, Youth and Sports
MICS	Multi Indicator Cluster Survey
MAFCP	Ministry of Agriculture, Food and Customer Protection
MH	Ministry of Health
NPO	Non Profit Organization
WHO	World Health Organization
UNO	United Nations Organization
OSCE	Organization for Security and Cooperation in Europe
UNODP	United Nations Development Program
FP	Family Planning
NRCVT	National Reception Center of Victims of Trafficking
GoA	Government of Albania
UHCT	University Hospital Center of Tirana
RoA	Republic of Albania
USAID	United Nations Agency on International Development
UNICEF	United Nation Children Fund
DoCM	Decision of the Council of Ministers

## **I. Introduction**

1. The Republic of Albania has adhered to the International Covenant on Economic, Social and Cultural Rights by approval of Law No. 7511, of 8 August 1991, promulgated by the President of the Republic of Albania by Decree no 18, of 13 August 1991. The Covenant was ratified on 4 October 1991 and entered in force compliant to Article 27, paragraph 2, of the Covenant on 4 January 1992.
2. This report is drafted by the Ministry of Foreign Affairs, in accordance with materials prepared by the standing working expert group, composed of experts of various institutions.
3. Except for minor exceptions, the report contains information on legislation and important practices related to the rights guaranteed by the Covenant until 31 December 2008. Information on further developments shall be submitted in the coming periodic report.

## **II. General**

### **Article 1**

#### **Right to self-determination**

4. The right to self-determination is fully applicable in the Republic of Albania. Albania is an independent state and a parliamentary republic. It is a united and indivisible state, governed based on a free, equal, general and periodic electoral system. Independence of the state and integrity of its territory, the individuals' dignity and inheritance, religious co-existence, coexistence with and understanding of minorities are in the foundations of the state, which task is to respect and protect such rights.
5. These principles are embodied in the provisions of the new constitution, approved by the Parliament (Assembly of the Republic of Albania) on 21 October 1998, by a referendum. The Republic of Albania submitted the initial report on implementation of the International Covenant on the Civil and Political Rights (CCPR/C/ALB/2004/1) in February 2004; please refer to this report for more details on self-determination.
6. Article 59 of the Constitution, according to social objectives, determines that the state, within its constitutional provisions and means it possesses and in meeting its initiatives and private responsibilities aims at realizing a healthy and ecologically suitable environment for the present and coming generations as well as a rational exploitation of forests, waters, pastures and other natural resources based on the principle of a sustainable development. E/1990/5/Add.67 page 4.
7. Several laws have been approved with the aim of implementing the principles sanctioned in the Constitution on protection of nature and natural resources. Also, numerous national projects, supported by foreign donors, are prepared and implemented in the field of protection of nature and its resources.

### III. General provisions of the Covenant

#### Article 2

##### 1. Guarantee of economic, social and cultural rights without discrimination

8. Recognition of rights and respect for the human dignity are the foundation of freedom and justice of the Albanian state. The public bodies, complaint to their tasks, should respect the fundamental human rights and freedoms and should contribute to their fulfillment. These rights are the foundation of our legal order. Under these conditions, our legislation has provided for and sanctioned measures to be taken by the Albanian state in case of non-implementation of these rights.

9. National minorities are considered a component part of the Albanian society. Constitutional provisions guarantee to the persons belonging to national minorities or other ethnic and racial groups full equality before law in exercising their freedoms and rights.

##### 2. Legal background on guaranteeing of the right to non-discrimination

#### Constitution

10. The Constitution of the Republic of Albania, in its Article 3 does expressively provide that “the independence of the state and the integrity of its territory, dignity of the individual, human rights and freedoms, social justice, constitutional order, pluralism, national identity and inheritance, religious coexistence, as well as coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them”.

11. Also, Article 9 of the Constitution provides that political parties and other organizations, the programs and activity of which are based on totalitarian methods, which incite and support racial, religious, regional or ethnic hatred, which use violence to take power or influence state policies, as well as those with a secret character, are prohibited pursuant to the law.

12. Article 15 of the Constitution qualifies fundamental rights and freedoms of the individual as “indivisible, inalienable, and inviolable and stand at the basis of the entire juridical order”, thus sanctioning equality without any type of discrimination to all the nationals living in the territory of the Republic of Albania, Albanians, national minority members, foreigners or people with no nationality.

13. Meantime, *inter alia*, Article 18 of the Constitution, lays own that no one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry.

14. Furthermore, Article 20 of the Constitution provides that national minorities have the right to freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging. They have the right to preserve and develop it, to study and to be taught in their mother tongue, as well as get associated in organizations and societies for the protection of their interests and identity.

15. Also, the Constitution of the Republic of Albania, in Article 31, letter ç) provides that during a criminal process, everyone is entitled to sufficient defense and to have the assistance without payment of a translator, when he does not speak or understand the Albanian language.

16. The right to establish and keep free and regular peaceful cross-border contacts with other states or with people having ethnic, cultural, linguistic or religious identity or cultural inheritance similar to them is guaranteed. Second paragraph of Article 38 of the Constitution provided that: “everyone has the right to choose his place of residence and to move freely to any part of the territory of the state”.

17. In Articles 39 and 40, the Constitution does expressly stipulate that no Albanian citizen may be expelled from the territory of the state. Extradition may be allowed only when expressly foreseen in the international agreements the Republic of Albania is a party into, and only at a court judgment. Collective expulsion of foreigners is prohibited. Expulsion of foreign individuals is allowed only in the conditions set in the Law. Also, foreigners have the right of refugee in the Republic of Albania, according to the law.

18. According to Articles 56, 57, 58 of the Constitution everybody is entitled to the right to information on the status of the environment and its protection, freedom of artistic creation and scientific research, placing in use, as well as profit from their results are guaranteed for all.

19. Principles related to political, economic, social and cultural freedoms and rights, sanctioned in various international acts, have become an integral part of the entire constitutional and legal corpus of Albania. In this context, with the aim of avoiding any kind of ethnic and racial distinction, the Republic of Albania has undertaken several commitments in the context of being a full-fledged state party in some international acts (conventions and protocols).

### **3. International agreements, amendment in national legislation to achieve compatibility with conventions**

20. Albania is a United Nations member country since 14 December 1995 and has ratified almost all main conventions of this organization related to protection of human rights. Also, since 13 July 1995, Albania is a member state of the Council of Europe, and has signed and ratified a considerable number of important acts approved by the Council of Europe.

21. Also, the Additional Protocol to the Convention on Cybercrime (which entered into force on 01.03.2006) provides for criminalization of the acts of racist and xenophobic nature committed through computer systems.

22. The addenda and amendment in the Criminal Code and in the Criminal Procedure Code are currently approved at a plenary session, and shall enter into force after publication in the Official Gazette. The aim of amendments consists in provision of some new criminal offences related to the cyber crime and the cyber field and in the establishment of necessary procedures for their implementation with the aim of criminalization of distribution of racist and xenophobic materials through computers (Article 4 of the Protocol) and insults on grounds of racist or xenophobic motives (Article 5 of the Protocol).

23. Law No. 9547, of 01.06.2006 “On ratification of the Convention No. 168 of the International Labour Organization concerning Employment Promotion and Protection against Unemployment (1988), the Republic of Albania, as a state party in this Convention, has taken the appropriate measures to coordinate systems of protection against unemployment and employment policies, ensuring an equality of treatment for all protected persons, without discrimination on grounds of race, sex, belief, political opinion, nationality, ethnic or social ancestry, disability or age.

24. Law No. 9564, of 19.06.2006 “On ratification of Convention No. 143 on Migrant Workers (Supplementary Provisions), 1975, of the International Labour Organization, done in Geneva was passed by the Albanian Parliament. The Albanian state is a state party with

full rights and obligations in the Convention, in the framework of respecting the fundamental rights of people for all the migrant workers, and should approve all the necessary and appropriate measures within its jurisdiction and, when cooperation is sought, with other members to determine if there are illegally employed migrants in its territory, and if a migrant movement departs, passes or arrives from there for employment reasons, and identify cases when migrants during their travel in arrival or during their stay or employment suffer conditions that run contrary to relevant bilateral, multilateral instruments or international agreements or with national laws and by-laws.

25. Also, Law No. 9642, of 20.11.2006 “On ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the Republic of Albania, in the context of implementation of provisions of this Convention, should provide all measures to protect and encourage the rights or victims without any discrimination on grounds of sex, race, color, language, religion, political or other beliefs, national or social origin, dependency in a national minority, inheritance, birth or another status.

26. Also, in the context of protection of rights and freedoms of the individual without any discrimination, the Albanian state, through Law No. 9703, of 02.04.2007 “On adherence of the Republic of Albania in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family, undertakes the obligation to implement this Convention, during the migration process, for all the migrant workers and their family members without distinction on grounds of gender, race, color, language, religion or belief, political beliefs or others, national, ethnic or social origin, nationality, age, economic status, economic situation, inheritance, civil status, birth or other status.

27. Law No. 9773, of 12.07.2007 of the Republic of Albania ratified the International Labour Organization Convention (ILO) on Workers with Family Responsibilities, No. 156, 1981. The introductory provisions of this Convention provide for the obligation of state parties for establishment of effective equality possibilities and treatment of workers, be them men or women, for persons with family responsibilities, who are or wish to be committed in work, to exercise such rights without discrimination, and, according to possibilities, without a conflict between the profession and family responsibilities. Also, this provision defines that the term “discrimination” means discrimination at work and profession, as set in Articles 1 and 5 of the ILO Discrimination (Employment and Occupation) Convention of 1958.

28. Through Law No. 9809, of 27.09.2007 “On ratification of Convention No. 147 of the International Labour Organization (ILO) concerning minimum standards in Merchant Ships, 1976, and Protocol of year 1996 thereto, the Republic of Albania, as a member state should take measures to draft laws and rules for the ships registered in its territory with the aim of ensuring social security standards, including standards of competence, working hours and stay to guarantee the life safety in the ship, avoiding any distinction, exclusion or preference based on race, color, sex, religion, political beliefs or social origin impacting on the annulment or lack of possibilities or equal training in employment or profession.

29. The Convention on the Rights of the Child was approved by a law of the Assembly of Albania in February 1992, delineating enjoyment of the rights of each child without any distinction because of race, ethnicity, economic or social status.

30. Law No. 9355, of 10.03.2005 “On social aid and services”, as amended, ensures treatment by economic assistance and social services to all the nationals in need of these services without any discrimination on grounds of race, ethnicity, age, etc.

31. Also, the Criminal Code of the Republic of Albania does specifically treat and specify criminal offences in this field (crimes against people), whereas the Criminal Procedure Code specifies procedures on investigation and criminalization of these crimes.

32. Law No. 9686, of 26.02.2007 “On some addenda and amendment to Law No. 7895, of 27.01.1995 “Criminal Code of the Republic of Albania”, has added letter j) in Article 50, which provides as an aggravating circumstance in delivering justice commission of an offence driven by motives related to gender, race, religion, nationality, language, political, religious or social beliefs.

33. Also, the amendment made to Law No. 9686, of 26.02.2007, in Article 86 “Torture” – provides in letter ç) that deliberate commission of offences, through which a person has become subject of serious physical or mental suffering, by another person exercising public functions, or with his encouragement or approval, either open or silent, for any aim based on any kind of discrimination, is a criminal offence and is sentenced with a term of imprisonment of up to ten years.

34. Section II — of the Criminal Code “criminal offences against state activities carried out by state or public service staff”, of Chapter VIII “Crimes against the state authority”, in Article 253 “infringement of the equality of nationals” — provides that commission because of the duty or in its exercise, by a holder of a state function or staff of the public service, of distinctions on grounds of origin, sex, health status, religion, political or trade union activity profile, or because of dependence in an ethnicity, nation, race or religion group, which consists in establishment of unfair privileges or in refusal of a right or profit deriving from the law, is sentenced with a fine or imprisonment of up to five years.

35. Section III “Criminal offences against public order and security” of the same Chapter, Article 265 “Inciting national, racial or religious hatred or conflict”, provides that inciting national, racial or religious hatred or conflict as well as preparing, propagating, or keeping with the intent of propagating, of writings with that content, is punishable by a fine or to up ten years of imprisonment.

36. Law No. 9376, of 21.04.2005 “On sport”, provides that exercising of sports is a right of all the nationals of the Republic of Albania, prohibiting any kind of discrimination in sports activities due to political, religious, ethnic, language, gender, economic or social status reasons.

37. Also, inter alia, the Law provides that during sports activities in all levels or during their broadcast in public or in venues where they are held, provocation or efforts for provocation of a political, social, racial, religious or gender character, aiming at encouraging hatred and violence against participants in sports activities or/and against the spectators is prohibited.

38. Law No. 9695, of 19.03.2007 “On adoption procedures and the Albanian Adoption Committee”, which aim is to protect the child through his/her settlement in a permanent family, taking appropriate measures to ensure that this protection is done maintaining the best interest of the child, among other things, in paragraph 2) of Article 33 provides that the intermediary agencies in the adoption field should not prejudice upon and discriminate against the adopting applicants, despite race, origin or religious beliefs.

39. Law No. 9874, of 14.02.2008 “On the public auction”, in a special provision provides that the contractual bodies should avoid any criteria, request or procedure that composes discrimination against or between purchasing candidates or their categories with the aim of protecting the rights and interests of participants in the auction procedure.

40. Law No. 9887, of 10.03.2008 “On personal data protection”, which sets rules on lawful processing and protection of personal data, provides special rules for the personal data of the physical person (or otherwise referred to in this Law as “sensitive data” related to his/her racial or ethnic origin, political opinions, association in trade unions, religious or philosophical belief, criminal sentence as well as data on health and sexual life.

41. Law No. 9918, of 19.05.2008 “On electronic communications in the Republic of Albania”, provides for promotion of competition and efficient infrastructure in electronic communications and guaranteeing of appropriate and suitable services in the territory of the Republic of Albania, aiming at ensuring transparency, honesty and non-discrimination of their users.

42. Law No. 9946, of 30.06.2008 “On the natural gas sector” lays down setting of rules to enable a market that is competitive and integrated with the regional and European markets for a high quality and reasonable cost service, with the aim of protecting the rights of physical and legal persons for these activities, without any kind of discrimination.

43. Law No. 9952, of 14.07.2008 “On prevention and control of HIV/AIDS”, provides for rules on prevention and control of taking measures against HIV/AIDS – in, care, treatment and support of people living with HIV/AIDS, without any kind of discrimination due to ethnicity, gender, race, etc.

44. Law No. 9959, of 17.07.2008 “On foreigners” (this law becomes effective on 1 December 2008), provides for the regime of entry, residence, employment, treatment and exit of foreigners in/from the Republic of Albania. Article 2 of this Law provides that the foreigners subject of this Law are treated compliant to the fundamental rights and freedoms of the individual and the international agreements ratified by the Republic of Albania, in respect of the principle of reciprocity, non-discrimination and not less favorable treatment of the Albanian nationals.

45. Also, this Law provides that in all the exercised activities, public institutions and NPOs offer protection of foreigners against any type of discrimination. The direct and indirect discrimination to legal persons, public or private, is prohibited during the entire migration process for employment reasons.

46. In the expulsion cases, the Law provides that expulsion of a foreigner cannot be the subject of an order, when there are reasonable grounds to suspect that the foreigner, in his country of origin or in another country, shall be sentenced with the death penalty, or be subject to torture, degrading treatment or sentences with discrimination causes.

47. Law No. 9970, of 24.07.2008 “On gender equality in the society”, regulates fundamental issues of gender equality in public life, equal protection and treatment of women and men, equal possibilities and opportunities for exercising their rights and their help in developing all fields of social life. This Law does also provided for the obligation of competent state structures to ensure efficient protection against discrimination on grounds of gender, and any kind of behavior encouraging discrimination because of gender. In Part V and VI the Law lays down equal treatment and protection from discrimination due to gender in education and qualification in the media, setting norms for halting discrimination.

48. Law No. 10002, of 06.10.2008 “On the internal control service in the Ministry of Interior” (this Law entered into force 15 days after the publication in the Official Gazette), in Article 43 does expressively provide: “the internal control service staff shall treat people equally and carry out tasks without discrimination, compliant to Law and required standards, and respect dignity and physical integrity of each other staff of the service”, thus avoiding any action of the staff of this work that can cause violation of integrity and dignity of individuals.

#### **4. Decisions of the Council of Ministers and strategies on elimination of all kinds of discriminatory forms**

49. Decision of the Council of Ministers (DoCM) No. 368, of 31.05.2005 “On approval of the national child strategy” sets strategic objectives in the field of protection of the child rights against any form of violence, abuse and discrimination, encouraging and

strengthening cooperation, and coordinating the work with all responsible stakeholders, from the central and local government level, civil society actors and active community and individuals' participation in this process.

50. Pre-detention Regulation was approved by Order No. 3705/1, of 11.05.2006 by the Minister of Justice, and in Article 4/1 it stipulates that treatment of pre-detainees is made with no partiality or discrimination, respecting national and international standards of human rights, with no discrimination on grounds of color, race, ethnicity, gender, age, incapacity or religious dependency.

51. Decision of the Council of Ministers No. 463, of 05.07.2006 "On approval of the national plan on implementation of the Stabilization and Association Agreement" contains a special item on "non-discrimination" — item 3.18.1.4 — treatment on teaching methods for children and manner of performing study without racial, gender or religious discrimination.

52. Decision of the Council of Ministers No. 822, of 06.12.2006 "On approval of standards of social care service for people with disabilities in residential and day centers" provides that all the service beneficiaries (people with disabilities and their family members) are treated equally, without discrimination or unmerited privileges from the service organizations and the local government units. This normative act aims at drafting Standards of Social Care Services for people with disabilities, so that the local government organizations work together with this social category, their family members and representative organizations to prevent and avoid discrimination and social exclusion.

53. Decision of the Council of Ministers No. 195, of 11.04.2007 "On approval of social care service standards in residential centers for the victims of trafficking or people at risk of trafficking" provides for the inclusion, integration, development of rights of trafficked persons or at risk of trafficking for care and suitable social services and their integration in social life.

54. Decision of the Council of Ministers No. 913, of 19.12.2007 "On approval of the national strategy on gender equality and domestic violence, 2007–2010, and of the action plan on its implementation", lays down objectives and concrete measures of each of the government structure charged with the execution of the law on gender equality and domestic violence, which shall be fulfilled without any type of discrimination.

55. Decision of the Council of Ministers No. 786, of 04.06.2008, of the Council of Ministers "On approval of the state police disciplinary regulation", in Article 6 speaks of obligations and norms of behavior while in service and (item 6) it lays down "equal treatment of persons and completion of tasks without discrimination on grounds of gender, race, color, belief, ethnicity, political, religious or philosophical beliefs, sexual orientation, economic, education, social status or ancestry".

56. Decision of the Council of Ministers no 80, of 28.01.2008 "On approval of the sector strategy on social protection and action plan on its implementation" provides for concrete measures for protecting rights, ensuring equality and non-discrimination.

57. Also, this strategy lays down that social protection is offered for any individual in need, despite his/her gender, origin, religion, age, disabilities or other peculiarities. Any individual in need is entitled to the same social aid or service. Discrimination in gaining services should be prevented and fought against.

58. Decision of the Council of Ministers No. 1104, of 30.07. 2008 "On some addenda in Decision no 80, of 28.01.2008 of the Council of Ministers" "On approval of the sector strategy on social protection and action plan for its implementation" provides for avoiding of discrimination through defining criteria for the foster family. More specifically, this strategy defines that the ones applying for foster parents should not have discriminatory

stances against people with disabilities or ethnic minorities and should respect exercising of the religious belief of the child/children.

59. Decision of the Council of Ministers of May 2009 “On some addenda in Decision No. 80, of 28.01.2008 of the Council of Ministers” “On approval of the sector strategy on social protection and action plan on its implementation”, “On cross-sector aging development document”, which aim is to assess and improve the socio-economic status of the elderly, according to the current conditions of our country and the documents and recommendations of the international instruments.

**5. Public institutions, which, through their activity guarantee an effective protection of individuals from any discriminatory act**

60. The National Minority Committee was established pursuant to Decision of the Council of Ministers No. 127, of 11.03.2004 “On establishment of the Minority State Committee”, as amended, to further encourage participation of people belonging to minorities in the public life and to suggest measures for exercising and protecting the rights and freedoms of these minorities. Also, this Committee is entitled to the right of cooperating with the central and local government bodies and with the relevant international bodies and institutions carrying out activities in exercising rights and freedoms of persons belonging to the minorities.

61. Also, the Social Insurance legislation, Law No. 9377, of 21.04.2005, improved legal provisions for the social protection of foreign nationals and the ones with no nationality, offering them equal treatment with the Albanian nationals.

62. The Albanian legislation, based on important international documents, recognizes equal rights for women and men alike, without racial discrimination.

**(a) More specifically**

63. Law No. 9970, of 24.07.2008 “On gender equality in the society”. On 24 July 2008, the Parliament approved the Law “On gender equality in the society”. The aim of this law was to protect citizens against any kind of discrimination made on grounds of gender, guarantee of equal possibilities and chances for men and women to achieve high standards in the gender equality field. The Law, drafted based on the principles and standards of human rights, does not make any distinction between men and women on racial grounds.

64. Law No. 9669, of 18.12.2006 “On measures against domestic violence”.

65. Law No. 9669 “On measures against domestic violence” was approved in December of 2006 upon the proposal of 20 thousand electors, and entered into force on 1 June 2007. The scope of the law was:

“to prevent and reduce domestic violence in all its forms by suitable legal measures; to guarantee protection by legal measures of the family members who are victims of domestic violence, paying a special attention to children, the elderly and people with disabilities”.

66. This Law does not discriminate on grounds of race – that is it guarantees and protects all the family members from domestic violence without racial distinction.

67. For the Roma community:

(a) A National Strategy “On Improving Living of the Roma population”, passed by DoCM No. 633, of 18.09.2003, based on the obligations deriving from the Framework Convention for the Protection of National Minorities and European integration is in place in Albania. The Strategy delineates concrete objectives: poverty reduction through the implementation of the vocational training programmes and employment programmes,

social assistance programmes, payment for people with disabilities, social residential and community services offered by the private public operators, the NGOs and profits deriving from the social insurance pension law;

(b) The progress of fulfillment of objectives of the National Strategy “On Improving the Living of the Roma minority” is pursued by the Strategy Monitoring Sector, established by an Order of the Minister of Labor No. 213/2, of 22.06.2004. The sector is part of the Ministry of Labor, Social Affairs and Equal Opportunities, the Cross-sector Strategy Monitoring Sector. The Roma Strategy Sector is tasked with:

(i) Following the progress of objectives in the field of employment, social services, education, health, sheltering, etc.;

(ii) Formulating periodic reports and reporting to the Minority Committee and the Council of Ministers;

(iii) Coordinating the work with the contact points at the central and local government level;

(iv) The Monitoring Sector keeps contacts and exchanges information with the civil society, the NPOs supporting the population in need and offer direct services for the Roma community, street children, children that are victims of trafficking or potential victims of trafficking, as well as with other associations protecting the best interests of the Roma and Egyptian communities;

(c) The Roma minority strategy is a cross-sector strategy, and responsibilities for its objectives belong to many line ministries that do periodically report on the progress of works. The Strategy determines the concrete fields and objectives for education of this social category for the health care, sheltering, vocational training and employment, support of the people in need, poverty reduction by the socio-cultural programmes, inclusion in the social and cultural life;

(d) The Strategy Monitoring Sector has established relations and exchanges periodical information in two levels:

(i) In the central level with all the ministries that have direct responsibilities for the Roma community, such as the Ministry of Education and Science, Ministry of Health, Ministry of Tourism and Culture, Youth and Sports, Ministry of Public Works, Transports and Telecommunications, Ministry of Interior;

(ii) In the local government level; with regions, municipalities/communes;

(e) In 2006, the Strategy Monitoring Sector has organized meetings all over the country with representatives of local government, of Roma NGOs and international organizations to raise the awareness of the public and to disseminate tasks for all these stakeholders vis-à-vis the strategy. Now, these structures exchange information vertically, draft reports on the progress of objectives, etc.;

(f) The Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) has directly followed implementation of the objectives of the Strategy “On improving living of the Roma population”. The Ministry of Labor and institutions dependant on it, the National Employment Service and the National Social Service have taken several measures aiming at including the Roma community in the employment and poverty reduction programmes;

(g) For the social protection, the Ministry of Labor, has covered with appropriate funds all obligations deriving from the legislation for cash payments, economic assistance as for all the other citizens and has offered assistance on getting familiarized with the

legislation and assistance for all the associations offering social services. Cooperation with the Roma associations offering services for the people in need has increased;

(h) With regard to poverty, it is worth mentioning that apart from the review of criteria of social assistance, measures were taken to inform the Roma community on the documentation and manner of application in the economic assistance scheme. It should be underlined that from the legal perspective, there is no kind of discrimination on exclusion of poor families of the Roma community from the poverty alleviation programme. The fact that families of this community may not be included in this programme has come as a result of the limited access to this information, as well as of the displacement of many Roma families to other residence places;

(i) There is no legal discrimination in practice for the Roma community for profiting from the economic assistance programmes. Representatives of the Roma minority are advised from local government staff. Social administrators of regional offices of social services support the Roma for meeting the documentation for receiving economic assistance, payment of the disabilities and counseling for getting into grips with the legislation;

(j) Establishment of day care centers for children aged 1–6 is envisaged in cooperation with the local and international organizations, information on law-deriving possibilities and familiarity of profits deriving from the legislation, current law, etc.;

(k) The project “On Distribution of Social Services in Albanian” funded by the World Bank (WB) was implemented based on this strategy. This project aimed at funding projects managed by the NGOs offering social services in the profit of vulnerable groups, including the Roma community, and others. 43 other services in 21 regions were established in 2006–2007, where a considerable number of services include full addressing of the Roma community problems, of the Roma children and women, and others. Investments and expenses for these projects were covered by the World Bank project. The municipality/commune shall cover a part of the operational costs;

(l) Albania is currently a party in the Roma Inclusion Decade 2005–2015. The DoCM No. 437, of 08.04.2008 “On membership of the Council of Ministers of the Republic of Albania in the “Roma Decade Declaration” is a clear sign of commitments undertaken by the Albanian government in the framework of improvement of living conditions of the Roma minority in Albania;

(m) The National Action Plan is prepared for implementation of the “Roma decade” declaration;

(n) The National Strategy “On improvement of living conditions of Roma minority” is published in Albanian and in English with the support of the OSCE office in Tirana. The Strategy is distributed to local government units, regions, municipalities and communes populated by the Roma community;

(o) The first progress report of the National Strategy “On improving the living conditions of the Roma minority” was published for the first time in December 2007, and it is being distributed in each central and local government unit;

(p) Law on provision of Albanian nationals with passports envisages equal conditions for all the nationals at the age 16 and older;

(q) To ensure a successful process for getting a passport to this population groups, the Council of Ministers issued Decision No. 366, of 15.04.2009 “On compensation of payment for the passports for people in need”, providing for free passports for this community;

(r) Also, stemming from the different awareness-raising campaigns, the Ministry of Interior took the initiative to verify, identify and register Roma individuals. This process shall be realized in cooperation with the local stakeholders, the interest groups of Roma community, national and international organizations. The work groups shall organize the identification, verification process and the registration process shall start for that part that is not registered;

(s) For the unregistered part of the community, in conformity with the legal provisions in force, the registration process shall follow the administrative road, when so deemed necessary, even through legal processes. The project shall be finalized by a local census for the Roma community;

(t) The legal framework on removal of coercive measures on birth registration led to facilitation of acts of birth registration for about 7,000 children, which birth declaration had expired. Roma children were also registered as a result of this process.

### **Article 3**

#### **1. Principle of equality and gender non-discrimination according to the Albanian legislation**

68. Principle of equality between women and men covers an important place in the Constitution of the Republic of Albania and in the national legislation. The Constitution of the Republic of Albania (Article 18, item 2) the principle of non-discrimination is formulated in this way: “No one can be discriminated against on grounds of gender, race, and religion.” Although the Constitution does not expressly define gender discrimination, the Constitution has laid down that the international agreements Albania is a party into become part of the internal legislation, and prevail over the national legislation running contrary to it (Article 122/2 of the Constitution). Given that Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Albania in 1993 is self-implementable, definition of gender discrimination of Article 1 of this Convention can be used for the gender discrimination. The approval of Law No. 9970, of 24.07.2008 “On gender equality in Albania”, which takes into account the most important international principles, includes definition of gender discrimination, according to Article 1 of CEDAW, namely in Article 4 (definitions), item 3 of the Law.

69. The Labor Code, Article 9, sanctions that any kind of discrimination in the field of employment and profession, including gender, is prohibited.

70. In the Administrative Procedure Code, Article 11 “equality and proportionality principle provides for the principles of non-discrimination, adding that the public administration in relations with private persons is led by the principle of equality in the sense that no one shall be privileged for or discriminated against on grounds of gender, race, religion ...”.

71. All the Codes of the Republic of Albania, or other laws, based on fundamental principles and rights proclaimed in important international documents, express and guarantee such rights in their content. Also, with regards to some categories of women and children, the Albanian state ensures a special protection, as stipulated in the Constitution and in other laws and normative acts.

72. The Electoral Code, in its Article 3 provides that: “Any Albanian national above the age of 18, or turning 18 on the election day, without discrimination on grounds of race, ethnicity, gender, language, political belief, trust, physical capacity or economic status is entitled to the right of electing and to being elected compliant to the rules envisaged in this Code.”

73. The Civil Code, Article 1 provides that any natural person has full and equal capacity to enjoy civil rights and obligations, within limitations set in the law, but without limiting enjoyment of the civil rights with the ethnic origin, social origin, and without foreseeing special preferences based on the race, color, sex, age or belief.

74. The Civil Procedure Code does also set binding, similar, equal rules on trial of civil disputes envisaged by the Code, not providing for special rules for individuals of different ethnic dependency, gender, age or race.

75. The New Family Code, was approved after a long several-year work by Law No. 9062, of 08.05.2003. The family Code, when defining marriage, declares the moral and legal equality of spouses as basic and important living principles.

76. As to Law No. 9970, of 24.07.2008 "On gender equality in Albania", the main aim of this Law is to protect citizens from any discrimination made based on gender, guaranteeing possibilities and equal opportunities for men and women alike, to reach high standards in the gender equality field. This law provides for sanctions for violation of its provisions that are related to gender discrimination.

## **2. Sanctions in cases of gender discrimination**

77. The Criminal Code of the Republic of Albania, as amended, in its Article 6 provides that commission of a criminal offence on grounds of gender, race, religion, nationality, language, political, religious or social belief are aggravating circumstances.

Article 253 stipulates that "Distinctions on grounds of origin, sex, made by a staff of state institutions or civil service, consisting in establishment of unfair privileges or refusal of a right or a profit deriving from law, is condemned with a fine or a term of imprisonment of up to 5 years."

78. The Labor Code, includes sanctions about discrimination. Article 9, paragraph 1 prohibits any kind of discrimination in employment and in the professional activity, without specifying the employer, who can be a public institution or a private person. Discrimination can lead to several sanctions, with sums of up to 50% of the monthly minimal salary (Article 202 of the Labor Code).

79. The Electoral Code, provides in Article 175 sanctions regarding lack of respecting gender equality during elections. The electoral subject that does not respect the quota envisaged for elections is sentenced by a fine by CEC in the amount of Lek 30,000 for each electoral zone.

80. Meantime, the Albanian legislation provides that special measures taken by the state on protection of the motherhood or due to fulfillment of family responsibilities do not compose discrimination. Provision of special measures for young mothers and pregnant women are some of the concrete measures for ensuring an effective equality for the women so as they can play their reproductive role without being hindered from their right to exercise their profession.

### **(a) National mechanisms on gender equality**

81. Discrimination against women in Albania can be reduced or eliminated through the work of many actors and the main actor in this process is the Government of Albania. Apart from this, taking into account CEDAW recommendations (paragraphs 26 and 27) concrete measures are taken to strengthen existing mechanism of gender equality in the national and local level. State responsibility on gender problems during the time span of 2004–2008 was distributed in some government structures at the level of the Prime Minister's Office, ministries or prefectures. After 2000, there have been important institutional and developments in Albania for advancement and further emancipation of the girls and women

in the Albanian society and to ensure their active participation, like men, in the political, economic and social life of the country.

**(b) Government mechanism on gender equality during 2004–2006**

82. Law on Gender Equality No. 9198, of 01.07.2004 established some structures charged with taking necessary measures and implementing laws against discrimination. In this regard, the former Committee on Equal Opportunities (upgraded in the level of the Directorate of Equal Opportunity Policies in the Ministry of Labor, Social Affairs and Equal Opportunities) has made constant efforts to coordinate state initiatives with the growing commitment of the civil society.

83. Approval of the Law “On gender equality in the society” (No. 9198 of 01.07.2004) provided for establishment of two structures, more specifically: 1) Inter-ministerial Committee, having an advisory role on gender equality policies, and 2) Committee “On gender equality” as a government structure. Until approval of the Law on Gender Equality, the Gender Equality Committee had contact points in each ministry and prefecture. Gender issues were not in the job descriptions of these contact points and the additional work was done with no payment. These contact points ensured, according to the request of the governmental mechanism (Committee on Equal Opportunities) statistics divided according to gender and were committed in round tables and other activities.

84. However, these structures could not play the role they were established for, as they did not have the required clarity, power and financial sources. The Inter-ministerial Committee was convened only once in May of 2005, identifying lacks and the non-implementation of Law No. 9198, of 01.07.2004, “On Gender Equality in the Society” and assigned the task of reviewing this Law. The Law did not speak of a Gender Equality Committee, but only for the Chair of this Committee. This deficiency created lack of proper functioning and ambiguity of the governmental mechanism on gender equality. With the amendment of the law “On gender equality” in June of 2006, the responsible body for gender equality became the Minister of Labor, Social Affairs and Equal Opportunities.

**(c) Government mechanisms on gender equality from 2006 onwards**

85. Advance of women and achievement of gender equality are considered major importance policies even by the government emerging from the parliamentary elections of 2005 and emphasis is again put on strengthening of the government mechanism. This is also compliant to the obligations deriving from the implementation of the CEDAW Committee Recommendations and of the Beijing Platform of Action, field H). For these reasons, MLSAEO (the responsible institution for gender equality issues) established the Directorate of Equal Opportunity Policies (DEOP), after changes in Law No. 9198, of 01.07.2004 “On gender equality in the society”. This Directorate replaced the former Committee on Equal Opportunities from the structural aspect (the Committee on Gender Equalities is the structure functioning during 2002–2005). Other structure functioning until 2006 was the Inter-ministerial Committee on Gender Equality (abrogated upon amendments to Law “On gender equality”).

86. In 2006–2008 inclusion of gender issues at the central and local government level was realized by the contact point network, composed of persons working voluntarily on gender equality issues, alongside their functional tasks. Establishment and strengthening of the network of contact points in the ministry level (14 people) and in prefectures (12 people) and 65 municipalities of the country enabled the institutional cooperation and coordination of the work for inclusion of gender policies in the central and local government level. The contact points were trained on gender dependency issue from the initial up to the advanced level. Training on gender integration issues was realized in the line ministries too.

87. Approval of Law No. 9970, of 24.07.2008 “On gender equality in the society” paved the way to the institutionalization of the network of *de jure* gender staff. According to the Law, all the ministries and the local government are obligated to cooperate with the Minister responsible for gender issues in appointing servants/staff on gender equality issues. The process of nomination of such experts in ministries and in local government units has currently started.

88. According to Law No. 9669, of 18.12.2006 “On measures against domestic violence” it is:

(a) The Minister covering issues of gender equality and domestic violence – the responsible authority for implementing the above-cited laws and the state programmes on gender issues is the Minister of the Ministry of Labor, Social Affairs and Equal Opportunities. The Minister realizes tasks set forth in the Law and supervises activities related to gender equality through the structure working for this purpose;

(b) The Council of Ministers approves the national strategy and the action plan on achieving gender equality in Albania and is tasked with the obligation of exerting the legislative initiative on making a gender-related assessment in the draft-laws it passed to the Assembly;

(c) The National Council on Gender Equality – is an advisory body on gender policies. This Council is chaired by the Minister covering gender equality issues (that is the Minister of Labor, Social Affairs and Equal Opportunities) and is composed of 9 deputy ministers and three representatives of civil society. The council convenes not less than twice per annum and is tasked with:

(i) Advising the government for setting state policies on gender equality, except for the issues considered by the National Labor Council. For issues of a special importance, the National Council on Gender Equality can hold joint meetings with the National Labor Council;

(ii) Ensuring gender integration in all fields, in particular the political, social, economic and cultural domains;

(iii) Proposing main programmes to the Council of Ministers to encourage and achieve gender equality in Albania;

(iv) Assessing current status of gender equality in Albania, issuing instructions on the structure of gender equality issues in the ministry dealing with gender equality issues and submitting proposals and recommendations for the government to improve the situation;

(d) Directorate of Equal Opportunity Policies (DEOP) – Functions of gender equality are realized via the structure established for this purpose, that is the Directorate on Equal Opportunity Policies (DPEO). The DPEO functions since 2006 as the responsible structure on gender equality in the MLSAEO, which main mission is: “formulation and development of policies on encouragement of equality in such fields as gender equality, equality/inequality in capacities, problems of ethnic minorities, ethno-cultural, and linguistic problems, age, generation or racial discrepancy, etc.”. In particular, about the gender equality issues, the directorate aims at: “encouraging gender equality and ensuing a wider participation in the economic, political and social life of the country”. Main tasks of this directorate (DPSHB) on gender issues are as follows:

(i) To formulate policies on equal chances focused on the gender equality perspective and protection of rights for other categories of the society, as mentioned in its mission;

- (ii) To propose initiatives for studies and analysis in the field of the range of chances for equal chances and exploitation of these studies in the process of development policies;
  - (iii) To draft necessary legal acts for achieving equality in various fields and implement and monitor provisions of the law on equality and rules approved on its basis;
  - (iv) To supervise implementation of agreements and international acts in the field it covers, assuring the Government approval;
  - (v) To cooperate with non-profit organizations active in the field of equal opportunities;
  - (vi) To coordinate the work on preparing National Programmes on Equal Chances for categories of the population covered by the DPEO subject of work;
- (e) Central institutions at the central level (ministries) and local government (regions, municipalities, communes):
- (i) Gender experts in all Ministries;
  - (ii) Local government staff on gender issues.

89. Gender issues in the parliamentary level are represented by the Sub-committee on Minorities and Equal Opportunities, which functions as part of the Parliamentary Committee of Health, Labor and Social Affairs.

90. In the part "Government policies for gender equality issues" the entire paragraph shall be removed and replaced as follows:

91. The government gender policies were focused on the status of women, in order to ensure women a constant greater access to the labor market and to opportunities for official, political and business career. The work programme of the Albanian government envisages full commitment of the executive power to eliminate violence against women and girls and their exploitation for prostitution or other denigrating purposes. Consequently, the programme is clearly oriented towards policies and measures on prevention of violence against women and domestic crime, which implementation requires coverage of a more important place by them in all the government levels.

92. To improve the gender equality situation in the country, the Ministry of Labor, Social Affairs and Equal Opportunities, at the quality of the responsible body on gender equality issues, during 2006–2007 was committed in drafting the National Strategy and the Action Plan on Gender Equality and Domestic Violence 2007–2010. The Strategy is drafted during an all-inclusive process and contains important fields of operational, political and legislative interventions, suiting to the concrete conditions of the country critical fields of the Beijing Platform for Action 1995. This Strategy was approved by the DoCM No. 913, of 19.12.2007. The scope of this Strategy is inclusion of gender and domestic violence issues in public policies through concrete action plans to launch grounds for the advance of gender equality and minimize the domestic violence phenomenon in the future, based on documents, recommendations and international instruments, referring to specific conditions of Albania. This is a cross-sector strategy and is accompanied by an Action Plan delineated in specific actions for the period of 2008–2010, according to the 8 directions defined in it.

93. Strategic priorities of this document are as follows:

- (a) Strengthening of protective legal and institutional mechanisms with the aim of ensuring legal equality in Albania;

- (b) Empowering of women through their increased participation in decision-making;
- (c) Economic empowerment of women and enhanced opportunities for employment and vocational training;
- (d) Promotion of equal access of women and girls in a qualitative education;
- (e) Improvement of social situation of women at risk through a better access to qualitative social services;
- (f) Protection of the health of the population, improving the health system in function of special population needs in this sector;
- (g) Improvement of the media role for a new mentality replying to development of time related to gender equality in the society and increase of women representation in this profession;
- (h) Increased awareness against violence, legal and administrative protection and support for individuals affected by domestic violence and violators.

94. Government institutions at the central level (line ministries and institutions answerable to them) and local government level institutions (prefectures, municipalities) and the network of gender staff in the central and local government level, in partnership with the academic institutions, media, civil society, international organizations are committed in the implementation of this Strategy, whereas coordination is carried out by the Ministry of Labor, Social Affairs and Equal Opportunities as the responsible body on gender equality issues in Albania. Also, the National Gender Equality Council is the body responsible for gender integration in all the fields, in particular in the political, social, economic and cultural fields.

95. Other indirect policies on gender issues including gender issues are:

- (a) National Strategy on Social Protection and Action Plan 2007–2013;
- (b) Employment and Vocational Training Strategy 2007–2013;
- (c) Cross-sector Aging Development Document;
- (d) National Strategy on Fight against Trafficking of People;
- (e) Sector Agriculture and Rural Development Strategy (Ministry of Agriculture) 2007–2013.

(i) *Measures on elimination of discrimination in the employment field*

a. Elimination of discrimination and promotion of equality in employment

i. Right to work

96. The right to work is guaranteed without any discrimination for all the Albanian nationals aged for work. This right is clearly expressed in Article 32 of the Labor Code. Employment is one of the most important indexes on assessment of gender equality, but social anti-discriminatory policies, supporting programmes and services which are another priority of the Albanian Government Programme have a considerable impact on strengthening of the women role in the society.

ii. Labor market situation in Albania

97. Participation of women at a working age in the labor market over the last years is as follows: 46.7% in 2003, 47.2% in 2004 and 46.8% in 2005. This low participation is

explained by a still high employment rate in the informal sector, with discouragement from long expectancy to have access to work, immigration of the youth and withdrawal of a considerable part of women from the integration process in the labor market.

98. According to the latest methodology, unemployment is currently in the level of 13.2% and women make up for 49% of the overall number of the unemployed. Long-term unemployed make up for 65% of the registered unemployed, where again women cover almost half of this figure. The heads of families make up for 40% of the overall number of the registered unemployed people. According to the following table, at the end of 2007, there were 142,871 persons registered as unemployed, of whom 69,801 were women.

#### Number of the unemployed according to gender (2000–2007)

Year	2000	2001	2002	2004	2005	2006	2007
<b>Total number of the registered unemployed</b>	<b>215 085</b>	<b>180 513</b>	<b>172 385</b>	<b>157 008</b>	<b>153 250</b>	<b>149 739</b>	<b>142 871</b>
Number of unemployed women	101 919	85 420	81 326	75 150	74 031	72 102	69 801

Source: Ministry of Labor, Social Affairs and Equal Opportunities.

99. The analysis of the unemployed job-seekers according to gender, attests that women cover a considerable weight in the overall number of job-seekers. This has mainly come as a result of: (a) abandoning the job and committing with proper raising of children and administration of the family economy, (b) closing down of many specialized industrial enterprises for women jobs. Despite this, this work force, different from men, has shown that it has found it difficult to be adapted to the new labor market situation in the country.

100. While analyzing the group of unemployed according to gender and education level, it is remarked that the unemployed with elementary education do respectively make up for 54% and 32%. This phenomenon is also true for the group of unemployed women, where the greatest weight is covered by the ones of elementary and high school education. This index is higher in young age-groups, whereas the difference women/men is present in all the age groups.

101. Difference in the level of the unemployed between women and men in Albania is deeper in the urban areas compared to the rural one. Women make up for 46% of the total of the unemployed job-seekers. Possibilities of work for this contingent are higher in the confection and service sector, but, still, age is a hindrance, because even the long-term job-seekers belong to the same age-group. This percentage varies in different parts of the country. In the north it reaches the figure of 44% of the total, in the central area it makes up for 50%, whereas in the south it covers 54% of the total.

102. Level of unemployment marks a higher figure for women compared to men (16.3% women, versus 11.2% men). This index is higher in young age-groups, whereas possibility of employment in the age-groups over the age of 45 is almost the same. Also, the difference becomes stronger in the urban areas as compared to the rural ones. This difference is very strong in the north and north-east part of the country not only because of fewer possibilities of employment of women in this zone, but also because of mass emigration of men.

103. The women jobseekers, who are heads of families as well, make up for 12% of the total number of jobseekers. The majority part of them suffer of a high level of poverty. They are mainly treated with an economic assistance. The education level of women of these households, compared to the level of men, is higher. Studies show that 27% of women aged 16 and older have finished high school, whereas 13% of them have finished higher studies. Women attending higher studies make up for 62% of the students number.

This phenomenon is explained by the fact that after finishing elementary school studies, or first years of the high school, men find a job or emigrate, whereas women prefer to attend university. But, in various demographic areas, this conclusion is not the same. In the mountainous areas and in the north-eastern areas, education of women is low. In these areas, women often times have a tendency of creating families after they finish the 8-year education, and become housewives. Educated women find it difficult to get a job, because the state sector is in a constant reformation process, cutting off jobs that are suitable for this category of people. Whereas the private sector in these zones deals mainly with construction, but possibilities of women finding a job in this sector are very limited.

104. Programmes on employment encouragement have been implemented for employment of women and girls in the public centers of vocational training. Also, entities mainly offering vocational trainings suitable to women and girls and providing additional abilities to them have been licensed. In the districts of Tirana, Elbasan, Berat, etc., the NPOs have opened employment centers, as well as information and intermediation centers for women and girls. While several institutions were established on employment issues, it is worth mentioning the 12 regional and local offices of employment.

iii. Equal employment possibilities

105. Labor legislation does not discriminate against women, but on the contrary it gives priority to some categories of people, such as mothers of many children. Women compose around 51% of the population at home and are committed in these forms of economic activity: (a) employed in the state sector (education, health, public administration, institutions of central and local government); (b) employed in the private sector (companies, small and medium-sized enterprises, services); (c) self-employed in small and family businesses; (d) unemployed or in private jobs in the field of agriculture or in private jobs in agriculture; (e) self-employed at home. Women employed in the state sector cover a considerable percentage: (telecommunication, financial activities, public administration, education, health and social activities), whereas in the private economy main sectors are processing industry, textile and clothing industry, food industry, agriculture, shoe and leather industry, collective services, etc. Controls carried out by the State Labor Inspectorate show that women cover: (a) around 47% of the employed in services and in small business enterprises, (b) about 12% of the employed in construction and in the material production, (c) around 71% in the clothes production sector.

106. Women employed in Albania in the private sector in the processing industry, in the textile-clothing industry, food industry, agriculture, shoe and leather industry and in collective services do mainly have an 8-year and high education, whereas the average salary level varies from Lek 11,000–25,000 per month (approximately USD 250–270). Often, the interviewed women complain of monotony in the job and of a low technologic level, requiring for a greater concentration in the work place. These shortcomings affect the psycho-physical situation of the employed in general, and of the women in particular. An interesting index of the women employed in these sectors is their young age, mainly varying from 16–30. The employer interest for this category is explained with the productivity of the women of this age as they quickly process materials and very soon get adapted to the working place and means.

107. Apart from the education level and taking of a limited professional qualification, in employment of women in this category a number of subjective factors have an impact, such as level of unemployment, economic factor, patriarchalism of the Albanian society and the impact of the family authority, which obliges women to find jobs in difficult sectors. An impact in this regard is also plaid by the need for integration of the displaced people in more civilized zones and limited capacities of persons with an average education level.

108. Employment Encouragement Programmes. Application of projects of employment and in particular in-the-job training is one of the forms alleviating the informal job market in Albania. Such is also the programme on encouragement of employment of women unemployed job-seekers, prepared in the context of the objective of the Albanian government to develop active social policies through encouragement of employment. This programme aims at encouraging the Albanian leaders and managers to make efforts to employ in different time-frames unemployed women jobseekers. The Programme was drafted in implementation of the Employment Strategy and Vocational Training approved by the DoCM No. 67, of 10.01.2003. The Ministry of Labor, Social Affairs and Equal Opportunities and has treated women with priority in the employment encouragement programmes applied in the last three years.

109. Considering that the unemployment level among women is high, irrespective of their large-scale participation in the employment promotion programmes, the Ministry of Labour, Social Affairs and Equal Opportunities has taken concrete measures to ensure the implementation of active policies on women's employment. The employment promotion programme is designed to help ensure employment for the unemployed females, and encourage employers to hire women unemployed job-seekers. Even though, at first glance, it may imply discrimination against males, in point of fact it helps resolve the issue of high unemployment among females. The support consists in providing funding for the social insurance contributions, and with regard to women over 35 years of age, the trafficked women, the women from the Roma community and the disabled females, a part of the salary equivalent to minimum payment will be compensated. This programme, funded out of the state budget allocated to the Ministry of Labour, Social Affairs and Equal Opportunities, started to be implemented as early as 1 January 2004. The programme is designed to ensure long-term employment, while encouraging employers to become active in selecting regular manpower. The women unemployed job-seekers are involved in concrete activities in the course of which they can: (a) find temporary employment and receive more income; (b) receive on-the-job training; and (c) have real opportunities to find employment if they prove to have good skills for work and business.

110. Considering the effective use of funds earmarked for the financial assistance, unemployment benefits, state budget subsidies for the social and health insurance funds, and the direct and indirect financial benefits, the real cost of this programme is lower than that corresponding to apparent expenses for its implementation. On the other hand, there are major social and economic benefits taking into account the critical situation of unemployment and poverty. Under the employment promotion programmes, and basically, the programme for the women unemployed job-seekers, implemented in 2004, around 1,200 women found employment, and continued to be in the job well into 2005. In 2006, 2,040 women found employment, namely, employment for 92 per cent of the total number of those employed was ensured under such programmes.

111. In Albania, women were guaranteed equal employment opportunities, and this is also reflected in the open competition for positions in the public or private sector. However, in the private sector this depends rather on the employer's preferences. At present, employed women account for 46 per cent of the total number of those employed. An analysis of the employment level over the years shows that, between 1993 and 2007, employment among women was clearly lower than among males. The same difference in employment is still registered. As a consequence of the shifting from the rural and urban areas, which is going on to this very day, the migrant women find it difficult to access the urban labour market. In the processing industry, women account for 68 per cent of total number of employees, in services – 58 per cent, in banking, education and health – 54 per cent, and in construction – 18 per cent.

112. With regard to employees by age-groups it may be said that employees with 8-year education account for the largest number in the age-group 16–25, with the number of women among them being higher. Highly educated employees account for the largest number in the older age-groups, with the women being in the majority. This is indicative of the difficulties the young people have in order to successfully access the labour market. Besides, it is true for both males and women that they enter the labour market while below the age of 30 years. This has led to a shrinking of the number of older employees, given that the number of employed youths is on the rise. The reason behind this is the rising tendency among the youths to obtain material gains through work, and consequently, the declining tendency to study. This is more pronounced among the males.

113. Disproportions are noted in females' participation in work at different levels of the central and local public administration. Women account for 40 per cent of the employees in the ministries and the other central government institutions. Women register a lower presence among the employees in the local administration (31.6 per cent). Their number is slightly higher in the municipalities, where women account for around 45 per cent of the employees. At a commune level, women account for 22 per cent of employees in the public administration, and at a prefecture level, they account for 24 per cent of the employees.

114. Women from the urban areas register the largest number of employees in the following areas: 64 per cent in education, and 77 per cent in health, with the males being in larger numbers in the sectors of industry, hotels and restaurants. This is more conspicuous in the other urban areas, whereas in Tirana 18 per cent only work in industry. In the rural area, women account for 52.6 per cent of the total number of agricultural employees.

115. Support has been provided to women, who have in recent years moved to the main cities as part of the internal migration, and the Roma women, who quite frequently have manifested pronounced lack of skills to enhance their professional level, by getting them to attend training courses in clothes-making and training courses for the processing of agricultural produce. A unit, which runs in the State Social Service, is designed to help improve the reading and writing level among the Roma women and children. Through support from the non-profit organisations, these women have been able to be integrated into the labour market.

iv. Freely choosing the profession; same criteria for promotion and benefits, including vocational training and continuous training

116. In many regions, women have lagged behind men in terms of education achievements at all levels. Even though the largest number of the formal education systems rests on the principles of creating equal opportunities for the participation of young men and young women, the reality is that, in the developing countries, this process reveals noticeable differences. More often than not, the opportunities for development depend on the gender. Everywhere, an established role for the women to play is to get married and give birth to children. Therefore, education may not be of interest or attractive to young women. Moreover, many parents would rather be in favour of vocational training. What accounts for this is also the fact that women do not hope to get themselves a good working position, and consequently, they are no longer interested in pursuing their education, and feel less need to take measures to achieve high education level.

117. The ever increasing needs of the labour market for qualified people and new professions, in compliance with the current economic developments, call for an increase in the number and quality of training. Concrete indication of this is the attention the Government has paid to the reconstruction and opening of the new public vocational training centres in the districts within the current year. The Government has provided support to the building of capacities for providing vocational training, both quantitatively and qualitatively, by developing a public vocational training system. The vocational

training courses are licensed by the Ministry of Labour, Social Affairs and Equal Opportunities.

### **3. Vocational training in public centres**

118. Investments out of the state budget are being made to expand the network of the public vocational training centres. In 2006, 6,200 persons, of which 3,700 females, received training. The tendency in 2007 was to open new training courses for those trades promising more opportunities for employment at the end of the training course. In 2007, such training courses registered 7,400 persons. At their completion, 7,028 persons received graduation certificates, of which 1,700 used to be unemployed job-seekers. Those from the special groups, who underwent training, include 72 Roma, 35 orphans, 10 trafficked females, and 29 disabled people. The public vocational training courses have been attended by 4,923 persons aged 16–24, who account for 66.5 per cent of the total number of the trained persons. In 2007, 3,899 females, or 53 per cent of the total number, went through training. The age-group 25–34 makes up 20 per cent of the total, and those over 34 years of age account for only 13.5 per cent of the total. In terms of education level, the largest number of the persons attending public vocational training have secondary education – 3,400 persons (or 46 per cent of the total), followed by those with 8-year education – 2,032 (28 per cent), and then, those with higher education – 1,968 persons (26 per cent).

### **4. Private vocational training**

119. At a national level, 166 subjects were licensed between January and December 2007. Of which, 92 renewed their licenses, and 74 obtained a license. What is worth noting here is the fact that 100 of the total licensed subjects (or 60.2 per cent) obtained a license to exercise their profession in hairdressing-aesthetics. As many as 1,921 persons (or 23 per cent of the total) have attended and graduated from training courses in hairdressing-aesthetics, 2,378 persons (or 28.5 per cent) have attended computer training course, 1,545 persons (18.6 per cent) have attended foreign language training courses, and the rest have attended different training courses in tourism, garments, mechanical industry, and social areas.

120. Between January and December 2007, 8,308 persons attended training courses in private centres, of which 5,421 are women (65 per cent of the total) and 5,204 are unemployed (63 per cent). The under-21 ones account for 45.4 per cent (or 3,777 persons), and the age-group 21–34 accounts for 41.2 per cent (or 3,426 persons). Persons with secondary education make up 44 per cent of the total, those with 8-year education 35.1 per cent, and those with higher education 20.6 per cent. The largest part of the licenses subjects (86 or 51.8 per cent of the total) are in Tirana. Out of the total subjects licensed in Tirana, 51 subjects, or 57.3 per cent of the total, as compared to Tirana, hold licenses for the exercise of profession in hairdressing-aesthetics. Private subjects in Tirana have trained 4,037 persons, or 48.5 per cent of the total, as compared to those trained country-wide.

121. Females' increased employment and participation in manpower has been achieved through:

(a) The different motivating and supporting forms, including training in new trades demanded by the labour market, and encouragement to start up small-scale businesses;

(b) Better recognition of the unemployment issue among the women and men supported by comprehensive and accurate data, which has helped better identify the contingent the women and male unemployed, their education level and other characteristics. This has made possible to step in with more effective approaches, and develop more successful programmes for their employment;

(c) Taking into consideration of the gender-specific perspective in the area of vocational training, which has led to an increased number of women and girls present in the labour market;

(d) Increasing the opportunities for loaning, while creating facilities, particularly, for women, which has been considered as an efficient way for stimulating businesses in the agricultural and non-agricultural sector, and ensuring an increased number of women in the management of such businesses. In order to monitor the progress of such programmes, the Ministry of Labour, Social Affairs and Equal Opportunities, the Ministry of Economy, Trade and Energy, the Ministry of Finances and the Ministry of Agriculture, also in cooperation with International Agencies, have developed joint programmes.

## 5. Responsible structures and gender policies

122. The Ministry of Labour, Social Affairs and Equal Opportunities is the authority responsible for gender equality issues. The policy-making structure in this ministry is the Department for Equal Opportunities, which is intended 'To promote gender equality and women's large-scale participation in the economic, political and culture life in the country.'

123. In conformity with its duties and mission, this department has developed the National Strategy on Gender Equality and against Domestic Violence, 2007–2010. This strategy is designed to help incorporate the gender-specific issues into the government policies at a central and local level, and eliminate domestic violence. The strategy takes account of the gender equality issues without any discrimination against the race.

124. Under the Strategic Goal No. 5 Social Well-being of this strategy, which targets the categories of the women in need, including women heads of households, Roma women, battered women and trafficked women, concrete measures how to provide and expand services for these categories are set out. In concrete terms, under Goal 5.2, during 2009 the focus will be placed on the expansion of the network of community-based services for women and young women in need, and particularly, for the Roma and gipsy women, and guaranteeing the sustainability of their function. Likewise, in its policies the Ministry of Labour, Social Affairs and Equal Opportunities has devoted special attention to these categories, and through the employment and vocational training programmes, it aims at ensuring the integration of the women from these categories into the labour market. The women from the Roma and gipsy community are economically and socially worse off than the other groups of women. As a result of their poverty and very low educational and cultural level, this category reveals greater problems. The adoption of the Strategy for the Improvement of Living Conditions among the Roma Community entails greater sensibility by the State and the non-profit organisations so as to address the concerns of this community. In order to improve their economic standing, the women from ethnic minorities are involved in the employment promotion programme.

125. Hence, Decision No 632 of the Council of Ministers of 18 September 2003 'On the employment promotion programme for women unemployed job-seekers,' pursuant to Law No. 7995 of 20 September 1995 'On employment promotion,' states that financial support will be provided to employers hiring females, and particularly, from these categories: Roma females; women over 35 years of age; divorced women with social problems, battered females, and disabled females. And Order No. 394 of the Minister of Labour and Social Affairs of 23 February 2004 'On fees in the vocational training system,' specifies that public vocational training centres provide free vocational training courses to the following categories: Roman community, trafficked women and young women, and battered women. These courses are intended to ensure better training and vocational skills for these target groups of women, while affording them more opportunities to cope with the contemporary demands of the current labour market.

126. The employment promotion programmes between 2006 and 2007 have yielded positive results in the Albanian labour market, and in concrete terms, have resulted in:

(a) Inclusion among the unemployed job-seekers of special groups, such as women over 35 years of age, unemployed over 50 years of age, Roma, orphans, young people aged 16–25, persons with social problems, and persons redundant because of the restricting of the economy. Out of the total of unemployed job-seekers, 67 per cent belong with this category;

(b) Significant increase in the number of women job-seekers following the implementation of the projects, as determined in Decision No. 632 of the Council of Ministers 'On the employment promotion programme for women unemployed job-seekers.' Basically, women over 35 years of age, divorced females, Roma women and women with social problems, account for around 47 per cent of all those employed under this programme. Women make up 92 per cent of the total number of those employed in all the projects.

127. Based on the progress report on the implementation of the National Strategy for the Roma Population, the following are a number of the measures the line ministries and organisations have taken to ensure improvement in the life of the Roman women and young women.

128. In the framework of the United Nations Organisation, Albania has ratified the Convention on the Elimination of All Forms of Discrimination against Women, 1980.

129. Working with the parents of the Roman children has been one of the priorities in the work of the Ministry of Education and Science and the Roma associations. Working with parents was largely intended to bring about a change in their mindset so as to put a higher value on their children's education rather than on untimely employment; allow their children, and particularly, their daughters to continue to go to school well after the fourth grade; and grasp the importance of education for their accessing the labour market. Good cooperation has been registered in this aspect, which has been supported by better organised awareness raising campaigns and activities intended to help create a new mindset about education among the community of the Roma parents.

130. In terms of marriages of the members of this minority, and particularly, the Roma girls at a young age, it may be said that this issue is understood differently in different geographical areas of the country inhabited by Roma population. Thanks to the efforts put in mainly by the different players of the civil society, and basically, by the Roma non-profit organisations operating in these areas, the Roma minority views about this issue have started to change. A number of sensitisation projects have been carried out by Roma and non-Roma organisations, including the awareness raising campaign 'Roma women and the legal rights,' and sensitisation campaign and advocacy campaign for the minorities' rights, which have had an impact on sensitising this community with regard to their rights, and helping create a favourable environment to facilitate the change in their viewpoints about the family.

131. In the National Strategy for the Roma Population special attention is devoted to strengthening women's position in the Roma family, the fight against any form of discrimination against them, and development of special programmes for this group. The Ministry of Labour, Social Affairs and Equal Opportunities has taken a number of concrete measures to ensure integration of the Roma women into the society. It has hosted programmes designed to promote employment of the women and young women, through which women and young women with social problems have found employment.

132. The level of the Roma women' and young women's involvement in the employment programmes is amongst others related to the level of their awareness and information. In

order to maximise the outcomes of these programmes, the Roma associations and the local government bodies must play a major role so as to encourage the Roma women' and young women's involvement in these programmes, and ensure that they receive information about the specific procedures required to be followed in these cases. In round tables it has hosted in the 12 counties, the Ministry of Labour, Social Affairs and Equal Opportunities has introduced all the employment and vocational training programmes offered by its subordinate institutions.

133. The Forum of the Roma Woman, a union of the Roma women organisations, which is intended to make a contribution to the change in the situation of the Roman woman in Albania, is in place now.

134. The Ministry of Labour, Social Affairs and Equal Opportunities has launched concrete initiatives to design policies to help support and facilitate employment for the Roma community members. Under such scheme, priority is put on women and young women with social problems overall, and the Roman women in particular. This programme was initially implemented in 2004. The ministry is working to ensure employment of these groups, while planning funds in its budget to support employment promotion programmes for the women unemployed job-seekers.

135. Likewise, it is also worth noting the efforts made by the local government bodies, which, in cooperation with the Regional Employment Offices and the local non-profit organisations, are focussed on their efforts to ensure the integration of the Roma woman and her vocational training. These awareness raising campaigns were intended to help ensure the Roma community's integration into the society, and the change in their mentality about work.

136. The Ministry of Labour, Social Affairs and Equal Opportunities has adopted the whole legal frame required to regulate the implementation of the financial assistance programme. Legally speaking, all those falling under the group in need, enjoy equal rights in terms of benefits from the financial assistance. The Roma community has never been a victim to discrimination in this area. All the Roma households, which have filled out the relevant documentation, receive financial assistance as the rest of the population. Special instructions have been issued to lay down the criteria and procedures for benefiting financial assistance and its amount for the households and individuals in need, making financial assistance conditional on community-based work and services, the manner how decisions are taken and the manner of payment. The whole legislation has been made public, and may be accessed by the groups of interest. Likewise, the ministry has enacted an administrative act under which the local government units are duty bound to provide assistance to the Roma households after they complete the folder required to apply for financial assistance, while putting priority on the Roma women heads of households.

137. With reference to the fight and prevention of the phenomenon of trafficking, it may be said that the legal framework in place is comprehensive and in conformity with the international standards. Provisions providing for the crime of trafficking in human beings take up a central place in the Penal Code. Theoretically speaking, the State has undertaken positive steps forward in approximating the Albanian penal legislation to the International Covenants and the recommendations of the Council of Europe.

138. In November 2006, a free national hotline for reporting cases of trafficking was installed, which served as a preventive and protective instrument, particularly, in preventing trafficking in the Roma children and women.

139. Violence is a constant presence in the Roma family. Existence of this phenomenon is related to the social and economic conditions of the Roman minority, their low educational level, their traditional mindset concerning the woman's inferior role in the family, and the patriarchalism of the Roma family. Because of the violence perpetrated

against them, women are even more discriminated against in the society, which hampers their development and integration into the society. This adversely impacts on the Roma children's development and integration into society, taking into consideration the very important role a mother has to play in the education of the young generation. Hence, data obtained from the police in city of Korça point to perpetration of violence in the Roma households. To this end, the police forces have established cooperation with the women's associations whose scope is to prevent domestic violence.

## **IV. Individual rights guaranteed by the provisions of the Covenant**

### **Article 6**

140. The requirements set out in Article 6 of the Covenant are satisfied through the social insurance system. The legislation regulating this area is applicable to all the employed and self-employed persons, and the other economically active persons contributing to the social insurance scheme. This legislation has been amended by Law No. 9377 of 21 April 2005; Law No. 9498 of 3 April 2006; Law No. 9600 of 27 July 2006; Law No. 9708 of 5 April 2007; Law No. 9768 of 5 April 2007; and by the subordinate legal acts pursuant to these laws.

#### **1. The right to work**

141. Paragraph 1 in Article 49 of the Constitution of the Republic of Albania states that, 'Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, as well as his own system of professional qualification.'

142. Paragraph (a) in Article 59 of the Constitution of the Republic of Albania stipulates that, 'employment under suitable conditions for all persons who are able to work', and paragraph (d) in Article 59, 'education and qualification according to ability of children and the young, as well as unemployed persons'.

143. Likewise, Article 3 in Law No. 7995 of 20 September 1995 'On employment promotion', as amended, sanctions that, 'Everyone who seeking a job, or a new job, may address for work and for preparations for work to the National Employment Office, or, with its permission, also to some other employment office. He may register with the relevant employment office in order to receive the benefit due to him. Foreign persons and stateless persons shall enjoy the same rights as the Albanian citizens under the bilateral and multilateral international agreements, allowing the competent authorities to issue them a residence permit and a working.'

The same treatment, as that under point 2 of this article, is offered to foreigners coming from those countries, which have not entered into similar agreements with the Republic of Albania. Foreign persons and stateless persons, who marry to Albanian citizens, enjoy the same rights as the Albanian citizens, provided that they are residents in the Republic of Albania.

144. Law No. 7995 of 20 September 1995, 'On employment promotion', amended by Article 4 'Employment Government Policies', states that, 'On the basis of the proper assessment of the economic development, employment and the other targets of the government policies', the active government employment policies shall be intended to help provide support to full, productive and fully selected employment, ensuring that:

- (a) There will be jobs for all those seeking a job;

(b) Such a job must be as productive as possible;

(c) There shall be freedom in the choice of the jobs, and as many opportunities as possible for each and every employed person to receive training, and use his skills and talents in a job to which he has duly adjusted himself.

145. For these goals to be achieved, the government employment policies must be pursued through developing:

(a) Active programmes and projects focussed on the labour market;

(b) Vocational training;

(c) Vocational rehabilitation and other forms of support for the employment of the disabled persons;

(d) An income support system for the unemployed.

146. Article 6/1 'Employment Services' of Law No. 7995 of 20 September 1995 'On employment promotion', as amended, states that employment services include activities for:

(a) Providing information on vacancies;

(b) Mediating for the purposes of employment;

(c) Providing counselling and orientation for jobs and profession.

147. Law No. 7995 of 20 September 1995 'On employment promotion', amended by the active employment programmes, is supported by the employment promotion programmes, which are funded out of the state budget, as well as the vocational training programmes.

148. The employment promotion programmes consist in the support to employers, who create and retain new jobs, and employ the candidates suggested by the employment offices, unemployed job-seekers, and particularly, job-seekers from special groups, with such support being provided through:

(a) Subsidies for a certain percentage of the costs for the mandatory insurance and salary;

(b) Subsidies or loaning for the refurbishing of the workplace.

149. Likewise, Article 7/1 'Counselling and orientation on profession and employment' (employment promotion law) stipulates that:

(a) Counselling and orientation on profession and employment is intended to assist job-seekers with their choice of training in a profession fitting their individual qualities and the labour market demands;

(b) The National Employment Service shall provide free counselling and orientation on profession and employment to job-seekers across the country's territory through its 36 employment offices, of which 12 regional offices and 24 local offices, which are located throughout the territory of the Republic of Albania, and provide their services;

(c) Special attention during counselling and orientation shall be devoted to the special groups, which, under the definition of the employment promotion law, include job-seekers, such as mothers with many children, persons over 50 years of age, young people under the age of 18 years, long-term unemployed, persons from households under the poverty line, victims of trafficking, persons falling under income support programmes, persons who become redundant from undertakings and institutions in the process of reformation, restructuring and privatisation, unemployed girl mothers, divorced women with social problems, persons returning from emigration and facing economic problems,

newly graduated persons who are not familiar with the labour market, persons who have served time, disabled persons, the Roma, and orphans who have been gained this status.

150. Law No. 8872 of 29 March 2002 'On education and vocational training in the Republic of Albania', which regulates all the activity of the vocational and technical education, and the vocational training in the Regional Education Directorates, Education Offices, Vocational Schools, and the other institutions included in the education and vocational training system. The purpose of the law is stated in point 3 of Article 1: 'This law shall guarantee the right provided for in the Constitution of the Republic of Albania to long-life education and vocational training, the possibility to attend elementary vocational education, and the acquisition of the vocational knowledge required for employment, while equal opportunities are created for all and everybody.'

151. The purpose of the law is stated in Article 3: 'The citizens of the Republic of Albania shall enjoy equal rights to education at all the education levels, irrespective of their social standing, nationality, language, sex, religion, race, political beliefs, health condition, and economic level.' Likewise, Article 15 'Counselling and orientation on education and vocational training' of Law No. 8872 of 29 March 2002 'On education and vocational training in the Republic of Albania' states that, 'Counselling and orientation on education and vocational training shall be designed to help ensure that all the citizens choose the education, profession, training, retraining and vocational rehabilitation fitting to their interests and mental and physical capabilities.' Pursuant to this article, the Minister of Labour has issued Order No. 2222 of 31 October 2002 'On counselling and orientation on vocational training.'

152. The National Employment Service implements this instruction through the employment offices, which are staffed by employees assigned to provide such counselling and vocational orientation to all the persons requiring them.

**(a) What would be an average period of time during which a person is registered as unemployed, until he is involved in the employment promotion programmes?**

153. The persons included in the employment promotion programmes must be registered with the employment offices for a period of at least three months.

**(b) General description of the long-term unemployed persons**

154. Long-term unemployed include all those persons who have been registered with the employment offices for a period of at least 12 months. During this period, they may benefit vocational training in the public vocational training centres. In the Decision No. 48 of the Council of Ministers of 16 January 2008 'On the amount of benefit and criteria for the unemployed job-seekers in difficulty to benefit from the employment promotion programmes,' with this programme designed to start by early 2008, priority is put on the inclusion of long-term unemployed job-seekers. The programme is funded with state budget funds, and consists in providing subsidies to employers, who hire unemployed job-seekers in difficulty for a period of one year, for social insurance and salary, in the amount of 10 per cent of the minimum salary at a country level.

155. Unemployed job-seekers in difficulty are:

- (a) Long-term unemployed;
- (b) Persons benefitting economic assistance;
- (c) Persons benefitting unemployment payment;
- (d) Persons entering for the first time in the labor market, aged 18–25 years;

- (e) Persons over 45 years, who do not have higher education than high school or its equivalent;
- (f) Persons with limited capabilities;
- (g) Persons from Roma community.

(c) **How much the long-term unemployed are included in the programs of promoting employment, effects and problems**

156. *Which is the reason of the difference of unemployment ratio in different areas of the country.* Level of unemployment is higher in the northeast part of the country, related mainly with the fact that this area has not been able to recover economic activities lost after the 90's because this is a mountainous area having a poor infrastructure as well as lacking possibilities of movement in neighboring countries. Also, a tendency of businessmen has been noticed to transfer the business to the developed towns.

157. *Measures undertaken from the state to reduce unemployment in the problematic areas.* Construction of the road Durrës-Morinë, and increase of investments in the state budget in the southeast zone are elements which reduce the unemployment level in that area.

158. Also, another factor that will effect the reduction of unemployment in this area is the setting up of the mobile center of public professional qualification, which will train through courses the unemployed job-seekers of this area and then their integration in the labor market. This center has begun functioning in the beginning of 2008. Another factor for the reduction of unemployment in this area is also the training of 72 unemployed job-seekers from Kukësi in the professional capacity building center in Prizren, Kosovo, through professional courses like cook, auto electrician, welder, repairman for housing appliances, waiters, IT persons, etc.

159. In accordance with Article 5 of law on AFP, a CMD has been drafted with No. 616, dated 04.12.2002 "On defining other special groups benefiting from this law." In application of Order No. 782, dated 04.04.2006, "On fees of the professional formation system", in which, among others, are foreseen the groups who are benefiting the professional formation through free of charge professional courses in the Regional Directories of Public Professional Formation (RDPPF), where Roma community, trafficked girls and women, persons suffering imprisonment and persons with limited capacities are included.

160. Special care in counselling and orientation has been devoted to particular groups, which according to definition in the law are:

161. Job-seekers, as: mothers with many children, persons over 50 years, youth under 18 years, long-term unemployed persons, persons coming from families under the level of poverty, victims of trafficking, persons benefiting income from support programs, unemployed persons from enterprises and institutions in a process of reformation, restructuring and privatization, unemployed mother-girls, divorced women with social problems, persons returning from emigration with economic problems, just graduated persons, who are unoriented in the labor market, persons serving the imprisonment, limited capacity persons, Roma, orphans who have gained this status.

**2. Right to professional orientation**

162. In Article 6 of Law No. 7995, dated 20.09.1995, "On promotion of employments", changed, it is provided that "Active policies of labor market include:

- (a) Employment Services;

- (b) Programs of creation of new workplaces;
- (c) Programs of professional qualification.

163. In Article 1/2 of Law No. 7995, dated 20.09.1995, "On promotion of employment", changed, provides that the state establishes and develops employment offices, which function under the control of a central authority, to realize the right of all residents in Albania for a benefiting employment, to get counseling and professional qualification for every such employment and to get income support.

164. In Articles 11, 12 and 13 of law of promotion of employment, Ministry policies are foreseen for the professional qualification and namely, professional education serves both the job-seekers and employers and it is realized through theoretical and practical teaching courses and through participation in special work processes. For this reason, attention towards professional qualification has increased, both from the government and from the private sector.

165. In the framework of international agreements and spread of best practices in the struggle against racism, racial discrimination, language, religion, sex and intolerance, etc., the Directory of Employment Policies in drafting legal and sublegal acts and policies has followed the principle of non-discrimination in the field of employment and professional formation, in accordance with the Albanian Legislation and the International Conventions. In particular we can mention Article 1, point 1/a, b of the Convention No. 111 "On discrimination in the field of employment and profession."

**(a) Strategies and Decisions of the Council of Ministers to promote employment**

166. The Sectorial Strategy of Employment and Professional Qualification and approved by the Decision of Council of Ministers No. 751, dated 07.11.2007 has been drafted and approved.

167. It has been drafted and approved Law No. 9570, dated 3.07.2006 "On some changes and additions in Law No. 7995, dated 20.09.1995 "On promotion of employment" changed, in Article 3, same treatment according to point 2 of this article is given to foreigners coming from those countries, which do not have any such agreement with the Republic of Albania.

168. The CMD No. 632, dated 18.09.2003 "On unemployed women job-seekers" changed, has been drafted and approved.

169. There has been drafted and approved CMD No. 873, dated 27.12.2006 "On the level of financing, criteria and procedures of application of programs of professional practices for unemployed job-seekers, who have a university education, in and out of the country." This program will be a priority for the Ministry of Labor, Social Issues and Equal Opportunities for this year and for the future ones to come to the aid of youth integrating in the labor market.

170. There has been drafted and approved CMD No. 48, dated 16.01.2008 "On the Program of Promotion of Employment of Unemployed Job-seekers in difficulty."

171. There has been drafted CMD No. 47, dated 16.01.2008 "On the program of promotion of employment, through qualification at work."

172. There has been drafted the CMD No. 236, dated 27.02.2008 "On determining the basic level of the income from unemployment."

173. Also, in implementing the programs of employment promotion, principle of non-discrimination has been followed for all target groups, in particular priority has been given to special groups benefiting from income support schemes, females over 35 vjeç,

unemployed over 50 years, Roma, orphans, long-term unemployed job-seekers, young persons 16–25 years, persons with social problems, persons unemployed as a result of restructuring of economy, etc.

**(b) During 2004–2008 we have worked for the realization of the following reforms**

174. Reformation of the system to pass from passive to active policies, aiming to achieve the objective of employment services being oriented towards controlling and improving the situation in the labor market and creation of a modern and unique system of employment services in all the country:

(a) In the program of promotion of employment, priority has been given to particular groups as the persons benefiting from income support schemes, women over 35 years, unemployed over 50 years, Roma, orphans, long-term unemployed job-seekers, young persons 16–25 years, persons with social problems, unemployed persons as a result of restructuring of the economy etc.;

(b) Setting up and development of partnership relations with other players in the labor market and improvement of contacts with the enterprises;

(c) Continuation of the process of development of the information technology (IT) in the employment services as a key factor for the improvement of the quality of services;

(d) Development of human resources;

(e) Creation of a unique and qualitative system of AFP, able to contribute to the continuous development of professional abilities and active citizenship of youth and adults;

(f) Provision of professional qualification in accordance with the criteria of social and economic development, in the framework of European and regional integration.

**(c) We have the following indicators of the labor market during 2005–2008 from the successful realization of above reforms**

175. Around 446 thousand unemployed job-seekers have been registered and interviewed in the employment offices.

176. Through the service of the mediation, counseling and employment offices we have employed 28 thousand unemployed job-seekers.

177. 4,503 unemployed job-seekers have been employed from the application of the programs of employment promotion, of whom 2,000 are from the special groups.

178. 30 thousand persons have attended the courses of professional qualification and 28 thousand have been given certificates in the public centers of professional qualification.

179. Around 3,500 persons have been employed after a training course in the public centers of professional qualification.

180. Public centers of professional qualification have trained with reduced fees 6,000 unemployed job-seekers and 650 unemployed job-seekers free of charge from the special groups (PAK, orphans, Roma, etc.).

181. 3 new public centers of professional qualification have opened with funds from the state budget in Fier, Gjirokastër and the mobile center for the northeast region.

182. New cabinets with needed professionals have been launched, around 25 of them, as in joinery, construction, hydraulics, kitchen, solar systems, electric, repairing of home appliances, duralumin, heating-ventilation, social operators, babysitters, construction specialties, etc.

183. 30,000 persons have been trained and given a certificate in the private licensed centers of professional qualification.

184. 30,800 unemployed job-seekers have been treated in the unemployment payment program.

185. 3 regional employment offices have been equipped with information technology as well as the General Directory of National Employment Service with the support of the SIDA Project of the Swedish Government.

186. From the administrative data of our Ministry, it results that unemployment during these years is reduced by 1.1%. This is as a result of the successful application of some basic programs of labor market as mediation for employment, programs of income support (payment of unemployment and economic assistance), programs of promotion of employment.

**(d) Improvement of legal framework in the field of labor market, during this period**

187. The Sectorial Strategy of Employment and Professional Qualification has been drafted and approved by the Decision of Council of Ministers No. 751, dated 07.11.2007.

188. Law No. 9570, dated 3.07.2006 "On some changes and additions in Law No. 7995, dated 20.09.1995 "On promotion of employment", changed, has been drafted and approved.

189. CMD No. 873, dated 27.12.2006 "On the measure of financing, criteria and procedures of application of professional practice programs for the unemployed job-seekers, who have finished the university, in and out of the country, has been drafted and approved. This is a priority of the Ministry of Labor, Social Issues and Equal Opportunities for this year and in the future ones to help young persons to integrate in the labor market.

190. CMD No. 48, dated 16.01.2008 "On the program of promotion of employment for job-seekers in difficulty" has been drafted and approved.

191. CMD No. 47, dated 16.01.2008 "On the program of promotion of employment, through qualification at work."

192. CMD No. 236, dated 27.02.2008 "On determining the basic income levels from the unemployment" has been drafted and approved. Common instructions with the Ministry of Finance "On the criteria and financial procedure for the application of employment promotion programs."

193. Drafting in cooperation with the Ministry of Education and Science, of the CMD No. 273, dated 10.05.2006 "On the creation of the National Agency of Education and Professional Qualification" and the work being done that this agency can start functioning.

194. Upon the support of the Project "Support for the reform in the field of education and professional qualification – Phase II" financed from the European Union in the framework of CARDS program, several changes have been made to Law No. 8872, dated 29.03.2002 "On Education and Professional Qualification in the Republic of Albania" and it is in the process of approval.

195. Also with the support of the Project "Support for the reform in the field of AFP – Phase II" financed from the European Union in the framework of CARDS program and in cooperation with the Ministry of Education and Science, the Albanian Framework of Qualifications and its relevant law were drafted.

196. In the following tables statistical data from the labor market have been presented for the period 2005–2007.

197. Referring to INSTAT statistics, statistical data have been presented for a three-year period 2005–2008.

198. Statistical data for the labor market 2004–2008 (in thousand):

<i>Acc to categories</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>Population total</b>	<b>3 127</b>	<b>3 142</b>	<b>3 142</b>	<b>3 142</b>	<b>3 142</b>
Females	1 569	1 565	1 565	1 565	1 565
Males	1 558	1 577	1 577	1 577	1 577
<b>Labor force total</b>	<b>1 088</b>	<b>1 085</b>	<b>1 083</b>	<b>1 084</b>	<b>1 082</b>
Males	660	665	653	655	654
Females	428	430	430	429	428
Employment	931.217	931.102	935.058	935.800	939
Males			576	578	581
Females			359	357	358
State sector	176.065	176.015	169.000	165.220	164
Non-agricultural private sector	213.000	214.935	224.058	226.700	233
Agricultural private sector	542.152	542.152	542.000	542.000	542
Level of employment in %	50.3	45.6	48.7	48.7	53.9
Females %	38.9	38.5	38.1	46	47
Males %	61.2	51.4	58.8	54.0	53
Employment registered in %	14.4	14.1	13.8	13.2	13.1
Males	12	12.1	12	12.8	11.8
Females	18	17.2	17.1	18	16.8

199. Professional qualification during 2004–2008:

<i>Divided acc to:</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>Total no. of trainees</b>	<b>8 328</b>	<b>7 000</b>	<b>6 200</b>	<b>7 400</b>	<b>7 700</b>
No. of trainees in professional courses	1 500	1 943	1 980	2 840	2 900
No. of employed after qualification	690	770	855	772	600

*Note:* Information on the number of employed persons independently (not through mediation from employment offices) after finishing a qualification course in the public centers is missing.

200. Professional qualification during 2005–2008 according to professions:

<i>Speciality</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Tailoring	552	500	633	700
Embroidery		62	68	50
Plumber	194	291	575	380
Auto service	155	127	152	100
Electrician	118	161	229	65
Repairing of house appliances	313	221	142	185
Shoe sewing	88	59	130	60

<i>Speciality</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Cosmetics	92	91	71	135
Babysitting			31	65
Secretary	249	184	103	120
Duralumin	52	39	82	40
Cook		30	71	215
Waiter, barman, hotel			42	
Electro mechanic		20	246	120
Repairing of sewing machines	83	49	30	6
TV repairing, tape recorder repairing		20		23
Welder	21	22	17	56
Solar panel systems	20	52	32	45
Joinery	6		62	70
Computer service		13	19	30
Construction		15	10	30
Conditioner repairing		24	57	65
Heating-Ventilation			38	50
Social operator				90
<b>Total</b>	<b>1 943</b>	<b>1 980</b>	<b>2 840</b>	<b>2 700</b>

201. Professional qualification during 2005–2008 according to categories of unemployed job-seekers:

<i>Categories of trained persons</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>Unemployed in total</b>	<b>3 157</b>	<b>2 700</b>	<b>4 000</b>	<b>550</b>
Unemployed job-seekers (reduced fee)	1 253	1 500	1 700	1 400
Unemployed job-seekers from special groups (free)	105	130	150	150
Age up to 25 years	4 762	3 936	4 923	5 500
Age over 34 years	1 315	880	989	1 000
Having secondary education	1 592	1 366	2 032	2 000
High school education	4 254	3 226	3 400	3 800
University education	1 728	1 340	1 968	2 100
Females	4 400	3 700	3 900	4 500

202. 10 Regional Directories of Public Professional Qualification function (RDPPQ). RDPPQ no.1 and no.4 in Tirana, RDPPQ in Shkodër, RDPPQ in Elbasan, RDPPQ in Korçë, RDPPQ in Durrës, RDPPQ in Vlorë, RDPPQ in Fier, RDPPQ in Gjirokastër and the Mobile Center for the northeast area of FPP, which offer professional courses, mainly for the category of unemployed job-seekers as well as for other persons of different education levels and ages, who want to attend these courses and get a profession for various reasons, as e.g. being without a job for reasons of restructuring, they would like to consolidate their job position through development of knowledge and capacities.

203. Foreign donors have given and give their great contribution in support of the system of professional qualification in our country. Currently professional qualification is deemed from the government as a priority and this is materialized concretely in the assistance our country receives from EU in the framework of CARDS Program, "Support for the reform in the field of AFP." In cooperation with the Ministry of Education and Science (MES), the AFP National Agency has been established, supported from a twinning project financed from CARDS 2004. The National Agency of AFP is an important institution in the field of AFP, which has a great role in the reforms started in this field. There is close cooperation with the Ministry of Education and Science and with the Twinning Project supporting the strengthening and raising of efficiency of the National Council of Professional Education and Qualification towards counseling of policies and strategies in the field of AFP.

204. Also this cooperation with the Project "Support for the reform in the field of AFP – Phase II" financed by EU in the framework of CARDS Program continues and with the Ministry of Education and Science we have drafted the Albanian Framework of Qualifications as well as the relevant law; they are both in the process of approval.

205. Upon the support of "AlbVET" project, financed by the Swiss government, the Ministry of Labor, Social Issues and Equal Opportunities has set up the mobile center of professional qualification for the northeast area, being an area with high unemployment, aiming at offering the service of professional formation with professional courses needed in the labor market. This center performs its activity with courses in tailoring, computer and foreign languages; and in 2009 will continue with courses in hydraulics, tailoring, electric installations, which will circulate every 6 months from region to region (Kukës, Pukë and Tropojë), helping unemployed job-seekers with the intention of their integration in the labor market.

206. The Ministry with funds from the state budget is continuing the good work towards investments for the expansion of the public centers of professional qualification. Along centers of towns of Elbasan, Durres and Fier that are almost finished, it has begun and is finishing the work for the reconstruction of the center of Korca, in cooperation with CARDS Projects "Support for the reform in the field of AFP Phase II" as well as it is being reconstructed the professional qualification center for the town of Gjirokastra.

207. Other important donors that are helping the system of professional qualification in solving the many problems like development of curricula, training of trainers, drafting of standards etc., is also the Foundation PARSH financed from the German Government through the project "Life-long Learning".

#### *Private professional qualification*

208. During these years, licensing of private subjects has continued from the Ministry of Labor, Social Issues and Equal Opportunities, functioning in the field of professional qualification system in all the territory of our country, which offer courses in different specialties, mainly in hairdressing-aesthetics, computer, foreign languages, in different courses in the field of tourism, confections, në auto mechanic, social courses etc.

## **Article 7**

### **1. Salaries**

209. In article 7 of the Covenant, it is defined the obligation for an equal and fair payment and the insurance for the guaranteed minimum for all employees.

210. Legal determination of the minimum salary is provided for in the Labor Code, approved in July 1995, according to which the minimum salary is determined by a decision

of the Council of Ministers. This process foresees also the negotiation with social partners through the functioning of the trilateral Salary Committee off the Labor National Council. After the trilateral agreement for the minimum salary, the Minister of Labor makes the proposal in the Council of Ministers.

211. Every year a minimum salary is determined for all the country, which is mandatory to be applied by every physical or juridical person, domestic or foreign. In determining the minimum salary we are based on:

(a) The study “calculation of the official living minimum”, which was carried out in 2001 and the annual inflation index. This study has not received its legal form, however it is updated yearly on the basis of the annual level of inflation and it serves as a comparison basis in proportion to the minimum salary in all the country;

(b) In the existing level of salaries in the private and public institutions and enterprises;

(c) In the influence that the minimum salary has in the salary system of administration employees;

(d) In the government program for salaries and pensions.

212. Taking into consideration that over the minimum salary, additional amounts are given which are averagely 50%, it results that for the employees working simpler jobs, the minimum salary is over the living minimum indicator to be employed.

It is also foreseen the hourly salary, in order for the employees who work part-time or working overtime to be better protected.

213. In 2009 by a CMD No. 522, dated 13.5.2009, the minimum salary both for the budgetary employees and the private sector ones is 18,000 leks per month, with an increase of 12.5%, in comparison with the same period of the last year. The minimum basic salary is given for 174 working hours in a month. The minimum basic hourly salary is 103 leks.

214. Currently only 5.5% of the employees in the state sector are paid by a minimum salary, where in the non-agricultural private sector this figure is smaller.

**(a) Same payment for the same job**

215. In many regions the informal sector is a rival to the formal sector in employment and salary, being a work source both for men and women, which are more present in the informal sector. Employment for women in the informal sector is more in the jobs, which are not sure and do not guarantee full time employment, but generate low income and relatively low productivity. A *de facto* problem that is being noticed is a low participation of women in leading positions. In spite of the fact that women are educated and qualified, in general, leading positions in the public sector, but also in the private one, are kept by men, who consequently have bigger salaries. Women are *de facto* working in sectors where the payment is lower. They work in jobs like nurses, employees in the pre-school system, teachers in the nine-year education or in high schools, whereas in the private sector, in general, they do jobs that are less paid.

**(b) Right to protect the health and security in jobs, including insurance of the function of reproduction**

*Working conditions*

216. Labor Code in Chapter VIII from article 39–75 provides for the security and protection of one’s health in their job.

Special rules are provided for in the Labor Code for the protection of the working women. Article 54 (3) provides for the pregnant woman, who works continuously standing, to rest 20 minutes every three hours. Article 55 paragraph 5, provides that the weight that the woman can raise is up to 20 kg, whereas for a man is 55 kg.

217. According to article 72 the employer, in places where women work, is obliged to ensure special rooms for them, apart from other hygienic conditions.

218. Violation of the above provisions are punished by a fine, which goes up to 20–50 times the monthly minimum salary set by law.

219. Labor Code prohibits employers to place the employee in difficult working conditions and dangerous for her pregnancy or her child. CMD No. 207, dated, 09.05.2002 “On determination of difficult or dangerous jobs” determines the list of dangerous and difficult jobs. According to this decision, only employees, who submit a medical certificate and whom are certified to be clinically healthy, can be employed in such jobs. Leave of birth is calculated as a working year for the woman and she does not lose work seniority due to her pregnancy or birth of child.

220. In Albania women are committed both in the family and in society, but it should be said that such a commitment is more seen in urban areas. On the other hand, their role is more important in the production and reproduction aspect, therefore in this viewpoint the Labor Inspectorate supervises the respect of legislation that has to do with work conditions and the insurance of their health. The reviewed Labor Code has improved the measures for the protection of workers, women and especially pregnant women. Chapter 10 of this code prohibits especially pregnant women and those that are breastfeeding their children, and also prohibits the night shift for pregnant women. However, there are cases when pregnant women are subject to bad conditions of work and pressure from their families to do supplementary work.

**(c) Career development**

221. In general, advancing in one’s career is more difficult for women and in some cases it is not based on criteria related to the profession. For example: in the education sector, teachers are recruited through competition procedures, which create possibilities for the individual professional abilities to be assessed, but when the time comes for them to become school directors, no competition procedures are held. The issue is that, there are more men directors, whereas women are in a greater number teachers. However, law “On the civil servant status”, (chapter IV of article 15) provides for the career development including promotion in duty for the civil servants both men and women alike. This law also defines the procedures for the promotion in duty through competition.

**(d) Leave of absence**

222. As far as annual payable holidays are concerned and other leave of absences, the work legislation ensures equal rights both for women and men. Meanwhile birth leave is another distinguishing element between women employees and men employees. The Albanian legislation does not give leave of absence to a father, while recognizing the right to a three-day holiday for the new fathers.

## Article 8

### 1. Measures for the right development of establishment of trade unions

#### (a) Legal measures

223. The right of employees to form and join into trade unions stems from:

(a) Article 46 and article 50 of the Constitution of the Republic of Albania;

(b) Convention No. 98 of the International Labour Organization (ILO), for the right of organization and collective bargaining;

(c) Article 176/1 “Professional Organizations” of the Labor Code of the Republic of Albania. This article clearly provides that trade unions are independent professional organizations that are created as voluntary unions, the purpose of which is representation and protection of social, professional and economic rights of their members. In the sense of this provision, retired persons and the unemployed can be members of the organizations of employees but cannot create trade union organizations.

224. To guarantee the freedom of exercising this right, Labor Code provides for measures to create facilitating and penalizing conditions so that a trade union organization could exercise its activity independently. Thus, the trade union organization exercises freely its activity in accordance with its statute and legislation in power. Every intervention of the employer and the state in the trade union activity is prohibited (*Neni 184*):

“(i) Every intervention act in establishing, functioning or administering the professional organizations from the state institutions is prohibited.

(ii) Every intervention act in establishing, functioning or administering the organizations of employees from employers or employers’ organizations is prohibited.”

In cases of intervention in the union activity from employers, as well as abuse with the leaders of trade unions, these provisions foresee sanctions towards employers up to 50 times the monthly minimum salary.

225. According to article 186 of Labor Code “Intervening actions from the employer or from an employers’ organization”, the following actions are considered interventions:

(a) Measures that urge the establishment of employees’ organizations that are dominated from one employer or an organization of employers or that support employee organizations with financial or other means, in order to place these organizations under the control of an employer or organization of employers;

(b) Obstruct establishment, functioning or administration of a trade union; damage the employee because of his/her union activity, discriminating him/her.

226. Also, leaders of trade unions, based on the law, enjoy special protection from abuses by employers (article 181 “Union Freedoms”). Based on this law, the employer does not have the right to change the conditions of the labor contract, job position or to solve the job contract without their consent and the consent of the trade union, with the exception of the cases when these changes are forced by the indispensability of the enterprise activity, or when the law is violated or the individual or collective labor contract is broken.

227. Also, the right of protecting the job position for the leaders of trade unions in all the country, the labor contract of whom is suspended during the exercise of their mandate, has been sanctioned in the labor law. At the end of the mandate, the employer is obliged to hire them again and the labor contract re-enters into force. Also article 181/7 provides for the necessary conditions and facilities for the elected representatives of unions during the

normal exercise of their functions, which should be also foreseen in the collective job contract.

**(b) Measures taken in practice to urge the development of the right of organization in trade unions**

228. In the last two years (2007–2008), a special project has been undertaken for the organization of regional seminars, with representatives of regional employer organizations, as well as bigger state and private employers, and regional labor offices regarding knowledge and application of the Labor Code of the Republic of Albania. The purpose of these seminars, which will continue to be held during 2009 is getting the regional partners and especially the employees to become familiar with their legitimate rights in labor relations, one of which is also the right to be organized in a trade union.

**(c) Regarding the duration of warning to start the strike**

229. There is no provision in the Labor Code of the Republic of Albania (reviewed by law No. 8085, dated 13.03.1996 and by law No. 9125, dated 29.07.2003), according to which a trade union should warn about the strike 30 days before starting it. Labor Code provisions on the right to strike are in full accordance with the ILO directives, especially the legality of the strike, effects, strike of solidarity, which constitute the essence of the right to strike.

230. Conditions for the legality of a strike are defined in article 197/3 of the Labor Code, according to which the strike is legal when:

“(i) It is organized from a union that enjoys juridical personality or adheres to an employee organization having such a personality;

(ii) Its intention is to reach the signature of a collective labor contract or if such a contract exists, the fulfillment of requests stemming from labor relations and which are not regulated by such a contract, apart from the cases when the contract provides for the complete peace obligation;

(iii) The trade union or trade unions, on the one hand, and the organization or organizations on the other, have tried to reach an agreement, going through a mediation and reconciliation procedure;

(iv) It is not in contradiction with the legislation in power.”

231. If the trade unions have respected the conditions of the legality of the strike, as well as the rules and procedures foreseen for the exercise of it, the strike can start immediately after the parties have failed to find a solution through mediation and conciliation procedures. Mediation procedures is 10 days long, whereas the conciliation one is 20 days. This implies that when a collective labor dispute arises, the employees cannot organize a strike if this agreement has not gone preliminarily through mediation and conciliation, which end with a time period of 30 days.

232. Practice has shown that treatment of a disagreement by means of mediation and conciliation has greatly reduced the number of strikes during this 4 year period in the territory of the Republic of Albania, referring only to the legal exercise of the right to strike.

233. Also, in the last 3 years, after the institutionalization of the state network of mediation and conciliation in all the regions of the Republic of Albania, there has been a gradual increase in the parties choosing mediation and conciliation as a means of dispute resolution, which has led to a great reduction of conflicts, which escalate into a strike or which go to court for solution.

**(d) Limitation of the right to get organized in trade unions in the Republic of Albania**

234. In the Republic of Albania, the right of establishment and organization of a trade union is only restricted in the Armed Forces, which are protected by a special status. However there exists the right of the civil employees in the armed forces to get organized in a trade union.

The labor relations of the civil employees are regulated by a special status: "Status of Civil Servants". The right to go on strike is prohibited also for the armed forces and the state police, who as well as the armed forces and the state police are protected by special statuses.

**(e) Limitation for the military and the police**

235. Referring to the International Covenant on Economic, Social and Cultural Rights in its third part, article 8, point 1.a, where it is said that parties in this Covenant commit to ensure: "the right of every person to form with other trade unions or to join in the union they have chosen with the only reserve of the rules defined from the interested organization, with the intention of favoring and protecting their economic and social interests. Exercise of this right can be object only of limitations that are provided for by law and which constitute necessary measures in a democratic society, to the interest of the national security and the public order, or to protect the rights and freedoms of the others", we inform you that;

236. Law on the State Police No. 9749 dated 04.06.2007 has foreseen a special chapter for the Trade Union of the State Police, which refers to the issues related to employment, where the rights of the Police trade union are defined, its obligations and the limitations.

237. Explicitly, article 82 of this law provides for the purpose and the rights of the Police Trade Union as follows:

(a) The Police Trade Union is only one and it aims at representing the police employees, its members, in all the issues influencing the progress of their work and the work efficiency;

(b) The Police Trade Union can represent police employees, members of the union, in its protection in all the appeal cases for every issue raised, in support of the sublegal acts issued in the application of this law;

(c) Also it has been determined the right of every police employee to be a member of the union of police, apart from the General Director and Deputy Directors;

(d) State Police Employees, who do not wish to be members of the State Police Union should submit a written request to the union authorities.

238. The trade union of the State Police has been organized and has started its normal activity based on the labor collective contract signed from the General Director of the State Police and the President of the State Police Union with No. 1966 dated 03.04.2009, No. 15/1, dated 03.04.2009.

239. Article 85 of this law defines police obligations towards their syndicate and obliges the Minister:

(a) To allow the presidency of the trade union to gather 4 times a year during working hours;

(b) To allow the assembly determined in the statute of the trade union to gather once a year during working hours;

Also determines the regulation of relations between the trade union and the General Director of the Police through bilateral agreements.

240. Law provides also for some restrictions for the Police Trade Union defined in article 83, and 84, which respectively express:

- (a) Police Employees are prohibited from the right to strike;
- (b) Police Employees are prohibited to wear the police uniform, keep weapons or use any police means during the trade union activities.

## Article 9

241. Our Social Insurance Legislation is in accordance with the principles of this Covenant. Several legal and administrative initiatives have been undertaken. Law on Social Insurance is improved changing some of its article with 5 laws from 2005 to 2008.

### Social insurance and other benefits

242. As far as social insurance and other benefits are concerned, the Constitution of the Republic of Albania guarantees to anyone the right of benefiting from the social insurance upon the reaching of the retirement age, or in cases of job incapacities, just as it guarantees benefits in cases of unemployment. Law on Social Insurance follows the same line, although it makes a distinction regarding the payment of compensation and benefits from social insurance for pregnancies, where it is included the pregnancy and the period after the child being born, in which only women apply.

243. Taking into account the family conditions and role of the woman in a family, law provides for some other differences in favor of women. Women who have given birth to 6 or more children and who have concluded 30 years of work can retire 10 years in advance, thus reaching the age of 50. Another difference is the family pension given to the widowed woman when she has reached 50 years of age and when at the same time does not meet the conditions to retire from her work. Whereas the widowed man receives pension from the job of his spouse, only when he has reached the age of 60. Regarding the unemployment, illnesses or invalidity it can be said that there are no differences between genders.

244. Regarding article 9 of the International Covenant on Economic, Social and Cultural Rights, which requires the determination of the legal framework in the Republic of Albania on the right of every person for social insurance, including social insurance and effective legal and administrative measures for its application, we inform you that the system of social insurance is regulated from October 1st 1993 by the Law No. 7703 dated 11.05.1993 "On Social Insurance in the Republic of Albania" (changed). According to this law, system of social insurance is made up of the obligatory insurance, voluntary insurance, supplementary insurance and special state pensions. Obligatory social insurance protects the employed person regarding:

- (a) Temporary incapacity in work due to illness;
- (b) Pregnancy;
- (c) Old age, invalidity and loss of keeper of family;
- (d) Job accident and professional illness;
- (e) Unemployment and other economically active persons (employer and employee) with regard to:
  - (i) Pregnancy;

(ii) Old age, invalidity and loss of keeper of the family.

245. Benefits foreseen by this law are financed from the Social Insurance Fund (SIF), to which regularly contribute employers, employees and other economically active persons. Management of SIF is charged to the Institute of Social Insurance (ISI), which is a public independent institution, which is administratively controlled from the Ministry of Finance. The Institute of Social Insurance is headed by its Administrative Council and General Director of the Social Insurance Institute. The Administrative Council is made up of 12 members, of whom 6 members of the Council of Ministers, 3 members from the employers' organizations and 3 members from the biggest trade unions. Apart from the Social Insurance Fund, the Institute of Social Insurance administers also special government programs, which are: transfers in family budgets of the persons who benefit from them, like price compensations, special state pensions, payment for veterans and extra payments from the status of the work invalidity.

246. Also, the Institute of Social Insurance administers the profits of the supplementary insurance schemes regarding supplementary state insurance, military supplementary insurance, special treatment of underground employees, status "Hero of the Country", special treatment of retired flying pilots, profits for the retired military of submarines and profits for the state police. Obligatory insurance gives benefits for 4 branches of social insurance: illnesses, pregnancy, pensions, job accidents and professional diseases. System of pensions includes 3 types of pensions: old age pension, invalidity pension and family pension.

247. Minimum of insured years to benefit an old age partial pension is 15. The person who has 35 insured year benefits a full old age pension when he/she reaches the retirement age according to the legislation in power.

248. The general economic developments and those in the social insurance field in particular, have brought time after time the necessity of undertaking reforms with the aim of adopting the system of social insurance to the economic developments. In this framework, different changes have been foreseen in the social insurance legislation, which have affected all fields, both in the improvement of procedures for the gathering of contributions and the essential changes in the field of benefits.

249. During 2004–2008 a series of Reforms have been undertaken, which comprise: approximation of Albanian legislation of social insurance with the standards of the European Code and with the ILO convention for social insurance in 2005 (where one of the main things is reduction of the minimum period of insurance to the benefit of the partial retirement pension from 20 to 15 years) and the further reduction of the contribution norm in September 2006, (reduction by 9% to 38.5% to 29.5% from which the pension branch from 29.9% to 23.9%); reduction by law No. 10070, dated 5.2.2009, of contributions paid by the employer, with 5 points of percentage (from 20% to 15%) for the obligatory social insurance, with the financial effect from May of 2009.

250. As far as the Recommendation and Suggestions from the Committee on Economic, Social and Cultural Rights on the First Periodic Report of the Republic of Albania we inform you that:

(a) To fight corruption according to Recommendation 17 of the Committee, the Institute of Social Insurance has undertaken several reforms and projects like: Audition and control of documentation of the files of retired persons, interruption of pensions received irregularly, Agreement signed between the Ministry of Finance and the Ministry of the Interior with Prot. No. 8126/4, of 21.11.2006 "On Cooperation of the Civil Status Offices and Regional Social Insurance Directories on the issuance of death certificates, to the effect of closure of pensions" and the fight against their abuse and application;

(b) To create a verifiable and more precise of database in accordance with Recommendation 18, ISI has undertaken several projects regarding the setting up and modernization of the information system, archives and placement of the social insurance number. This will create the possibility for identification of persons and their residences in accordance with Recommendations 20 and 21;

(c) Regarding Recommendation 22 on fighting against gender inequality, the social insurance scheme was widened and covers by a decision of Council of Ministers No. 1477, dated 12.11.2008, full-time and part-time home employees; which in 98% of the cases are women.

## **Article 10**

### **1. Marriage and family life**

#### **(a) Legal framework for marriage and family life**

251. Albanian legislation on marriage and family life in well in accordance with article 10 of CESCR. Constitution (article 53) guarantees to anyone the right to marry and form a family. After several years of work in October 2004 the New Family Code, which foresees moral and juridical equality (approved by law No. 9062, dated, 08.05.2003). In this code are reflected all the international acts of this field, where Albania is a party. Article 1 of this code provides that, "marriage, as a legal cohabitation is based on juridical and moral equality of spouses, in love, respect and mutual understanding, as the basis of family unity. Marriage and family enjoy the special support of the state. Free consent of two spouses expresses before the employee of civil status constitutes an important condition for the validity of marriage".

252. Approval of the new Family Code eliminated the discrimination on the minimum age of marriage which was in the previous Code of 1982, and which provided that the different age of marriage, is respectively 18 years for a boy and 16 years for a girl. New family code provides that marriage can be entered into from a man and a woman who have reached the age of 18 years. The court of the country where the marriage is entered into, for important reasons, can allow marriage even before this age. Thus, the new code does not contain discriminatory clauses between genders. For important reasons (mainly pregnancy) the court can authorize marriage before reaching the legal age. Meanwhile engagement is not recognized and regulated by the Albanian law, where it considered invalid the marriage of minors.

253. The Family Code, when giving the definition of marriage declares the moral and juridical equality of spouses as an important basis. In marriage, man and woman have the same rights and obligation, regarding loyalty, love, mutual respect, material and moral support, cooperation, growth and education of children. When one of the spouses does not fulfil the obligations deriving from marriage, the other spouse (without making any gender difference) can ask the court to take urgent measures. The intention is to oblige the spouse to apply its family obligations. The New Family Code requires mutual understanding and the consent of two spouses for issues that have to do with their residence, with administration of property, entering into marriage contracts, with choosing the matrimonial regime, and it even requires the consent of parties in cases of dissolution of marriage. Other cases of dissolution of marriage are made with bringing a lawsuit from one of the spouses. Regarding the registration of marriage, article 30/2 of the Family Code determines that: "the act of marriage is drafted immediately, signed by the spouses, witnesses and the employee of civil status and registered in the register of marriages". Meanwhile, Law on Civil Status decides the obligation for the registration of marriage in the Book of Marriages and together with this the procedural rules for this action.

254. It is worth to mention the fact that the Albanian legislation treat gender violence, including domestic violence. For the first time, article 62 of the Family Code provides for the possibility that one spouse to ask from the court, the removal of the violent spouse for a period of up to 3 years. This provision uses a neutral language from the gender perspective, but studies and observations in Albania show that women are the most endangered from this form of violence, which leads to the conclusion that, this provision tends to protect mainly women. But this sole provision is difficult to be applied from the courts because it needs to be accompanied from other procedural provisions. The *Albanian Criminal Code* penalizes the violence against women, specifically or through general dispositions. Also, the law on measure against domestic violence (Law No. 9669, dated 18.12.2006) provides for, among others, protective measures against domestic violence, subjects that have the right to require the protection order, circumstances for change, interruption and continuance of the protection order and other relevant provisions.

255. Albanian legislation shows particular care for the consent and protection of family life. Thus, the Criminal Code dedicates a special section to the protection of children, marriage and family. Penal Code considers a criminal offense and places sanctions (fine or imprisonment) for the following actions:

- (a) Abandonment of grown children;
- (b) Not providing the living means to the children or family;
- (c) Non-notification of change of domicile;
- (d) Unfair taking of the child; and
- (e) Restriction or obstruction to cohabit or dissolve a marriage.

Further protection is ensured also from provisions treating sexual abuse of minors. The Albanian Legislation does not have any regulation for the domestic slavery (obligatory keeping of a person as a servant in the house).

256. Equality of spouses is a principle in the Albanian legislation and finds application even after the dissolution of marriage, when it comes to division of property and solution of other cases. Article 147 provides that the court can order one spouse to pay to the other a contribution, which aims at compensating the inequality in the living level, which could result from division of property. Article 153, on the other hand, gives the right to the non-proprietary spouse to continue to use the spouse domicile even after the dissolution of marriage, when he/she is given parental responsibility, or when the spouse has abandoned the family.

257. Family, as the most stable institution of the Albanian society, remains an important element in the struggle against discrimination and violence towards women and girls. Often, it is considered an unequal division regarding the chores of the house and care in the family as well as a tendency of women to contribute more in a family than in a society. Article 215 of the Family Code, gives the definition of the parental responsibility as “entirety of rights and obligations that aim at ensuring child’s material, emotional and social well-being, taking care to keep personal relation to it, guaranteeing well upbringing, education, legal representation and administration of property”. The Albanian family law foresees the same rights and obligation for the two parents towards their children, in spite of their marriage situation. Although it is mainly the women who keep the greater burden, the Family Code uses the neutral term “Parent”. The Constitution and the Family Code decide about the equality of children born in marriage or out of it. Article 3/1 of the Family Code reinforces this principle: “Parents have as a duty and right to care about the well upbringing, development, well-being, education of children born in or out of marriage.”

258. Likewise, dissolution of marriage does not change these rights and obligations towards children, except for otherwise provided for in this Code. The parent, who is not trusted with the child for growth and education, reserves the right to supervise the growth and education of the child as well as to be informed regarding important choices for its life. Also this parent reserves the right of visit. Regarding the adoption, the consent of the two biological parents is needed. The Code does not make any difference on the basis of sex for the adoptive parents and uses the term “adoptive parent”. A difference that is related to the sex is the one that has to do with the surname of the child, as in the case when the child is natural and when the child is adopted. The child receives the common surname of the parents, or the surname that parents decide together, if they keep different surnames. In case of disagreements the child receives the surname of the father. Women spouses enjoy the same rights regarding their surname. They are free to keep their surname or to receive the surname of their spouse (no difference is made on the sex).

259. On rights on property, Article 63 of the Family Code foresees the right of each spouse (husband or wife) to exercise a profession and to dispose the income from work or other sources, based on the property regime chosen, after they have contributed the obligations deriving from marriage. Spouses have the same rights on property, including income, administration, enjoyment and disposal. Whereas each of the spouses has the right to administer and dispose freely of the personal property; the consent of the other spouse is needed in the case of disposing the common domicile and its equipment. Also, the spouses are free to enter into a prenuptial agreement or a later marriage agreement, where they can choose the matrimonial regime that is more suited to their way of living.

260. Rights and obligations of the parents for well upbringing, development, well-being and education of the children born of marriage or out of marriage are the same, without foreseeing any difference based in gender. In accordance with the Convention on the Rights of the Child, the Code provides that the children born out of wedlock have the same rights and obligations, just like the children born in wedlock. According to Article 220 with the title, “Common exercise of parental responsibility”, parental responsibility belongs and is exercised together by the two parents regarding the child born during their marriage or regarding the child born out of marriage, if the child is recognized by the two parents. Chapter II of this Code provides for provisions regarding the matrimonial property regime, which are not based in the gender features of the spouses.

**(b) Elimination of women discrimination concerning the right to marriage and family life**

*(i) The same right to marriage*

261. The information materials on equal marriage rights, registration in civil offices and marriage breakup are available and equally provided to men and women. However, there are also attempts by individuals to ensure and exchange these sorts of information by relying mainly on their social networks. Whereas in rural areas, information on these fields is provided in the form of social norms and values, which are observed and taken into consideration by all community members. The average marriage age for women turns out be younger than that of men; meanwhile, there is quite typical that the average marriage age both for men and women has been unchangeable for years – for men 27–28 years old and for women nearly 23 years.

*(ii) The same right to freely choose the husband/wife and to marry only by free will and with full consent*

262. Women in Albania are entitled to freely choose their husband and to freely get married with their full consent. Yet, marriages are built up as a norm and they are desirable for women social status. Albanian men and women have the tendency to get married at an

early age. According to MICS–2005, (which is also reflected in the Table below) less than 1% of women of the age group 15–49 years are married before they turn 15, whereas nearly 8% of women of the age group 20–49 are married before they turn 18 years. The tendency characterizing this phenomenon relates mostly to the social position by specific population groups, which have inherited the faith related to the significance of founding a family at an early age. Therefore, they prefer to get married rather than attend school, or cultivate their capabilities for a more active inclusion in the society.

<i>Age Groups</i>	<i>Males</i>	<i>Females</i>
Until 19	22%	1%
20–24	49%	21%
25–29	18%	43%
30–34	6%	23%
35–39	2%	7%
40–44	1%	3%
45–49	1%	1%
Over 50	1%	1%

*Source:* INSTAT – 2004.

263. In addition, surveys indicate that marriages are frequently perceived as goal of life, although Albanian females may choose to marry merely to escape poverty and influences or pressures in their parents' house. The patriarchal marriage traditions imposed through parental authority are still frequent. Young girls in rural areas usually wait for their families to choose their husband and they are rarely opposed to family's choice.

(iii) *The same rights and responsibilities in marriage and in its break-up*

264. Men and women have the same rights and responsibilities; however, women are perceived to bear the largest part of the burden in housekeeping. Although women are legally entitled to break their marriage, the social-cultural stigma makes this decision even more difficult to be taken by them, particularly in rural areas.

(iv) *The parental rights and responsibilities regarding children*

265. Both parents have equal rights and responsibilities regarding their children; yet, it is the women who bear most of responsibilities for the child care.

(v) *Child custody and adoption*

266. Regarding the equality before law on child custody and negligence, both parents may address the court to lift the custody from the other parent. The legal representatives themselves affirm that women are more favoured, since in most of the cases, the children custody is extended to mothers. Likewise, judges frequently make more concessions to women in the cases of family trials.

(vi) *The right to choose the family name, profession and job*

267. This right is exercised by all women and those living in urban areas, in particular. There are several stereotypes regarding job and profession. The young girls find themselves more employed in the social and philological sciences.

*(vii) The property rights*

268. Although women may inherit properties from their fathers, usually the property right belongs to the whole family and they might be perhaps transferred onto the family principal.

**(c) Marriages prior to the age of consent and establishment of an official register for marriages**

269. Although the legal age of marriage is 18, there are cases with young girls getting married at 16; this is particularly the case in rural areas. Nevertheless, there are no accurate information over the frequency of this occurrence. Marriage prior to the age of consent is not declared in the civil status office, since this kind of marriage is legally punishable. At this point, there is room for improving the work in conducting specific campaigns to raise people's awareness, with regard to marriage prior to the age of consent. Although often invisible, there are still marriages at an early age, even though the problems that these married girls face or the problems between mothers and children do considerably reduce their chances of advancement in life.

**Article 11****1. Living standards****(a) Economic development**

270. Albania remains one of the countries with the lowest per capita incomes in Europe – €2,480 in year 2007. However, the cumulative income growth from the year 1990 onwards is one of the highest among the European countries. The real incomes have exceeded the pre-transition level, albeit the fact that the country went over a hard period of lack of order in the year 1997. Like in all other countries in transition, the major growth mechanism has been the re-distribution of sources in more productive activities through such reforms, as the trade and price liberalization and the privatization of properties and enterprises. This was achieved through a stable macroeconomic frame: the budget deficit has declined from 7.6 per cent in 2000 to 3.4 per cent of the GDP in 2007; it has experienced an increase during 2008, amounting to 5.5 per cent of the GDP. Inflation has remained within the targets set by the Bank of Albania. However, the norm of collection of public revenues (26.6 per cent of the GDP in 2008) remains lower than the average of the countries of the region (for example, 34.2 per cent in Macedonia, 40.9 per cent in Bulgaria, and 40.1 per cent in Croatia.). Nonetheless, the latest data by the Ministry of Finances (June 2009) indicate that the total revenues have gone up 7.3 per cent as compared to last year. The high percentage of foreign remittances has fostered the demand for services and constructions: in 2008, remittances amounted to €905 Million or 10.2 per cent of the GDP. From the year 2002 onwards, the annual growth rate has an average of 5.5 per cent. However, the latest surveys indicate that the productivity growth rate has been on the decline.<sup>1</sup> Although it is difficult for this trend to be attributed to any specific factor, it is already mentioned that the institutional issues related to corruption and the rule of law may pose a barrier for the productivity growth; therefore, structural reforms are required. Notwithstanding the improvements made, the state of play in the areas of energy, transport and water infrastructure remains a major concern.

<sup>1</sup> For example, Albania: Specific issues, Report by IMF 06/285, June 2006.

**(b) Demographic developments**

271. Albania's population, as registered by Repoba 2001, is 3.1 Million. However, one has to take into consideration the part of population that emigrated during the last 15 years, estimated to be nearly 800,000. Albania's population is the youngest in Europe, with the age group under 15 accounting for 29.5 per cent, whereas the percentage of population over 65 was 7.4 per cent (Repoba 2001) (the average in the EU is 16.6). In the next 15 years, this distribution of population shall gradually change. Depending on the fertility rate, the percentage of the population under 15 is expected to be 19–22. Depending on emigration, the percentage of population over 65 is expected to go up to 12–13 per cent.<sup>2</sup> Even in this case, Albania's population shall be still the youngest in Europe.

272. The transition period is characterized by high emigration rates. First, domestic migration from rural to urban areas and alongside the motorway Tirana-Durres in particular led to the growth of urban population from 35.5 per cent in 1991 to 42 per cent in the year 2001. The concentration in urban areas could be even larger, if we take into account the settlements of new comers in the outskirts of towns, which from the administrative point of view are considered as rural. The numerous unauthorised constructions in the town outskirts imply that inhabitants there are lacking energy, water, sewage, roads and other basic services related to infrastructure. Secondly, emigration, particularly in Greece and Italy reached such highs that it led to the decline of the number of inhabitants from the year 1991 to year 2001. Emigration has been both permanent and provisional.

**2. Poverty and social exclusion****(a) Poverty indicators**

273. Poverty indicators in Albania are among the highest in Europe. The Living Standards Measurement Survey (LSMS) allows the observation of poverty trends and features for the period from 2002 to 2005.<sup>3</sup> LSMS is in a position to measure different aspects of social exclusion in the sense that "various sorts of deprivation and barriers, together or separately, prevent the full participation at areas like employment, education, health, environment, housing, culture, access to rights or family support as well as professional training and job opportunity".<sup>4</sup>

274. The high growth rates during the recent years have led to a large-scale reduction of poverty level. Absolute poverty, with the per capita monthly consumption under 4,891 lek and with the prices of the year 2002 declined from 25.4 per cent in the year 2002 to 18.5 per cent in the year 2005. Meanwhile, extreme absolute poverty, with the per capita monthly consumption under 3,047 lek with the prices of the year 2002, including the population that can hardly ensure the basic food needs suffered a decline from 4.7 per cent to 3.5 per cent.

275. Poverty indicators and trends are not identical countrywide. However, on the account of limitations in selection, LSMS may provide reliable estimations for the urban and rural areas also for 4 major country's regions – Tirana, the Coastline, the Central Region and the Mountaneous Area.<sup>5</sup>

<sup>2</sup> Population projections for Albania 2001–2021, REPOBA 2001, INSTAT, 2004.

<sup>3</sup> The poverty indicators are based on the consumption and not income estimations, since it is thought that information related to incomes is not very accurate.

<sup>4</sup> COM (2000) 79 final: Communication from the Commission: Building Up an All-Inclusive Europe.

<sup>5</sup> The Coastline area includes the districts of Lezha, Kurbin, Kavaje, Mallakaster, Lushnje, Delvine, Sarande, Durres, Fier, and Vlora), the *Central Region* includes the districts of Kucova, Skrapari,

Table 1  
**Poverty indicators in Albania for years 2002 and 2005 all over the region and according to urban/rural areas (percentage)**

<i>Region</i>	<i>Absolute poverty, 2002</i>	<i>Absolute poverty, 2005</i>	<i>Extreme poverty, 2002</i>	<i>Extreme poverty, 2005</i>
Central Mountaneous Coastline	20.6	16.2	3.6	2.2
	25.6	21.2	4.6	5.2
	44.5	25.6	10.8	3.2
Tirana	17.8	8.1	2.3	1.0
Other urban and rural areas	20.1	12.4	4.8	2.7
	29.6	24.2	5.2	4.5
<b>Total</b>	<b>25.4</b>	<b>18.5</b>	<b>4.7</b>	<b>3.5</b>

*Source:* LSMS 2002 and LSMS 2005.

276. An insight in the data indicates that poverty reduction could have been even faster, if inequality would not have increased and due to the fact that some poor people did not equally benefit from economic growth. This was particularly the case in the coastline and central region. Among the standards for the measurement of inequality, the percentage of total consumption of 20 per cent of the poorest population fell from 12.7 to 8.2 per cent during the period from 2002 to 2005.<sup>6</sup>

277. The absolute poverty line is defined in terms of the basket of alimentary and non-alimentary items; it enables comparison in time and among age groups. The relative poverty line, as the preferred measurement in the EU reflects the extent of deprivation vis-à-vis the incomes of the rest of population. The most common measurement unit is the so-called “indicator of the marginalized by poverty”, which indicates the part of persons living in the family, with a consumption lower than 60 per cent of the national average. These indicators are very sensitive to changes in inequality, which is also reflected in the Table below, which indicates that the average indicator of relative poverty between the years 2002–2005 has gone up.

Table 2  
**Comparison of relative poverty indicators according to areas during the period 2002–2005**

<i>Region</i>	<i>Relative poverty, 2002</i>	<i>Relative poverty, 2005</i>
Coastline	11.3	14.1
Central Region	14.3	20.0
Mountaneous Region	23.9	20.4

Kruja, Peqini, Gjirokastra, Permet, Tepelene, Devoll, Kolonje, Pogradec, Mirdite, Puke, Malesi e Madhe, Shkodra, Elbasani, Berati, Korca, Mati and Tirana-countryside), and the *Mountaneous* area includes the districts of Kukes, Has, Tropoje, Bulqize, Diber, Gramsh and Librazhd.

<sup>6</sup> Coefficient Gini, which measures the change of current distributions and equal distributions is slightly up, from 0.28 to 0.29. This is comparable with the average of the EU15 (0.31); however, it should be also taken into consideration that the data on Albania refer to inequality of consumption, whose tendency is to be more evenly distributed than the incomes.

<i>Region</i>	<i>Relative poverty, 2002</i>	<i>Relative poverty, 2005</i>
Tirana	9.1	7.5
<b>Total</b>	<b>13.9</b>	<b>16.6</b>

*Source:* LSMS 2002 and LSMS 2005.

In Albania's context, both sorts of indicators are important, since they give us a broader overview of changes concerning the population welfare.

### **3. Strategy for the improvement of social assistance**

#### **(a) Situation**

278. The social protection programs have a significant impact on poverty in Albania. The social protection system in Albania includes the following: (i) the social insurance scheme on the basis of contributions (pensions); (ii) labour market programs financed through revenues and (iii) social assistance in the form of state budget transfers.

279. The total value of social protection public transfers accounts for 28 per cent of the consumption of the poorest from 20 per cent of rural families to 38 per cent of the consumption by the poorest in 20 per cent of the families of urban areas. In the absence of social protection programs, the poverty indicator might have been 11 per cent higher for the population and 20 per cent higher for the beneficiaries.<sup>7</sup>

280. In the social protection area, the state offers as follows: Economic Aid; this aid supports, on the average, 94,000 families, broken down into 38,000 in rural areas and 56,000 in urban areas, with monthly incomes of 2,900 leke/family. The economic growth during the period 2004–2009, the utilization of the LSMS indicators in drafting the budgets for this specific program is associated with a fuller and real identification of the poorest families and with the reduction of the number of families treated with economic aid.

281. The economic aid funds that showed a declining trend until the year 2007, thanks to the improvement of the assessment system it became possible for these funding to be 3,450 Million lekë in 2008 from 2.6 in 2007 and up to 4.2 Billion Lekë in 2009. Hence, we might say that there is a clear strategy in place for the real identification of poor families, which includes the growth of budgetary funding associated with the growth of the extent of economic aid for the families and individuals in distress.

282. Payment for persons with disabilities, is one of the social assistance programs with a rapid extension of beneficiaries in the recent years. The state budget expenditures for this program have considerably increased and this is perceived in the following two aspects: (i) inclusion of the groups of persons with disabilities; (ii) increase of the financial payment for each person with disabilities as well as (iii) the enhancement of services for specific categories, as in the case of the hygienic-sanitary package for the pre and tetraplegics or even the benefit for labour invalids of an addition over the invalidity pension for their disabilities.

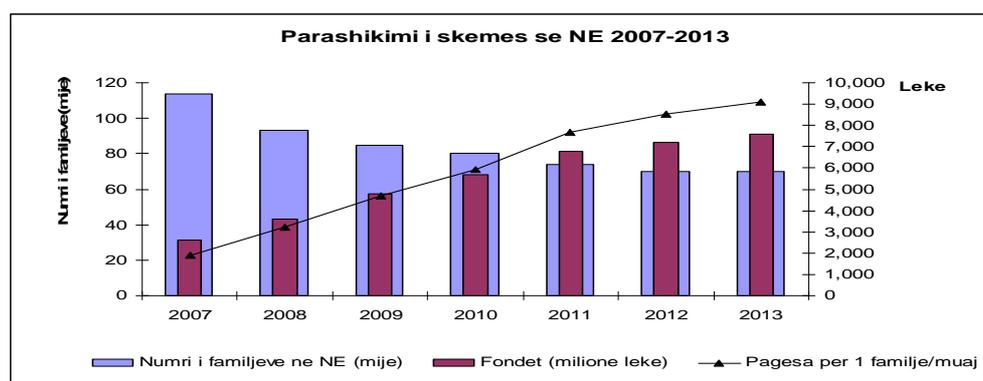
Work is on to set up a system for the assessment of disabilities, not only on medical basis but with the inclusion of social indicators as well.

<sup>7</sup> World Bank PEIR, 2006.

**(b) Measures**

283. Under the Social Protection Strategy, the following measures are designed for poverty alleviation:

- (a) Reducing until the year 2013 the extent of absolute poverty per capita up to 10% under LSMS;
- (b) Projection of the number of poor families included in the scheme of economic aid, under LSMS information;
- (c) Growth of EA funds in harmony with poverty level, \$2 daily for each person;
- (d) Growth of average allocation of the economic aid;
- (e) Conditionality in gaining the EA benefit through labour and other social programs.



284. The following is envisaged for the persons with disabilities: shifting the assessment of Persons with Disabilities from the medical to the social-medical model. The assessment envisages the implementation of the International Manual for the Classification of the Functions of Disabilities and Health (ICF). The escalation of the payment for disabilities depending on age, the state and the seriousness of Disabilities.

285. In the context of these measures, work is on the following: amelioration of the Law No. 9355 "On social assistance and services", which paves the way to the following:

- (a) The possibility of providing an escalatory payment according to the seriousness of the disease;
- (b) Revision of the Assessment regulation based on the International Manual (ICF);
- (c) Shifting the Assessment Commissions of Disabilities to Health Insurance Service.

**(c) Goals**

- (i) *Upgrade the level and cover with benefits*

286. Until the year 2013, the extent of economic aids for families will tend to achieve the poverty line indicator, within a ceiling point that does not exceed the level of the minimum pension nationwide. The intention is to have 70,000 families that benefit economic aid in 2013.

287. Increase the extent of covering the needs for poor families shall be realized through the following: (i) increasing the budgetary funds set to be transferred in the program of

economic aids; and (ii) decline of the number of families benefiting from the scheme of economic aid due to economic growth.

(ii) *Improvement of the assessment of beneficiaries for the applicant families*

(iii) *Conditionality for the beneficiaries of economic aid with their community work*

**(d) Access to services**

288. The infrastructure of public service distribution, including the social care services, health and educational service is very poor in rural areas, particularly in the urban and outskirts-urban areas, with large informal dwelling locations on the account of domestic migration. The devastation of infrastructure of 90' and the migration of professionals have aggravated the situation. The policy of decentralization in the distribution of services in some sectors, as health, education and social services has been commissioned.<sup>8</sup> Nevertheless, the traditional formulas used in the allocation of investments and current expenses by central and local Government are not necessarily linked with the needs of the poor. The need arises to enhance the monitoring capacities of the service distribution on the part of local government or monitoring expenses, where the policies for the reduction of social exclusion are under implementation. Apart from the relevant sectorial strategies, the inter-sectorial strategies of rural and regional development shall improve access to services.

**4. Social Care**

**(a) The state of play**

289. Traditionally, Albania has not made use of the institutionalization of social care, as a way to ensure services for the elderly, the orphans or persons with disabilities. The program of care services benefits all individuals and group ages, races, children, Persons with Disabilities, the juveniles, the women violated, trafficked and who are vulnerable to trafficking, the elderly and others. In the year 2007–2008, all residential services were decentralized. Services are offered in public residential and community centers and in non-public centers offered by private operators, NGOs, and others.

290. Individuals needing residential services – orphan children, Persons with Disabilities, the Elderly, who ask to be accommodated into institutions have to apply to the local unit of their location under a procedure adopted by decision of the Council of Ministers.

291. Residential services that until the year 2005 were offered by the Central government are decentralized, providing to the local unit the relevant funding for this delegated competence, designed to satisfy individual need in the best and most qualitative way.

292. During the period 2004–2008, apart from the decentralization of residential services, 43 community-based service models were also set up. This enterprise was backed up through a World Bank project, which after assessing the social state of play in the country, it identified the groups in need for these services, the necessary sorts of services in cooperation with the local unit and the NGO operators, it first established community services in 4 country circuits and in 4 others afterwards, by setting up the model of contemporary services for children, Persons With Disabilities, the Elderly, the Young, women and girls in distress and others. These services were supported both for the adjustment of the ambiances, completion with the necessary material-didactic basis and the boost of human capacities for offering a qualitative service.

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<sup>8</sup> National Strategy for Decentralization and Local Autonomy 1999.

293. The period 2004–2009 was associated with an increase of cooperation and the inclusion of civil society, both in drafting legislation, the strategies and in the process of assessing the activities they conduct in the field of social care.

294. Pursuant to the Law No. 9355 dated 10.03.2005 and the Decision No.654 of the Council of Ministers, the number of licensed entities is nearly 110 and this process is considered as a period for the institutionalization of relations with operators that offer services.

295. For the implementation of service standards, the Program of Economic Aids, payments for Persons with Disabilities and social services, the Minister of Labour and Social Affairs has set up the Inspectorate of Economic Aids, Payment for Persons With Disabilities and Social Services; the latter inspects the activities and the implementation of the legislation in its subordinating structures and institutions, coordinating its work with the sections of economic aids in municipalities and communes, NGOs and other operators acting in the field of social protection.

296. The tasks of the social service policy are as follows: (i) extension of diversified community services, covering all groups with the basis services in all the country's districts; (ii) extension of community services until the year 2013 even in the municipalities that currently do not offer them; (iii) pilots the custody service 2008–2010 in two municipalities and until the year 2013 the extension of this service to other local units, in harmony with the needs and budget potentials; (iv) deinstitutionalization, consolidation of the service model "home-family" for children and Persons With Disabilities, extension of these services into other social groups (juveniles, the Elderly); (v) boost of the quality of services for children, Persons With Disabilities through the implementation of service standards; (vi) inspection of all services of residential daily care offered by public and private operators; (viii) licensing the bidders of all NGOs offering social care services.

297. Measures: The philosophy of national policies of social care lies in building up that sort of service system that would be able to satisfy the needs or reduce to the minimum the impact of negative effects of social occurrences over categories seeking to benefit from its services. The social care system, through its strategic policies and goals intends to support people in distress within the families and their communities, as compared to the care offered by centralized residential services. The reform of the system of services envisages the following:

(a) The services of residential care transferred into the local unit should gradually pass on towards community-based services, in harmony with the citizens needs;

(b) Set up new community services, apart from existing residential social care services;

(c) Enhancement of the diversity and geography of services, in line with the residents needs;

(d) Increase the participation of local government units and civil society organizations in programming the realization of social services;

(e) Raise the responsibility of local government units in financing and ensuring the sustainability and continuity of services;

(f) Implementation, monitoring and improvement of the standards of services for each group in distress, with a view to ensure qualitative and effective services;

(g) Observe the rights of groups in distress for social protection, satisfy their own needs and foster their integration into the social life, particularly in the case of children, Persons with Disabilities and the Elderly.

298. Benchmarks are:

- (a) Until the year 2009, the rate of maternal mortality for 100,000 live births would be 12;
- (b) Until the year 2009, the rate of infant mortality for 1,000 live births should be 11.

## 5. Housing

### (a) Situation

299. At the end of communist epoch, Albania had one of the lowest housing levels in Europe. In the last 15 years, Albania underwent a rapid socio-economic transformation. Until the year 1995, following the 1993 housing reform, 98 per cent of 238,700 families privatized the dwelling flat almost free of charge. Privatisation came to the assist families with the lowest income level; however, many of them did not have the financial possibilities to maintain the flats. The National Housing Entity, set up in 1993 builds or purchases flats and sells them to those people registered as homeless in 1993; however, this category of homeless is not necessarily poor.

300. Migrants from rural areas are settled in the outskirts of urban areas, building informally in free lands. The outcome was that the housing quality and the size of used areas is increasing for all groups. Under the census data 1989, there were 2.7 persons living in a single room. LSMS 2002 and 2005 indicate that the density has declined to 2.25 persons per room; yet, this level remains higher than that of other European countries. LSMS 2002 and 2005 indicate that the dwelling area has increased with almost 20 m<sup>2</sup>, equivalent to 3 m<sup>2</sup> per person compared to the year 2002, which brings this parameter into the usual boundaries of Central and Eastern Europe.

301. Through illegal constructions, largely from families descending from various area of the country had the opportunity to ensure a certain kind of fortune; yet, these constructions are at the town outskirts, associated with a lack of infrastructure and sufficient space for the construction of roads. The data from the latest observations show that in recent years, the housing cost has gone up and that housing insurance for the poor is on the decline. Another major problem for the low-income families in Albania is the very low percentage in the market of rented houses, estimated at 5% as against 30–50% in the majority of market economy countries.<sup>9</sup>

302. A growing informal market of immovable properties; however, it is limited due to the following three major factors:

- (a) Lack of master plans and adoption through legal acts on local level;
- (b) Lack of programmes financed by municipalities for the construction of basic infrastructure;
- (c) The “de facto” impossibility to purchase unutilised land for their use.<sup>10</sup>

303. There are also problems related to the impossibility of those who are really poor to buy a house, with the extension of unauthorised constructions, poor institutions and lack of respect for the rule of law.

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<sup>9</sup> Bertaud 2006.

<sup>10</sup> *Ibid.*

304. The task for politics: Provision of social housing for low income families and the development of regulatory institutions and the financial sector to ensure access for housing the low-income strata.

**(b) Measures**

305. The National Housing Strategy (2001) shall be revised and integrated to the Sectorial Strategy for Urban Development. The housing policy is designed to produce a favourable legal, fiscal, financial and budgetary climate for the development of free market, growth of the supply for financially affordable housing, distribution of direct subsidies for the low-income families and vulnerable groups, fostering programs for the urban revival and modernization of the maintenance of flats, enhancement of local government capacities in the management of housing issues and encouraging multilateral partnerships among the public (central and local) and private sector (profit and non-profit) and the community. With the minimization of the housing state's role, the housing policy goal is the identification of targeted groups to provide them with assistance and opportunities for financial housing support aimed at gaining the property title, which is very valuable in the Albanian society. The details on the activities for the Roma people are treated in the relevant following Section.

306. The National Housing Strategy has the three following major priorities:

(a) Access of the poor to convenient housing conditions, including social housing with a lower lease rate;

(b) Development of the financial housing sector and public-private partnerships to offer financially affordable housing;

(c) Fostering programs for the housing maintenance and improvement.

307. The Law of the year 2004 on the "Social Housing Programs" is already adopted and it will enable the definition of the legal frame for the Housing Strategy (the implementation start in 2007). One of the medium-terms priorities is the definition of new standards concerning housing policies. In this regard, the housing right under international and European standards as well as the average financial cost for a typical flat shall also be reviewed, in order to assess the housing potentials. The Government has pledged to finalize the process of legalization of apartments, in particular in the urban areas, where there are new constructions. For the legalization of houses and receipt of the property title, they will have to pay 100–400,000 Lek. This process shall favour people in distress. The Government is also committed to compensate the land owners. The legalization of unauthorized constructions during the issuance of construction permits shall be first done through a penalty up to 4 per cent over the market price. Through a case by case analysis, the areas with unauthorised constructions shall be developed and urbanised through investments in infrastructure and such basic services, as education and health. During this whole process, a differentiation has to be made between unauthorized constructions for social needs and those for personal profit, punishing the latter.

308. There are initiatives under way for ensuring the basic infrastructure. Decentralization implies that the local government is vested with a larger role in the formulation of appropriate laws and their implementation, in the formulation of urban plans, by defining a local basic duty for infrastructure and services and for receiving funding for basic infrastructure. The World Bank is financing a project of \$20 Million for Land Management and Urban Development, which would improve the land efficiency and property markets through a larger safety on property and better rules for land management, as well as the strict implementation of these rules.

309. Goals are:

- (a) Growth of inhabitable area for each person;
- (b) Growth of the percentage of the rented flats against the total.

## **Article 12**

### **1. Mental health**

310. With regard to the legal frame and measures adopted to ensure mental health, we may provide the following information: pursuant to the initiated reform in the field of mental health and pursuant to the Law No. 8092 dated 21.03.1996 "On the Mental Health", by Order of the Minister, the Political Document No. 116, dated 25.03.2003 is already adopted together with the Plan of Action for the Development of Services of Mental Health in Albania, No. 226, dated 13.5.2005, as well as the Regulation on Services of Mental Health, No. 118, dated 15.05.2007.

311. Pursuant to the legal frame, the mental health reform continues, aimed at reducing the number of beds in the psychiatric hospitals and the opening of daily community centers for mental health in the districts with psychiatric hospitals and cabinets, as well as in opening protected homes for chronic patients. This reform is designed to observe their rights, improve the living conditions and rehabilitate them to return to their families.

312. A legal psychiatric hospital is under construction in Durrës for the persons who have committed a criminal offence and currently are staying at the Prison's Hospital. This hospital is also being opened under the CPT recommendations, so that all rights of patients would be observed.

313. With regard to measures taken to reduce mortality during birth delivery and infant mortality and to ensure a healthy child development, we inform as follows: the Ministry of Health is the major provider of health care in Albania. It offers this sort of care through a wide-ranging network of hospitals, polyclinics and centers of primary health care.

### **2. Maternal health**

314. Women in Albania represent nearly 50.1% of the population. In 1994, Albania was one of the states to sign the Plan of Action of the Cairo International Conference on Population and Development, which required from countries the enhancement of the integration of reproductive health and child care services, including safe motherhood for the whole population and, in particular, for the most vulnerable groups and least served" (ICPD, 8.17).

315. Based under this Plan of Action, the policies and strategies of the Ministry of Health consider maternal and child health as a very important part of human rights and place it at the focal point of reproductive health services, aimed at integrating medical services of reproductive health at health care levels, with the priority attached to primary health care.

316. The medical services for material care are provided free of charge at the three care levels and they are integrated to our health services as follows:

- (a) In the primary health care:
  - Countryside:     Ambulances
  - Health centers
  - Town:             Maternal consultancy facilities
  - Family planning centers

The duties of Maternal Consultancy Facilities in the KSHP are as follows:

- (i) The antenatal follow up of pregnant women;
- (ii) Health education for reproductive health;
- (iii) Prevention, Detection, Treatment and Follow up of the Pathologies in the Reproductive System;
- (iv) Consultancy and provision of contraceptive methods;
- (v) Health education for FP;

(b) In the secondary health education: maternity houses in the districts. All district hospitals have maternity-neonatology wards and for the year 2007, there are altogether 36 nationwide. There are 1,077 obstetric beds and 472 gynaecological beds and 459 beds in neonatology included in the country's maternities;

(c) In the tertiary health care: the University Obstetric-Gynaecology No. 1 and No. 2.

**(a) The situation of maternal mortality**

317. Fertility in Albania prior to 1990 used to be very high, nearly 6,9 and during this decade, according to the INSTAT figures, this indicator continues to decline considerably, from 6,9 in 1990 to 2.0 in 2006; yet, Albania remains a country with a high fertility rate in Europe.

318. One of the most significant indicators of maternal health is maternal mortality rate. In our country, maternal mortality indicators show a decline with each passing year, reaching to 1/2 of the pre-1990 level; from 50/100,000 live births to 14.7 for 100,000 live births in the year 2006.

319. Until the year 90, abortions in Albania upon women's own request were legally prohibited; they were conducted illegally only; likewise, no method of contraception was offered by health services, on the grounds of pro-natalist policies.

320. After 1993, with their liberalization, a considerable boost of abortions was noted in Albania. Thus, the number of abortions in Albania went up from 234,000 in the year 1989 to 334,000 in 1993 and further on the figures by the Ministry of Health indicate their gradual decline together with the number of birth deliveries (for the year 2007, the number of abortions reported by the public health institution is 9,058).

321. After the legalization of abortions in 1993, the number of maternal deaths came on the decline and after 1997 no maternal death is reported to be caused by abortions, nor was there any illegal abortion.

322. As it was mentioned above, in the last ten years, the data collected by the Ministry of Health and some surveys conducted by international organizations and NGO indicate the decline of abortions, although reports, particularly from the private sector are not complete.

323. Given the above-mentioned, in 2007, the Ministry of Health in cooperation with INSTAT and the Institute of Public Health started to collect information on abortions by the private clinics offering this service.

324. As of May 2007, the Public Health Institute, under the guidance of the Ministry of Health and sponsored by UNFPA has launched the program "Abortion surveillance in Albania".

325. Starting in 2008, the Ministry of Health, through the abortion card, collects data from all private and public clinics, offering this service nationwide.

326. The relationship birth/abortion from 2/1 (2 births/1 abortion) for the years 1994–2000 has kept on increasing in favor of births for the years 2006–2007 (3.7 births/1 abortion).

**(b) Perinatal care**

327. The protocol of perinatal birth in Albania includes the general risk assessment through a series of examinations and laboratory analysis, detection of sexually transmissible infections, izoimmunity Rh, health education for risk signs during pregnancy, nourishment, breastfeeding and others.

328. With regard to pre-natal care, a significant indicator is the percentage of pregnant women receiving antenatal care by a capable medical personal. The surveys conducted in our country by MICS (Multi Indicator Cluster Survey 2006) UNICEF, USAID and others under the data supplied by the Ministry of Health shows that 98 % of women receive care during their pregnancy by a capable medical team.

329. Likewise, these surveys indicate that year 2005 as compared to 2000 marks the increase of the percentage of women examined by this medical team in the first quarter of their pregnancy.

330. In Albania, it is recommended that all births be delivered in health institutions, where by the properly trained staff may monitor the progress of natal and perinatal performance.

331. According to reports by the Ministry of Health and the above-mentioned surveys it turns out that nearly 93% of births take place in health institutions, whereas 7% at home; out of these home births, nearly 6.2% are delivered through medical team assistance and 0.2% without any medical aid.

**(c) Family planning services (FP)**

332. Until 1991, family planning services in Albania were prohibited, due to the policy urging the largest possible encouragement of births. Not a single contraceptive means was allowed to be distributed to the population. The health staff had no knowledge on these tools; besides, an anti-scientific propaganda was conducted at that time over the contraceptive effects.

333. In such a situation, on 27 May 1992, the Decision by the Council of Ministers, No. 226 permitted the family planning activities in Albania. Their goal is to improve the material and child's health and prevent sexually transmissible infections and HIV/AIDS.

334. Currently, family planning services in Albania are provided both by the private and public health system:

- (a) Medical centers and ambulances of the KSHP in the public medical system;
- (b) FP centers involved in the district maternities in the public medical system;
- (c) Private medical clinics;
- (d) Services provided by NGOs working in the field of maternal health.

335. Family planning services provided by the Ministry of Health are distributed at the three levels of medical care. The Public sector provides FP services in 429 centers in maternities, polyclinics, medical centers and in some ambulances in the countryside.

336. The data reported regularly through the national information system indicate that the number of public medical centers providing FP services has grown considerably. Currently,

the level of primary service in the FP is represented by 429 maternal consultancy points, maternities and medical centers in communes.

337. At the second level of medical care, all maternities of the country hospitals provide Family Planning service and offer all sorts of modern contraceptive methods, information and counselling on family planning.

338. The third level of medical care is offered in maternal centers at the obstetric-gynaecological university hospitals Nos. 1 and 2 in Tirana Maternity “Nëna Geraldinë” and Maternity “Koço Glozheni”.

339. One of the priorities of the Ministry of Health for the Family Planning National Program is the growth of access to these services, not only in geographic terms but also regarding the quality of these services.

340. The Ministry of Health, in cooperation with the relevant donors and partners in this field, as USAID, UNFPA, UNICEF has substantially increased its geographic access to the rural areas. Today, the FP services are offered on commune level, marking a respective increase of the contraceptive prevalence (CPR) of 62% in 2007 as against the year 2002.

341. The data from various surveys reported by the Ministry of Health, UNFPA, USAID and others indicate a growth of the use of modern contraceptives for the period 2002–2007.

**(d) Child care**

342. Child care in the primary care starts right in the rural/countryside areas where there are ambulances with secondary education mid-wives/nurses. The ambulances provide basic medical services related to the prevention and treatment of diseases of countryside inhabitants. The package of these services does also offer material and child care.

343. The medical centers are established in communes and they usually have family doctors and at times a paediatrician and midwife/nurse who follow up all the problematics of rear and development of children 0–14, vaccination, education and health promotion.

344. In towns, the primary specialized service for children is covered by the children consulting points that look after the good upbringing and development of children 0–6 and services for paediatric diseases attached to the town polyclinics, following up the diseased children up to 14. After the age of 6, it is the school doctor that follows up the children development and upbringing. The service provided by school doctors is part of public health; however, it is not organized in all districts. Currently, the Ministry of Health has launched a project for the reorganization of this service.

345. The preventive services for child medical care, the Children Consultation points, the Medical Centers and Ambulances, under a directive by the Ministry of Health make obligatory examinations of monitoring the good upbringing of children, 13 such examinations for the first year, one visit each there months during the age 12–24 months and one visit in each six month for the age 2–6. These children services lack multi-disciplinary teams, as social workers.

346. After the age of 6, children follow up is made by the school doctor.

347. At the secondary level: There exists the general paediatric pavilions and the maternity wards for maternal care in all district hospitals.

348. Tertiary service: This service in our country is currently offered by the University Pediatric Hospital QSUT “Mother Tereza” Tiranë, attached to the Hospital University Center.

349. The National Center for the Upbringing and Development of Children was set up as such under the Decision by the Council of Ministers dated 23.06.2000. It was designed as a

center of diagnosis and treatment of development problems, as a training center and as a venue for conducting scientific surveys on children upbringing and development.

350. Care for the newly-born babies: the neonatologic hospital service (children from 0–28 days old) in our country include 28 country districts, encompassing the obstetric hospitals of secondary and tertiary medical care.

351. Medical budget for maternal and baby care: the Ministry of Health does not have a separate budget item for maternal and children health expenses. However, on the basis of an analysis made by the Economic Directorate of the Ministry of Health, it turns out that regarding the material and children health, the budget has increased respectively as follows:

Year 2005: 1 Billion and 858 Million lekë (%)

Year 2006: 2 Billion and 243 Million lekë (11.5%)

Year 2007: 2 Billion and 630 Million leke (11.7%)

**(e) The situation of child health**

352. The official figures of the Ministry of Health, based on the reports by public medical institutions indicate the infant mortality rate declining from 30 for 1,000 in the year 1990 to 16/1,000 live births in 2000 and 12.4 in 2007.

353. Although all sources of these figures show encouraging improvements concerning infant mortality during the last decade, this indicator compared to advanced countries in Europe remains at high levels.

**(f) Death causes**

354. According to INSTAT reports, among the death causes, the first belongs to respiratory diseases, which in this decade have declined over 30%, compared to the period prior to the year 2000; the second cause relates to the perinatal period followed by congenital anomalies.

While digestive infections show a considerable decline as an outcome of policies of immunization and the improvement of socio-economic conditions compared to those of 90.

**(g) Malnutrition**

355. Some studies show that Albanian children have problems with malnutrition, although figures indicate an improvement of this situation.

356. Malnutrition prevalence has almost become identical in the urban and rural areas (this is perhaps due to domestic migration from rural areas and the overpopulation of urban areas). Children living in mountainous areas have a higher percentage (32%) of malnutrition than those living in lowlands. The largest differences concerning malnutrition were also noticed between the country's southern and northern part, which reflects the socio-economic situation.

357. The most affected is again the age group 1–2 years, which as it was mentioned above reflects the poor practices of starting a solid/ complementary nutrition related to the poor performance and knowledge on the part of medical personal with regard to counselling for children nutrition, as well as lack of education for mother's care in upbringing children.

358. Breastfeeding is considered as one of the major indicators for children health and growth. The data from national researches conducted by the Ministry of Health with UNICEF in 1998, 2000 and 2006 show that exclusive nutrition through breastfeeding for the first 6 months of life has kept on increasing from 13% to 40%; yet, this is a low figure for the Ministry of Health, which continues to work on the medical promotional and

education with mothers, upgrading the know-how on the part of medical workers for the exclusive nutrition through breastfeeding. The number of hospitals baby-friendly that implement the 10 steps for the successful nutrition through breastfeeding (global strategy by WHO and UNICEF) for the period 2004–2008 has increased with 5 new hospitals during this period.

**(h) Vaccination**

359. Children immunization is one of the priorities of the Ministry of Health. Albania has a compulsory vaccination scheme against the major infant diseases preventable through vaccines: (Diphtheria, Tetanus, Pertus, TBC, Polio, measles, German measles, Parotite Hepatite B, Hb). In 2002 WHO certified Albania as a country free from poliomyelitis and measles is also disappearing (no single case is reported as of 2002).

360. In 2006, a vaccine against *Haemophilus Influenzae* was added to the vaccination scheme, which protects little children against the disease of meningitis, which leads to a high mortality rate at this age group.

361. Albania has already a National Plan of Action on Immunization and the Albanian Government is part of the partnership with the Global Alliance of Vaccination and Immunization (GAVI) engaged in providing other specific child's vaccines during the period 2002–2005. From the year 2004–2005, all vaccines are purchased with Albanian state funding.

For the period 2008–2015, Albania intends again to ensure the scheme of the national calendar of vaccination with new vaccines, as for instance, pneumococcus, rotavirus, and others.

**(i) Children and HIV/AIDS**

362. Albania is considered a country with a low prevalence of HIV /AIDS; according to the percentage of cases declared this prevalence is less than 0.1%. Vertical transmission from mothers to children is reported in 4% of the cases and until the year 2007 there are 7 cases of children with the HIV infection.

**(j) Legislation on protecting maternal and child health**

363. Under the Convention on the Rights of the Child which our country has also signed and under Article 54 of Albanian Constitution, the children, the pregnant women and the mothers enjoy equal rights before the law and the right for special state protection, safeguarding in this way the right to life, survival and children development.

364. The adoption of family planning activities under the Decision of the Council of Ministers No. 226, dated 27 May 1992, which until that point of time were prohibited in Albania.

365. Adoption of the Law No. 8042, dated 7.12.1995 on the voluntary interruption of pregnancy, which provides for the voluntary interruption of pregnancy up to 12 weeks upon women request, inspired by the Resolution of Cairo Conference 1994, which does not consider abortion as a tool of family planning and intends to provide information prior to and instantly after the abortion, on the avoidance of undesirable pregnancies, as well as the socio-psychological and medical counselling, which are conducted in the FP centers, the material consultancy facilities and maternities.

366. Specific adjustments to protect the rights and the health of pregnant women and breastfeeding mothers are also specified in the Labour Code; its articles 27 and 28 stipulate the women rights regarding motherhood; they do also specify that women are entitled to benefit from the paid maternal leave for a period of 365 calendar days.

Likewise, the Council of Ministers has issued some instructions and regulations in 1996 regarding maternal rights to breastfeed their own children during the time of their employment outside home.

367. Law No. 8528 “On promoting and protecting breastfeeding”, dated 23.9.1999. This law is pursuant to the International Code of Substitutes for Breastfeeding enacted by the World Health Assembly by all member States, with our country being also its participant, in May 1981. This law is designed to contribute to ensuring a safe, proper and sufficient breastfeeding for children, by protecting and promoting breastfeeding and by ensuring the proper use of breastfeed substitutes when necessary, on the basis of convenient information and through their marketing and distribution. This Law governs the marketing and related practices of the breastfeeding substitute products, when they are marketed or presented as appropriate for use, as partial or even total breastfeeding substitutes.

368. Law No. 8876, dated 4.4.2002 “On the Reproductive Health”: The Law “On Reproductive Health” is mainly designed to introduce and accept the reproductive rights and health for each individual, the health improvement for the country’s population and, in particular, for maternal and children health. This Law defines, specifies and ensures the following:

(a) The protection of reproductive rights for each individual in the Republic of Albania;

(b) Arranges the organization, operation and supervision of all activities in the field of reproductive health, in the medical, private and public institutions. The Law stipulates and protects very clearly the following reproductive rights:

(i) The right for family planning, according to each individual’s choice;

(ii) The right of access to new methods and techniques that regulate reproduction;

(iii) The right of each individual to control his reproductive and sexual behaviours, according to his desires and requirements, without fear and hesitation;

(iv) The right for a proper medical pre and postnatal care for mothers and children, which ensures a safe pregnancy and delivery for each woman and that provides married couples with the best opportunity to have a healthy child;

(v) The right to access for information and education for reproductive health.

This enacted law contains some specific articles related to the protection of mothers, children, adolescents and pregnant women.

369. Pursuant to the articles of this Law, the Ministry of Health has worked on the completion of sub-legal acts; it has prepared Decisions and Regulations for the follow up of pregnant women, children and others.

370. The Law “On the prevention of HIV/AIDS in the Republic of Albania adopted in 2002, which was amended and improved with the Law No. 9952, dated 14.7.2008. Article 5, point 5 of this Law defines as a state policy for the prevention and control of HIV/AIDS, the support for the prevention and control of transmission from mother to the child.

371. Article 9 prohibits the abandonment of children by mothers infected with HIV/AIDS. Article 16 of this Law defines the public and private institutional and educational obligations for the pupils and students with HIV/AIDS. Article 18 of this Law charges the local government unit to support and look after the persons infected with HIV/AIDS and their families, facilitating their community and societal integration through specific programs and services.

372. Article 36 specifies the prevention and control of transmission of HIV/AIDS from mother to the child. Whereas Article 40, point 1 defines that persons under 18 and infected with HIV/AIDS benefit social cash assistance or in services, while point 2 of Article 41 specifies the children infected with HIV/AIDS, who are abandoned and those who have lost the bonds with their families or the ability to work shall be taken under the custody of public or private social service institutions (residential institutions of social care).

373. Law No. 8167, dated 21.11.1996 “On the stomatological health service” with the relevant amendments provides for the realization of health stomatological prophylaxis and healing services with state budget expenses. The stomatological health services are set up at school institutions with equipment provided by the Ministry of Health.

374. Likewise, this year saw the approval of the new law “On the Stomatological Health Service”, dated 9.06.2008, which stipulates the free treatment of children 0–18 years.

375. Law No. 9669 “On the measures against violence in the family relations” adopted on 18/12/2006. Likewise, Article 7, point 2 (c), stipulates that the Ministry of Health should raise the proper capacities to bring to evidence the cases of violence in the relevant medical documentation and the medical centers are obliged to refer and guide the victims to other support services.

376. Pursuant to this Law, the Ministry of Health has already prepared the Order No. 13, 23.1.2008, for the issuance of the relevant report to violated persons in the family; Order No. 14, 23.1 2008 “on evidencing the cases of violence in the family relations in the individual register and card”; Order No. 15, dated 24 01 2008, on the medical treatment in the public medical institutions for the persons violated in the family.

377. Law No. 9942, 26/6. 2008 “On the prevention of disorders due to the iodine insufficiency in human body”; it is designed to avoid the consequences from lack of iodine in the human body and particularly to women during their pregnancy, breastfeeding and to the little babies, through the strategy of universal iodization of salt for human and livestock consumption.

378. Law No. 9518, dated 18.4.2006 “On the protection of juveniles from use of alcohol”. This law is designed to prevent the health negative effects from alcohol consumption through the use of alcoholic beverages by juveniles.

379. In order to meet the goal and target of this law, it is also envisaged to prohibit the sale or the free supply of alcoholic beverages for the juveniles or their consumption at public places by them. The law foresees in a taxative way the prohibition of the use of alcoholic beverages at school and school surroundings.

380. Likewise, unless associated by his parents, or custodian, a juvenile cannot attend a bar or night club from 22:00 Hours until 6:00, where alcoholic beverages are on sale. The owners of night clubs, where alcoholic beverages are sold or the personnel employed there shall not permit the entry in the venue of the persons who are visibly not in major age, without asking first for the document of identification.

381. Accordingly, to prove that a person is not minor, he will have to show one of the following documents: the certificate of birth with a photograph; passport for travel abroad; the driving license; the pupil’s identity card; any other official document equivalent with the above-mentioned documents.

382. The entities selling alcoholic beverages should place at the entries indication boards with the notice” “The sale of alcohol to persons under 18 is strictly prohibited”. This law does also prohibit advertisement for alcoholic beverages, intending in this way to refrain children from using alcohol.

383. The law specifies that it is prohibited any sort of advertisement of alcohol in the educational institutions for the minors. Moreover, it is prohibited any form of advertisement for alcoholic beverages addressed to minors as well as in the cinema or theatre audiences during shows for minors. The major responsible institution for the implementation of this law is the State Sanitary Inspectorate and the Municipality Police. The law does also specify penalties in cases of failure of compliance.

384. Law No. 9636, dated 6.11.2006 “For the protection of health from smoking effects”. The purpose of this law is to protect public health from the use of tobacco products and involuntary exposure to their smoke. The law defines measures for the limitation of the use of tobacco products and public protection from smoke effects and exposure; measures creating premises for public awareness on the smoking effects, ensuring an effective and ongoing information for tobacco product users on these harms; measures to prevent the start of smoking, to foster and support non-smoking and reduce consumption of tobacco products. In each package unit of tobacco products, there should be warning messages on the health effects caused by smoking. These messages should be clearly and visibly written in Albanian language.

385. The Law provides the following restrictive measures for persons under 18: Prohibition of sale and supply of tobacco products for trading purposes to persons under 18. All selling points should have a visible and readable board with the notice: “The sale of tobacco products for persons under 18 is prohibited.” The Law does also clearly specify that the sale of tobacco in the following public venues is also prohibited: medical institutions; educational and sport institutions; the automatic selling machines; self-service; in the streets by ambulant sellers; through postal service.

386. Moreover, the Law protects the involuntary exposure to smoke, prohibiting smoking in: working surroundings, educational institutions, public transport vehicles; market surroundings, bars, restaurants, discotheques and night clubs; other public surroundings.

387. The Ministry of Health is the major responsible authority for the promotional campaign against smoking and protection of health from involuntary exposure to smoke. The authority monitoring the implementation of the law is the state sanitary Inspection; it coordinates the work with the Municipality Police. The responsible authority regarding some articles of the relevant law is the Tax Police and Customs Police.

388. With regard to the protection of the child health from environmental risks in the context of the strategy “For the protection of children and environment (CEHAPE)” the Albanian Parliament has signed: The Law on Albania’s accession to the Kyoto Protocol, on 16 December 2004 (regarding the air quality). In December 1994, Albania acceded to the United Nations Framework Convention on Climate Change.

389. Regarding the quality of drinkable water, the Protocol on Water and Health was ratified on 27 December 2007 through the Law No. 8849. In 2004, Albania ratified the Stockholm Convention on Persistent Organic Pollutants for the reduction of diseases from exposure to hazardous substances, biological agents and working dangerous surroundings.

**(k) Strategic documents**

390. National Strategy for Integration and Development 2007–2013: this document harmonises into a single strategic frame the country’s perspective for a sustainable and integrated socio-economic development, also expressed in the requirements of the Stabilization and Association process, EU and NATO integration and the fulfillment of the Millennium Goals.

391. Priority is attached to material and infant mortality through concrete actions as vaccination, health promotional education and other actions for the improvement of the

quality of health care services for mothers and children and the extension of vaccinal reach for children. In the context of the Millennium Development Goals, Albania intends to reduce the material mortality rate in 2012 to 10 for 100,000 live births and infant mortality rate to 10 for 1,000 live births.

392. Medium-Term Strategy of the Albanian Government on Gender Equality, the Empowerment of Women and Prevention of Family Violence 2007–2010: the Strategy has made interventions at various sectors in view of achieving gender equality and violence prevention among women. The interventions by medical sectors are designed at the following:

- (a) Improvement of the state of health for girls and women, by stepping up the response of medical service for women and girls and the women health needs;
- (b) Encompassing women in the medical programs and policies of gender distinctions;
- (c) Provision of effective health services for men and women;
- (d) Promotion of good health through preventive measures and reducing risk factors for women health.

Likewise, the Strategy defines the goals and interventions by the Ministry of Health for the prevention of violence in the family.

393. The National Strategy for the Youth and the National Action Plan. It was adopted by the Council of Ministers on 16.11.2006. This Strategy outlines the national youth policies as integrated and intended to address the needs of the youth and their own problems. This is an inter-sectorial strategy and the activities of the Action Plan include several actors, as Ministries, NGOs, local government and others.

394. The 10-Year Strategy for the Health System Reform (2000–2010) which defines the strategic priorities and interventions designed to upgrade the population health. This Strategy does also attach priority to upgrading maternal and children health.

395. The National Strategy for HIV/AIDS 2004–2010 lays emphasis on the risk for girls and women affected with HIV/AIDS; in addition, it is designed to apply preventive measures of awareness and contemporary methods for the treatment of infected women. This Strategy is currently being revised and improved, and the avoidance of the HIV transmission from mother to child accounts for a specific part.

396. The Strategy of Medical Education and Promotion includes the goals and activities for medical education and promotion with regard to the maternal and children health (under revision).

397. The Strategy for Reproductive Health is under preparation, with a special chapter on maternal and children health. This Strategy was to be finalized in 2009.

**(I) Some of the national programs for maternal and children health**

398. Program: Making pregnancy Safer/Promoting effective Perinatal Care (WHO/UNICEF/UNFPA). The PEPC Program developed by the World Health Organization for Europe makes today one of the major components of the WHO Global Initiative “Making pregnancy safer” in this region.

399. The PEPC in our country is focused on the critical period of the perinatal care, which extends from 22 weeks of pregnancy until 7 days following the birth delivery and it is designed to ensure the child’s healthy start in life, by reducing maternal and perinatal death rate through the promotion of safer maternal period.

400. In our country, this program started in 2002, as a national program, with its major components shown below:

- (a) Training of the staff of Primary Health Care services for mothers and the newly born babies shall be targeted for the essential antenatal and postnatal care as well as for the essential care for the newly-borns and breastfeeding;
- (b) Drafting unified protocols for the ante-and postnatal care as well as care for the newly born babies;
- (c) Upgrading the management and supervision of maternal and child services in the KSHP.

401. The National Program of *UNFPA: AL/03/PO1* "Support for the Reproductive Health and Family Planning in Albania". The goals of this Program are as follows:

- (a) Provision of contraceptive means;
- (b) Training of the medical staff, working mainly in the services of KSHP, related to reproductive health/family planning;
- (c) Revision and unification of training curricula and modules regarding reproductive health and family planning in the KSHP;
- (d) Providing the equipment for maternal care in the KSHP.

402. Program: Promotion of breastfeeding and establishing children-friendly hospitals 1996 onwards: UNICEF-MH. Objectives are:

- (a) Upgrade breastfeeding practices, train the medical personal and Information, Communication and Education on the significance of breastfeeding;
- (b) Extension of Children-Friendly Hospitals;
- (c) Implementation and monitoring the law on breastfeeding.

403. National Program of Immunization, 1993 and onwards UNICEF-IPH Goals:

- (a) Provision and enhancement of the use of vaccines included in the national calendar;
- (b) Control and maintenance of the cooling chain;
- (c) Training the staff;
- (d) Drafting and implementation of immunization policies for highly vulnerable groups (Roma, others).

404. National Program for the Integrated Management of Infant Diseases (IMID) Year 2000 onwards. The Integrated Management of Infant Diseases (IMID) is a global strategy of the World Health Organization and UNICEF, aimed at the following:

- (a) Boost care effectiveness;
- (b) Reduce service costs in view of reaching the two major goals of health service;
- (c) Reduction of diseases and mortality related to the main infant diseases;
- (d) Promote the healthy baby upbringing and development.

405. The achievements of the IMIDM in the stage of early implementation are shown below:

- (a) Set up the management structure at central and local level;

- (b) Provision of adapted training materials;
- (c) Training medical professionals (practitioner + nurse) at central level and district-wide;
- (d) Introduction of the strategy of the IMID in the curricula of pediatry, family doctor, the Faculty of Medicines.

The enhancement stage of this program started as early as in 2004; it is being implemented in the north-eastern prefectures, in Dibër, Elbasan, Kukës, Has and Tropojë, in view also of the socio-economic problems and the unsatisfactory indicators of maternal and child health in these areas.

406. Another programme is the National Program “Elimination of Disorders caused by Iodine insufficiency 1996” and ongoingly MHH-IPH, UNICEF.

407. Goals are:

- (a) Training the medical personnel;
- (b) Social mobilization for the use of Iodized salts, the only single effective strategy for the prevention of disorders stemming from Iodine insufficiency;
- (c) Monitoring and legislative support on the use of iodized salt.

Some strategic goals for improving the state of play as included in the national strategy on reproductive health for the period 2009–2015.

408. The Ministry of Health intends to achieve the following: Ongoing improvement of maternal and child health and the quality of their life, influencing in the progressive decline of their mortality and diseases in compliance with international conventions on children and women rights as well.

409. To this end, this Strategy is focused on the following:

- (a) Upgrading and integrating the structures of maternal and children medical service at the three levels of care;
- (b) Upgrading the quality of maternal and children services at the three levels of care, through the unification of standard protocols in following up maternal and children health;
- (c) Upgrading the technical and scientific level of the know-how of the medical personnel through ongoing training for the entire medical staff involved with these services;
- (d) Completion and reinforcement of the legal frame for the protection of maternal and children health;
- (e) Sensibilization and mobilization of the entire society, mass media and others to realize that maternal and children care constitutes a major priority for the country and that it is not only the task of the health service, but it asks for cooperation by all;
- (f) Inclusion of family planning services at the three levels of medical care and ensuring the continuity of services through referral systems;
- (g) Training the medical personnel for permanent and long-term contraceptive methods (IUD, vasectomy, and others);
- (h) Boost the know-how of clients and change the behaviour in using the modern contraceptive methods;

- (i) Ensure access for each pregnant woman during pregnancy prior and after birth delivery towards the basic maternal care, including the qualitative ante-natal care, safe and clean delivery of births and the post birth care;
- (j) Detection, management and/or referral of the cases posing high threat and complications during pregnancy, birth and post birth by all levels of the care system – community, medical centers in the KSHP and the hospital;
- (k) Developing standard protocols for the antenatal care, birth and post-natal care for the employees of primary and hospital medical care;
- (l) Pre- and on-job-training (ongoing training) designed to reinforce the capabilities of doctors and midwives concerning the pre-conceptual care as well as pre- and post-natal care;
- (m) Placing in each district a coordination and referral system of the cases of complications during pregnancy and birth delivery, starting with the level of primary medical care and establishment of mechanisms to receive feed back by the results of referral cases;
- (n) Establish a national data basis on the antenatal care, under international indicators;
- (o) Strengthen the supervision and monitor level both at central and local level of the care services during pregnancy, birth and post natal and the establishment of the national periodic system of monitoring and supervision related to the situation with maternal care and the newly born babies;
- (p) Adjustment of the care for safer abortion for each woman under her social and individual needs;
- (q) Improving the work to offer counselling and the proper information supporting women and their choices;
- (r) The use of contemporary recommended medical technologies as well as standards and protocols for the prevention of infections, pain management, complications and other clinic elements for the care;
- (s) The enhancement of family planning services after abortion, including the emergency contraceptive, to assist women to prevent the undesirable pregnancy, practice the space between births and avoid repeated abortions;
- (t) Integration into other services of reproductive Health, as the depistation and diagnosis by **IST**, counselling on violence and special services for adolescents;
- (u) Provision of the essential medical care for each newly born baby;
- (v) Fostering and supporting breastfeeding. The goal is to give access to all women for the proper support for breastfeeding amidst the family and at the community;
- (w) Prevention of malnutrition and childhood micro-deficiencies;
- (x) Increase of vaccinal reach and increase of vaccines in the national calendar of vaccination for the prevention of major infant diseases;
- (y) Include marginalized groups (for example Roma population) in the calendar of vaccination in each district;
- (z) Promote and use the MISF model for the follow up and treatment of children 0–5 years for all the services of the KSHP of maternal and child care;

(aa) Prevent the maltreatment problems and violent behaviours among women, children and adolescents.

410. In the context of the prophylactic arrangements made for the epidemic endemic and professional diseases, we may briefly mention the following: the activity of the State Sanitary Inspectorate for the Prevention and Fight against infection diseases proceeds under the basic law No. 7761 dated 19.10.1993 "On Preventing and Combating Infection Diseases". This mission has engaged the following specialized structures at national and local level as: The section of Hygiene and Epidemiology at the Directorate of Public Health in the Ministry of Health, the Institute of Public Health, Directorates of Public Health in the districts, Ministry of Defence, Agriculture and in the Military Hospital.

411. Likewise, these structures are in constant contacts with the Representation Office of the World Health Organization in Albania; it briefs them ongoingly on each special epidemiological situation, while they take the proper measures for the implementation of the recommendations of this Representation, in view of their most rapid and efficient management.

412. Worth-mentioning is that there are no cases of epidemic outbreaks in Albania in the recent years, except for the sporadic occurrences of different contagious diseases, which are under control thanks to instant arrangements made by the relevant structures.

413. The International Health Regulation 2005, which took effect in 2007 is translated in Albanian and it is distributed to the structures of Anti-Epidemic Services at all the Land and Sea crossing points. The Minister of Health has issued a special Order No. 254 dated 26.06.2007 and has appointed the Public Health Institute as the focal point for the implementation of this Regulation.

414. From 3 years onwards, the Office for Chicken Flew is opened to the Ministry of Health; it is tasked to make the relevant arrangements for the prevention and spread of this disease in the territory of the Republic of Albania, based on the recommendations of the World Health Organization.

415. Albania is participant to the Stability Pact Project for strengthening food safety and nutrition in Southeast Europe. It has as well drafted concrete strategies and policies helpful in the prevention of contagious diseases of alimentary origin.

416. Another important task of the State Sanitary Inspectorate is to monitor drinkable water, in compliance with the Decision of the Council of Ministers No. dated 26.02.1998, "The Hygienic-Sanitary Regulation for the Inspection of the Quality of Drinkable Water, the Design, Construction and Supervision of Drinkable Water Supply Systems". This is crucial in preventing diseases with water origin. Meanwhile, this Regulation is under an amending process to enable its best possible approximation to EU standards.

417. The Directorate of Public Health at the Ministry of Health, in cooperation with the Public Health Institute and other national and international partners has finalized the preparation of the draft-law on public health, whose enactment and effectiveness would considerably upgrade the performance, quality and efficiency by all structures engaged in all public health areas.

## Article 13

### 1. Legal frame

#### Ensuring the right to education

##### *Constitution of the Republic of Albania*

418. Article 57:

1. Every one has the right to education.
2. Compulsory education is stipulated by law.
3. The secondary general public education is open for all.
5. Compulsory and secondary general education in public schools is free of charge.
6. Pupils and students may also study in non-public schools of all levels, established and functioning under the law.

419. Article 59:

1. Within the constitutional powers and means it possesses, and pursuant to the private enterprise and responsibility, the state intends the following:
  - The education and training according to the abilities of children, youth and the unemployed

420. The legal frame is:

1. Amended Law No. 7952, dated 21.06.1995 “On the Pre-University Educational System” amended.
2. Amended Law No. 9741, dated 21.05.2007 “On Higher Education in the Republic of Albania”.

421. The legal and sub-legal frame defining the conditions on opening non-public schools is as follows. Viewed as alternatives of development and an enhancement factor for the educational service, several public sector activities have passed on to the private sector. This has started up with planning and managing functions. Private educational service is considered as one of the ways to increasing supply to various needs and interests of educational clients. To this end, the private educational service is encouraged through the increase of private schools at all levels, extension of the cope of private educational institutions, enhancement of the supply for private services in the educational system, as: training agencies, assessing pupils’ achievements and others. We also add here the privatisation of some educational services as publication, printing and dissemination of textbooks, transportation of teachers or pupils, construction, rehabilitation, maintenance of school buildings and others.

422. The private education indicators, as an alternative to public education have been going up. From the year 1995, when the opening of private schools was permitted, they are enhanced at a moderate pace, reaching in the school year 2008–2009 to include 4.9% of the children in the pre-school education; 5.5% of the pupil in the pre-university system.

**Development of public education in figures:**

<i>Level of education</i>	<i>Indicators for</i>	<i>School year</i>				
		2003/04	2004/05	2005/06	2006/07	2007/08
1 9-year education	Pupils	13 600	14 608	16 108	17 369	18 358
	Schools	89	91	103	105	120
2 Secondary education	Pupils	7 700	9 231	11 316	13 079	14 470
	Schools	51	68	77	93	106

423. On the pre-university educational system, pursuant to the amended Law No. 7952, dated 21.06.1995 "On the Pre-University Educational System" amended:

(a) DCM No. 248, dated 28.05.1999 "On the criteria and procedures for the operation of non-public educational institutions as well as non-public complementary educational institutions where by religious subjects are taught or where teaching proceeds in foreign languages as well";

(b) Instruction by the Minister of Education and Science No. 23, dated 18.10.2005 "On the criteria and procedures of granting the permission for the operation of private educational institutions and complementary private educational institutions."

424. On the private institutions of higher education, pursuant to the amended Law No. 9741, dated 21.05.2007 "On Higher Education in the Republic of Albania": Instruction No. 30, dated 26.09.2007 "On defining the procedures and documentation to be submitted by a juridical entity for the opening of a private institution of higher education or study programs in the first and second study cycle. With regard to the Copyright we may refer to the Law No. 9380, dated 28.04.2005 "On the copyright and other related rights" which is treated in the activities of the Ministry of Culture, Tourism, Youth and Sports.

425. On the budget for education, with regard to the financial policies of the Government, the indicators show a constant growth. To illustrate this idea, we may mention the following:

<i>Indicator</i>	2005	2006	2007	2008	2009 (plan)
1 Budget growth (in percentage as against the previous year)	4	13	16	13	17
2 Percentage of education in Public Expenditures (State Budget)	10.7	10.5	10.87	10.02	11.09
3 Percentage of expenditures over education in the GDP	2.97	3.12	3.32	3.44	3.84

As it maybe seen, the financial indicators keep on increasing with each passing year, particularly after 2005, when education was announced as a priority of Governmental program, providing it even with financial support.

## 2. The strategy for social inclusion of the Roma community

426. Inter-sectorial strategies of social inclusion of Roma people:

Albania is part of international instruments of human rights and protection of minorities. The National Strategy for the Improvement of Living Conditions of Roma Minority in Albania (2005) and the Inter-Sectorial Strategy of Social Inclusion (2007–2013) are multinational strategies aimed at freeing the Roma people from poverty and

social exclusion. The Government and the Roma people shall work in partnership for the implementation of strategies.

427. The vision of policies is related to life-long learning, starting up from pre-school age – *to offer quality and massive education for all.*

428. The program “Quality and Equality in Education” supported by the World Bank and other donors represents the strategic priority of the Government during the years 2007–2010, since it harmonizes the Government’s objectives for a qualitative education for all with the national educational strategy goals. Drafting this project has involved central and local institutions and pupils, students, experts, teachers, parents, representatives of the civil society in general and those operating in the non-discrimination area, in particular. The goals and priorities of the integrated plan of the Ministry of Education and Science for the year 2007 and onwards take into consideration the links with the strategies of other inter-sectorial sectors, especially those related to equal access for all children and support for the vulnerable folks.

429. Educational reform through the Program “Quality and equality in the Albanian Education” shall improve the quality of teaching facilities for all pupils and increase the number of registrations in secondary education, for the poor in particular. Likewise, the teaching curricula is improving and the teachers’ qualification level is upgraded, making possible for the pupils to gain the proper knowledge on labour market. In support of the implementation of the new curricula, it was also made possible to have scientific labs and computer means in the pre-university schools. Likewise, the curricula implementation has increased school autonomy, enabling the schools training and the solution of community problems in their school locations as part of their school curricula. There is also an improvement and rationalization of the educational infrastructure in the secondary education. More effective investments are made in the physical infrastructure and human resources, according to the school needs, bearing in mind demography as well.

430. Policies fostering equality include the following: pre-school education free of charge, basic education, including school text books, secondary education, free transportation and scholarships with accommodation for children attending schools located far off their houses (often in poor rural areas) and specific initiatives to promote teachers to work with children from vulnerable and marginalized groups of people.

In order to break with the heritage of poverty for generations, the Government pays special attention to vocational training for children coming from poor families and marginalized, mainly Roma. In response to trends in economy, region and labour market, priority is attached to professional education in the framework of the development of pre-university education. The Government shall open a series of professional schools in rural areas, mainly for agro-business, in order to draw more than 40 per cent of pupils ending basic education.

431. Reform of financing the educational system, based on the principle financing/pupils, including also herewith factors related to imbalances in socio-economic development of different state and regions would have a substantial impact on equality and access at national level, including children from poor families or marginal groups.

432. An Executive Summary of Educational Policies for Social Inclusion and Teaching Roma children is shown below:

- (a) Education in the pre-school age:
  - (i) Evidence the number of children presumed to attend kindergartens;
  - (ii) Evidence kindergarten attendance by Roma children;

- (iii) Sensibilization of Roma opinion on the necessity of registration of their children in kindergartens;
- (iv) Evidence the absorption capacities of the pre-school facilities in the areas inhabited by the Roma minority;
- (v) Reconstruction of kindergartens that are not in a good shape in the area inhabited by the Roma minority;
- (vi) Setting up new facilities in the areas with no kindergartens in relation to the number of Roma children;
- (vii) Teaching the Albanian language in the third group of pre-school education;
- (viii) Appointment of experienced educators, seeking the prior opinion of Roma minority;
- (b) Education in the school age:
  - (i) Evidence the number of children presumed to attend school;
  - (ii) Evidence the school attendance by Roma children;
  - (iii) Sensibilization of the Roma opinion on the necessity of the registration of their children at school;
  - (iv) Evidence the absorption capacities of school facilities in the area inhabited by Roma children;
  - (v) Reconstruction of schools that are not in a satisfactory state in the areas inhabited by Roma minority;
  - (vi) Setting up new schools in the areas with no such schools;
  - (vii) Appointment of experienced teachers in schools with Roma children and their training;
  - (viii) Granting free school textbooks for the lower and higher cycle of the 8-grade school;
  - (ix) Staging school in – and outdoor events;
  - (x) Raising the awareness of Roma parents on the importance of attending school;
  - (xi) Providing schools with teaching-related materials;
  - (xii) Providing schools with foreign language and computer labs;
  - (xiii) Training courses for Roma pupils in line with their skills in the secondary and professional schools;
  - (xiv) Courses for teaching Albanian language for the first class pupils;
  - (xv) Hosting summer schools with Roma and Non-Roma pupils;
  - (xvi) Differentiated work to single out talents among Roma children, in order to provide opportunities for competitions in the artistic and professional schools;
  - (xvii) Organization of courses to abolish illiteracy for the adults who have abandoned schools;
- (c) Scholarships and other supportive programs for Roma children:
  - (i) Special quotas for Roma pupils competing for higher schools;

- (ii) Providing state scholarships for the low-income children;
- (iii) Appointment of school psychologist in schools with a considerable number of Roma pupils.

433. The Government is committed to implement and intensify the measures taken in the context of the National Strategy “On the improvement of living conditions for Roma people”, designed to ensure the right to education for Roma folks. All sub-legal acts issued by the Ministry of Education and Science specify provisions for arrangements and activities related to the reduction of the rate of school abandonment by vulnerable and marginalized children, mainly Roma people.

434. Thus, pursuant to its policies, the legislative and institutional reform is on in the following aspects:

(a) As of year 2004, the monitoring the implementation of Instruction No. 34, dated 08.12.2004, “On the implementation of the Project The Second Chance” “On teaching pupils who have abandoned school and those locked up due to blood feud”. This Instruction refers mainly to Roma children and those of marginalized families. Its effective implementation and monitoring has led to legal ameliorations and measures aimed at bringing children back at school. The number of children from the families in distress and marginalized who abandon school has kept on declining with each passing year;

(b) On 29.03.2006, the Instruction No. 6 by the Minister of Education and Science was adopted “On the school registration of Roma pupils who do not hold a birth certificate”;

(c) Instruction No. 22, dated 01.09 .2006 by the Minister of Education and Science “On the implementation of teaching plans, programs and textbooks for the pre-university education during the school year 2006–2007” demands from all Regional and Educational Departments and Offices to report in written twice a year on the implementation of the Strategy “On the improvement of the living conditions for the Roma Community”;

(d) Order by the Minister of Education and Science No. 410, dated 08.11.2006, “On the identification of the state of play and measures to combat illiteracy.” Pursuant to this Order, the Ministry of Education and Science has conducted the survey “Causes that favor illiteracy and measures to be taken against this occurrence.” In support of the realization of the major objective – the survey, the following specific goals were identified and set forth:

- (i) Bring to evidence the number of pupils who have abandoned school and the children outside the educational system, broken down according to categories favouring illiteracy;
- (ii) Compiling a database, as an evidence of illiterate children falling within the obligation of school attendance;
- (iii) Bring to evidence school arrangements contributing to the reduction of illiteracy;
- (iv) Bring to evidence the teachers’ training needs regarding the reduction of illiteracy;

(e) Order by the Minister of Education and Science No. 321, dated 11.10.2004. “On the experimentation of psychological service in the pre-university educational system.” The Ministry of Education and Science, after assessing the experientation of the psychological service in the pre-university educational system, with the following;

(f) Order No. 170, dated 21.04.2008, “On the functioning of School Psychological service in the pre-university educational system” approved the introduction of this service to the system. The latter is functioning for all pupils and, in particular, for those having socio-economic problems. It has been also effective for the Roma children;

(g) Instruction by the Minister of Education and Science No. 32, dated 28.08.2008 “On the implementation of school structures, teaching plans, programs and text books of pre-university education for the school year 2008–2009” emphasizes that the decline of the number of pupils, who have abandoned school and who have the tendency to do that is one of the major objectives of the basic school education for this year; it is as well one of the benchmarks of the assessment for the performance of teachers and school executives. To this end, the following measures are projected:

- (i) Training the teachers working with children who have either abandoned school or who are inclined to do that;
- (ii) Drafting specific working programs on class and school level, designed to sensitize the parents on the importance of school attendance;
- (iii) The Inspection sections at the regional Educational Departments should inspect at least twice a year every education area and schools with children who have abandoned school or who are outside the educational system;
- (iv) A specialist should be charged from each Regional Educational Department and Educational Area to deal with the issue of education of marginalized strata. This specialist shall also draft a working program and report twice a year in written for its implementation. The Directorate of Regional Education Departments and offices shall send, twice a year, to the Directorate of Curricula at the MES a Progress Report on the implementation of the Working Plan and rising issues, seeking interventions outside their sphere of competences, in pursuit of reducing illiteracy.

435. The Ministry of Education and Science shall schedule each year the training of over 3,000 teachers, with the underlying foundations of this training on the promotion of new methodologies and introduction of new programs in the pre-university system. These methodologies favourize the establishment of sourcing environments for specific work with groups of children and accordingly with Roma children; they should also serve as positive models for other schools. To this end, specific training programs are drafted for teachers in their work with marginalized children, based on specific problems of each one of them.

436. It has drafted platforms for each Regional Educational Department and each Education Office (EO) with children outside the educational system, in order to draw at schools and implement supplementary teaching programs (projection of additional employees, reduced teaching norms and setting the mode of remuneration for teachers who work with marginalized pupils).

437. It has reconceived short-term period schools in each local administrative unit and it has strengthened state supervision over them.

438. The Teaching Plan, which is a legal obligation for implementation by all public schools has a subject matter by free choice, where by the communities through other parental boards decide on the subject they are shall teach. This produces the possibility for the schools with pupils choosing to study by choice the language of their own. The same goal is also served by setting 10 per cent free classes/subjects per week, where by teachers could have classes in line with the interests of the community where the children come from.

439. The MES has planned, through state budget revenues the construction of 10 new dormitories for the marginalized areas; seven of them were financed in the year 2008 and others are planned for the year 2009 and so on.

440. The Ministry of Education and Science has also undertaken the following measures:

Through the Directorate and sectors of Inspection at the REDs, there is a reinforcement of state and community control, designed to boost the teachers' responsibility in the teaching process.

(a) Trainings are made with other Roma girls and women to improve the minimum living conditions, for the upbringing of children and sensibilization on the importance of school attendance;

(b) Specific working programs are drafted at class and school level, designed to sensibilize the parents on the importance of school attendance and the return home of children who are outside educational system;

(c) A considerable number of schools are constructed and others are reconstructed; hence, conditions are created for a very qualitative teaching and entertainment;

(d) The centralization of small schools with shortage of material basis and with unqualified teachers and in qualitative schools with attractive environments for pupils is also taking place;

(e) Round tables are made on the issue: "On the improvement of living conditions for Roma minority" in different country's regions;

(f) Sensibilization meetings have taken place with the Roma community for the registration of children at school, in order to stop them from abandoning it and making familiar with the guidelines for school registration without birth certificate;

(g) The ongoing increase of teachers' salary with 20 cent each year;

(h) Providing schools every year with the didactic means and labs for natural subjects and sciences;

(i) Providing schools with computer labs;

(j) Providing all schools with libraries;

(k) Gradually, the teachers without the relevant education are being replaced with the ones who have that leave of education.

**(c) Cooperation with civil society**

441. There is a growing cooperation with different societies and foundations all over the country for poverty alleviation among Roma families, raising public awareness on the importance of school attendance by children and the boost of their teaching quality.

442. In cooperation with UNICEF, "Save The Children" and the Roma foundations, pursuant to the National Strategy "On the improvement of living standards for the Roma people" the necessary financing was ensured and a survey started to be conducted, designed to bring to evidence the situation of education for Roma people in our country, the education of Roma children and measures to be taken for the improvement of the quality of their education. The survey was finalized in December 2007.

443. In cooperation with UNICEF and other organizations, it is under way the implementation of some concrete projects for pre-school education, by opening some new kindergartens at this community, as in Berat, Korçë, Tiranë, Vlorë, Shkodër and elsewhere.

444. In cooperation with the Organization “The Children of the World and Albania”, which extends its own activity in the northern part of Tirana city, work for Roma education is going on the following:

- (a) Training teachers who work with Roma children;
- (b) Providing psycho-social services for the Roma children and their families.

445. Foundation “Help the children” in cooperation with the Ministry of Education and Science during 2006 extended its activity also in Tirana city. This foundation is working for the alleviation of poverty for the vulnerable children, in raising the awareness to bring the children to school, offering psycho-social services for the Roma children and their families and the children integration into the school.

446. In Elbasani town there is a Children Community Center for the Roma children and juveniles. The mission of this Center is the integration of Roma children and juveniles into the society and the invigoration of cultural life in the community. In order to reduce the illiteracy rate among this community, the Center offers courses in Roma and Albanian language, handcraftsmanship, musical education and others.

447. Several cultural-sportive events have taken place with the participation of Non-profit organizations at several country’s districts.

**(d) Other activities**

448. The Regional Educational Directorate in Korça has encouraged and supported the establishment of a Youth Center in the “Naim Frasheri” school, which enables the children and juveniles to attend artistic and cultural events; meanwhile, it does also serve as a center for professional training and qualification. This helps orient them towards professions that have an impact on their integration into the society and in maintaining the traditions of this community.

449. All test books of compulsory education are distributed free of charge to the extent of 85 per cent for all pupils and 100 per cent for children whose parents are unemployed.

450. The implementation of the project “Quality and equality in Education”, sponsored by World Bank and other donors represents one of the strategic priorities of the Ministry of Education and Science for the period 2007–2010, since it harmonizes Government’s goals for qualitative education and for all with the goals of the National Strategy for Education, with the marginalized groups as the direct beneficiaries of this project.

**(e) Ethnic minorities**

451. Decision by the Council of Ministers No. 78, dated 08.02.2006 “On the establishment of the state maturity and admissions in the higher public schools” stipulates the follow up procedures for the exams of State Maturity in the areas of ethnic minorities.

452. The teaching plan, which is a legal obligation for all public schools has a subject of free choice in its own structure; under that structure, the teachers and school executives in cooperation (through parental boards and others) with school communities where children come from decide on the subject to be taught. This produces the possibility for different minorities to introduce their native language as a subject of free choice. The same goal is also served by putting weekly 10 per cent free classes where by teachers may conduct teaching in line with community interests.

453. With regard to the minority complaints for the existence of negative stereotypes in school text books, let us explain that the Ministry of Education and Science, under its Instruction No 16 dated 29 August 2003 which was addressed to all schools and educational institutions has demanded that in all the teaching issues that address the stances

of our neighbour states, the teachers should convey to the pupils the message of understanding, harmony, tolerance and cooperation in the relations among nations and countries in the region. Proper guidelines are also issued for specific classes and topics. Pursuant to this Instruction and in the context of the “ALTERTEKST” (alternative texts) Reform, which has in its foundations the liberalization of test compilation, all texts of compulsory education are drafted anew. We emphasize that in the process of test compilation and approval, apart from the pedagogical and technical criteria, the special criteria do also occupy an important place.

454. Likewise, in this framework, the Joint Commission of Albanian – Greek Experts is set up and is working on the examination of history text books; this process has undergone the following steps:

(a) Tirana, 4 November 1998 – An Agreement is signed between Republic of Albania and Republic of Greece on cooperation in the fields of Education and Culture;

(b) Athens, 3 April 2004 – “The Program on Cultural Cooperation between the Government of Republic of Albania and the Government of Republic of Greece for the years 2003–2005” is signed;

(c) Tirana, 2 December 2004, the Ministry of Education and Science, upon its Order No. 377, set up the group of Experts, who take part in the Mixed Commission that studies the way of the presentation of history, geography, culture and economy in the school text books;

(d) Athens, 28–29 June 2007, the first Meeting of the Mixed Albanian Greek Commission to study the way of the presentation of history in the school texts. This meeting reviewed the policies of the two states in the field of drafting and approving texts and programs;

(e) With regard to the complaints lodged by minorities for the existence of negative stereotypes in the school text books, the Ministry of Education and Science, with its Instruction No. 16, dated 29.08.2003, issued by the Minister of Education and Science and addressed to all schools and educational institutions has demanded that at all teaching topics addressing the stances of neighbour states on our country, the teachers should convey to the pupils the messages of understanding, harmony, tolerance and cooperation in the relations among nations and the countries of the region. Instructions are also issued on specific topics and subjects. Pursuant to this Instruction, and in the framework of “ALTERTEKST” (alternative texts) Reform, which has in its foundations the liberalization of drafting and approving school text books, distribution and delegation of the right of test selection to the consumers (specialists and structures at schools) all school text books are made anew for compulsory education through open ended procedures and with the participation of renowned personalities in the field of publication, the teachers and their users. We have to emphasize that, in the process of test compilation and approval, apart from pedagogical and technical criteria, the social criteria do also account for an important part.

## **Article 14**

455. In the Republic of Albania, the Basic-9-year education is compulsory and free and charge.

## Article 15

456. From the legal aspect, Article 58 of the Constitution of the Republic of Albania specifies explicitly as follows:

- (a) Freedom for artistic creation and scientific research, utilization and benefiting from their achievements are ensured for all;
- (b) The copyright is protected by law.

457. The prohibition of the right of individuals to take part in the country's cultural and artistic life is not specified in any legal or sub-legal aspect for none of the nationals of the Republic of Albania, albeit the race, gender, race, ethnicity, language, political, religious or philosophical convictions, the educational, socio-economic situation or parental affiliation.

458. On 21 September 2006, Albania ratified the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions upon the Decision No. 9613 of the Council of Ministers.

459. With regard to administrative measures, the Ministry of Tourism, Culture, Youth and Sports has a special fund for the financing of different artistic and cultural projects. During the period 2004–2008, the fund allocated for artistic and cultural projects has been as follows:

### In thousand lekë

<i>Year</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Budget	1 733 280	1 756 000	2 059 595	1 785 743	2 509 350
Difference in %	5%	1%	17%	-13%	41%
Projects (number)	130	130	135	154	160
Projects (in the budget)	23%	25%	27%	21%	40%

### 1. Cultural rights for the minorities and measures taken for the preservation and promotion of minority language and culture

460. During the period 2004–2008, the Ministry of Tourism, Culture, Youth and Sports has worked for the integration of the cultural values of minority and linguistic communities living in our country at all cultural and artistic events it has staged. The events financed for the period 2004–2008 are shown below:

- (a) 2004–2008 — Multicultural Përmeti — cultural and artistic events, including the folklore of national and linguistic minorities coexisting in our country;
- (b) 2004–2008 — Financing two issues of the magazine “Equals” (Të Barabartë) — a social-cultural and multiethnic magazine, publication of the Cultural and Multi-Ethnic Association “Të Barabartë (Equals)”;
- (c) “Festival of Minorities — Promotion and Integration” — designed to introduce, promote and highlight the cultural and handicraft values of the minorities, including the Roma minority; integration, harmonious cohabitation with the culture and arts in Albania and mutual bonds with the culture and arts in the neighbouring countries. This event shall be realized through a photographic exhibition, a fair of handicraft products and a TV debate during the period May–September 2008;
- (d) “Mimozat e Para”(The first Mimosa Flowers) – designed to take into account the difficult living situation for the majority of Roma mothers and children, since this group

experiences more than others the heavy burden of the economic situation and it cannot ensure sufficient incomes to afford the living;

(e) “The Days of Roma Traditional Music” – The activity is designed to promote and intensify the Roma traditional values, conveying them to the rest of the population;

(f) Arts against Prejudices — The Festival of Roma — This Festival was organized with the support of the Ministry of Tourism, Culture, Youth and Sports, in the framework of the initiative of the Council of Europe/European Commission “Dosta!: Overcome the Prejudices, know the Roma People!” This event which was organized from 5–7 April 2007 brought together representatives of NGOs, the Government and the Roma community, while during artistic exhibitions and round tables, emphasis was laid upon the significance of awareness for the Albanian society against prejudices towards the Roma community;

(g) Human Rights through Fellow Education — In the framework of the “European Week”, the Ministry of Tourism, Culture, Youth and Sports — Directorate of Youth Policies, in cooperation with the Information Office of the Council of Europe, during 12–15 May concluded the training entitled “Human Rights through Fellow Education” dedicated to 50 students by different Faculties of the University of Tirana, in the context of the youth initiative “Be part of the European Youth!”. One of the issues, intensively touched in this training course was the human rights in the context of minority rights;

(h) Festival “Oda Dibrane” — in Peshkopi — This Festival is a specific and original event attended by folk and popular groups and ensembles coming from Albania, Kosova, Macedonia and Montenegro. The support by the Ministry of Tourism, Culture, Youth and Sports has served the promotion of cultural values of various Albanians lands, enabling not only their introduction but also the marketing of national tourism in general and cultural tourism, in particular for the town of Peshkopia;

(i) Festival of Folk Instruments – in Gjirokastrë;

(j) Festivali “Sofra Dardane” – intends the protection, cultivation and transmission to younger generations of the largest and best assets of musical, choreographic, costumographic and traditions of Albanian people;

(k) The Festival of Songs and Dances of Çamëria Region in its third edition and thanks to the support from the Ministry of Tourism, Culture, Youth and Sports intends not only to promote the best values of our cultural heritage but to offer a special atmosphere during the tourist seasons as well.

## **2. Observance of the rights of minorities in the cultural aspect, specifically the right to take equal part at cultural events**

461. With regard to the recommendations of the Committee (Point 14), which stipulates that “yet, Article 20 of the Constitution does not explicitly provide for rights only to national minorities and that the members of the linguistic minorities in practice do not enjoy the same cultural rights”.

462. Likewise, we inform you that Article 20 of the Constitution of Republic of Albania explicitly provides the following:

(a) The persons belonging to national minorities exercise their own rights in full equality before the law;

(b) They are entitled to express freely, without hindrance or being forced their ethnic, cultural, religious and linguistic affiliation. They are entitled to maintain and cultivate them, to teach and be taught in their native language and join organizations and associations for the protection of their interests and identity.

463. Likewise, no legal or sub-legal aspect specifies the prohibition for persons of different ethnic group affiliation to take part in the country's cultural and artistic life.

464. In a parallel way, the Ministry of Tourism, Culture, Youth and Sports has devoted a special space to the inclusion of cultural values of national and linguistic minorities living in the territory of the Republic of Albania at all statutes of institutions dealing with the organization of national events of spiritual heritage.

465. Statute of the National Center of Folklore Events (NCFE) – Article 6 provides as follows: the NCFE considers as national treasure, part of cultural and non-material spiritual heritage, all those values produced by national and linguistic minorities in Albania and markets them in the events it organizes and in those in cooperation with thirds.

466. The scientific criteria of participation at the National Folklore Festival specifies as follows: reflection as part of the national cultural and spiritual heritage all those values produced by the national and linguistic minorities in Albania, reflecting and including them in the programs of the districts where they live.

467. Moreover, considering the integration of Roma youth in the Albanian youth, as one of the most significant steps in changing the discriminatory mindsets and the establishment of a society free from prejudices, the Ministry of Tourism, Youth, Culture and Sports has devoted a considerable space to this issue in the National Youth Strategy 2007–2013. Under this Strategy, the MTCYS presents national youth integration policies, which would review and revise the situation of Albanian youth, including the youth from all existing minorities in Albania. The major policies presented in this Strategy envisage the provision of certain conditions for the promotion of events organized by the Roma youth organizations, identification of alternatives for the Roma youth employment and their participation at debates and discussions in the youth steering and decision-making bodies.

**3. Fostering the membership of cultural associations of national and linguistic minorities in the Albanian section of Cioff**

468. The Albanian Section of CIOFF is an affiliate of the largest international organization CIOFF (International Committee for the Organization of Folklore Festivals). Its members are several cultural domestic associations and individuals. Being a member of the Albanian Section of CIOFF provides an association with financial abilities, mainly for participation at international folklore festivals. To this end, the MTCYS has recommended cooperation with associations of the tradition of national and linguistic minorities in the Albanian Section of CIOFF, which functions as NGO in Albania from the year 1994, with its seat in the town of Përmet and it has fostered the participation of cultural – artistic associations in the annual international event that the Albanian CIOFF hosts in the town of Përmeti, as well as in other events held in other states.

**4. Distribution of information on the measures taken by the state for the maintenance and promotion of the language and culture of minorities**

469. The website page of the Ministry of Tourism, Culture, Youth and Sports, [www.mtkrs.gov.al](http://www.mtkrs.gov.al) is updated periodically in the respective fields covered by this institution. The page dedicated to Cultural heritage has detailed information on the legislative and administrative measures taken by the Albanian state for the protection and promotion of the cultural heritage and various cultural expressions in Albania. Likewise, this page provides a detailed briefing on the current projects on the ways of participation at these projects.