



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in connection with the consideration of the combined second and third periodic report of Albania (E/C.12/ALB/2-3), adopted by the Committee at its fiftieth pre-session working group (3-7 December 2012)

I. General information

1. Please specify if the fourth Chapter of the Second part of the Constitution covers all rights contained the Covenant. Please also provide information on cases where the provisions of the Covenant have been invoked directly or indirectly before the courts of the State party, and on the availability of remedies for individuals claiming a violation of their economic, social and cultural rights, as contained in the Covenant.
2. Please provide information on whether civil society, including NGOs has participated in the preparation of the combined second and third periodic report.
3. Please provide information on effective legal, structural and other relevant measures that the State party has taken to combat corruption.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 2 – Non-discrimination

4. Please provide information, including statistical data, on the progress achieved since the examination of the State party's first periodic report, in combating discrimination faced by the Roma population in the enjoyment of economic, social and cultural rights. To that regard, please provide additional information on the results achieved through the implementation of the "National Strategy for the Improvement of Living Conditions of Roma Minority in Albania (2005)", of the "Inter-Sectorial Strategy of Social Inclusion (2007–2013)", and of other instruments such as Instructions No 34 (2004) and No. 22 (2006), or the 2006 Order of the Minister of Education. Please specify the level of participation of local authorities in this process.
5. Please provide information on steps taken to combat and prevent societal stigma and discrimination against persons living with or affected by HIV/AIDS, as well as persons with disabilities, and to ensure their enjoyment of the rights enshrined in the Covenant. Please also specify the steps taken towards the ratification of the Convention for the Protection of persons with Disabilities.

6. Please provide information on the mandate of the Commission for the protection from discrimination, on the number of cases it has attended during the reporting period, and on the decisions it has dealt with in these cases.

Article 3 – Equal rights of men and women

7. Please describe the measures adopted to avoid gender segregation in the economy, whereby certain economic sectors are reserved for women, and whereby only a smaller percentage of women obtain leadership and management positions as compared to men. Please also explain the reasons of the adoption of dispositions related to similar issues in the 2010 Law “for the protection from Discrimination”, and in Law N° 9970 on “Gender equality in the society”, and clarify the scope of these laws. Please also provide information on the measures taken by the State party to implement the referred pieces of legislation, in particular in the rural and remote areas.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

8. Please provide updated statistical data on unemployment, disaggregated by full-time/part-time employment, private and public sectors, nationality, urban and rural residence, sex, and age group, from 2009 to 2012.

9. Please provide information on the implementation of the law no. 8872 “on the education and professional formation”, as amended in 2011, and on other measures adopted by the State party to promote employment and to improve professional requalification, especially in the case of long term unemployment.

10. Please specify to which extent the Labour Code also complies with the Covenant. Please also provide information on the measures taken to guarantee the full compatibility of the national legislation with international human rights standards, especially with regard to the minimum age of work.

Article 7 – The right to just and favorable conditions of work

11. Please provide information on the modalities for the intervention of the Labour Inspectorate in carrying out its mandate to supervise the respect of the work conditions, and the measures taken to guarantee the implementation of the Labour legislation by the state and private sectors.

12. Please provide information on the measures taken to guarantee equal pay for work of equal value for men and women.

13. Please provide information on the concrete measures adopted by the State party to ensure the implementation of the 2009 Decision of the Council of Ministers on minimum wage, and on the extent to which it is respected in practice by employers in the public and private sectors. Please specify whether the minimum wage and whether it allows the workers and their families to lead a decent living in line with the Covenant.

Article 8 - Trade union rights

14. Please clarify which categories of employees of the public sector are excluded from the right to strike, to bargain collectively and to form trade unions.

Article 9 – The right to social security

15. Please inform the Committee about the eligibility criteria regulating the access to social assistance benefits, and indicate whether any of these benefits is based on non-contributory schemes. Please inform the Committee on the measures taken, legislative or otherwise, to ensure that the granting of social assistance benefits is made according to the needs of the beneficiaries.

16. Please provide information on the existing mechanisms of adjustment of unemployment benefits, pensions and other social assistance for older persons to the cost of living and to inflation rates, and to provide the recipients and their families with a decent standard of living.

Article 10 – Protection of the family, mothers and children

17. Please provide updated information on the number of complaints of domestic violence, including marital rape and sexual abuse of women and children and the sanctions imposed on perpetrators. Please also provide information on the redress/compensation awarded to the victims. Please describe the steps taken to implement the Law 9669 “on measures against domestic violence”, and the “National Strategy on Gender Equality and against Domestic Violence 2007-2010”, including within the Roma communities.

18. Please provide information on actions, resource allocations, and programmes that have been undertaken to implement existing laws or enact new legislation to guarantee appropriate and adequate support for children and young people during the transition from state care to an independent adulthood? Please also specify the measures taken to raise the age of leaving state care from 15 years to 18 years.

19. In light of the information on the high number of street children in the State party, please describe the steps taken to address this situation and its root causes, and to provide street children with access to health and education services.

20. Please indicate the number of reported trafficking cases from, to and through the State party, as well as the sentences imposed on perpetrators; and provide information on the results of the measures taken to combat trafficking. Please also describe the measures taken to support victims, including medical, social and legal assistance.

Article 11 – The right to an adequate standard of living

21. While poverty levels have significantly decreased (from 25.4% in 2002 to 12.4% in 2010), please provide information on the measures taken to further reduce poverty levels, especially extreme poverty and food insecurity.

22. Please provide information on the measures taken for the provision of social housing for low income families. Please describe the measures taken to revise the 2001 National Housing Strategy and the 2004 Social Housing Programmes. Please describe the measures taken to provide persons living in unauthorized constructions with access to energy, water and sewage.

23. Please provide information on the practice of forced evictions in the State party, and on the extent to which it is in conformity with the principles laid down in the Committee’s general comment No. 7.

Article 12 - The right to physical and mental health

24. Please provide information on the current budget allocation to health care; as well as on the concrete measures that the State party has adopted to improve the primary health services, in particular in rural and remote areas. Please provide information on the measures taken to reduce the high rates of infant mortality, especially when it occurs in the first year

of life. Please also specify the measures taken to reduce maternal mortality and to ensure that all women have access to qualified medical care during all phases of pregnancy.

25. Please provide information on the number of children living with HIV/AIDS in the State party and on the measures adopted to provide them with the medical attention they require.

26. Please provide information on measures taken to address the high rate of teenage pregnancies. Please indicate which family planning information and services are in place, and describe the steps taken to increase access to contraceptives. Please also describe which steps have been taken to promote sexual and reproductive health as part of the education curriculum targeted at adolescent girls and boys.

Article 13 and 14 – The right to education

27. Please provide information on the proportion of public expenditure dedicated to education since the last periodic report of the State party. Please describe the measures taken to improve the quality of education for all, including through the introduction of an effective teachers' qualification and career development. Please also describe the measures taken to create an independent system for the evaluation of the quality of education.

28. Please describe the proportion of primary and secondary educational services that have been privatized during the reporting period, the proportion of children who attend private schooling, and the economic impact of this privatization on the families of these students.

29. Please provide statistical data on school dropout rates at various levels of education, disaggregated by year, age, sex, nationality, urban/rural areas. Please also specify the measures adopted to reduce these rates, and to promote the work of teachers with children from vulnerable and marginalized groups.

30. Please provide information on the measures taken by the State party to ensure access to education in minority languages in public schools, including detailed information – disaggregated by age and language spoken – on the number of students who have access to education in their minority languages. Please also describe the measures taken to remove from school text books negative stereotypes with regard to some national minorities.

Article 15 – Cultural rights

31. Please provide information on the legal mechanisms and criteria applied by the State party to identify and officially recognize national and linguistic minorities. Please describe the measures taken towards the recognition of the Balkan-Egyptian community, as requested by the Committee in its 2006 concluding observations.

32. Please provide information on steps taken by the State party to guarantee and encourage participation in cultural life and access to cultural goods and services for all, especially for vulnerable and disadvantaged and marginalized individuals and groups, such as older people, persons with disabilities and all minorities to take part to cultural life.

33. Please specify the measures taken by the State party to recognize and guarantee cultural diversity, disseminate knowledge of the cultural heritage of ethnic and linguistic minorities, and create conditions conducive to the preservation, promotion, expression and dissemination of their identity, history, culture, language, traditions and customs.