



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Albania

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Social Security branch	Compensation rate
Sickness benefit	70% of the daily average of the assessment basis (less than 10 years of contributions)
	80% of the daily average of the assessment basis (more than 10 years of contributions)
Unemployment benefit	Flat-rate benefit equal to 6850 ALL(49 EUR) per month (at least 12 months of insurance)
Old-age benefit	Basic pension (12264 ALL or 87.68 EUR) per months and an increment of 1% of the insurance record by contribution based assessment basis
Employment injury benefit	100% of average daily net earnings over the previous 3 years
Family benefit	No specific scheme; birth grant: lump sum up to 50% of the monthly minimum wage
Maternity benefit	80% of basis for the period prior to birth and for 150 calendar days after birth; 50% - for the rest of the period
Invalidity benefit	Basic pension (equal to old-age pension) and a pension increment (1% per year of insurance multiplied by the average assessment basis)
Survivor's benefit	50-100% of the pension of the deceased person; min is 50% of the 'basic pension' shared between all beneficiaries

Beneficiary	Amount of cash benefit
Household	2600 ALL
Elderly	2600 ALL
Children	1000 ALL
Victims of trafficking, victims of domestic violence, orphans	3000 ALL
Parents with triplets	3000 ALL
Parents with quadruplets	4000 ALL
Parents with quintuplets	5000 ALL
Care givers of blind people	11250 ALL
Care givers of Paraplegics	10400 ALL
Care givers of physically, mentally and sensory disabled people	9900 ALL

Table 3. ISSA (2014)

Minimum wage	19,026 ALL			
Social Security branch	Min amount of benefits	Max amount of benefits	RR	Insurance period
Sickness benefit			70% of average daily wage in the last calendar year	Less than 10 years of contributions
			80% of average daily wage in the last calendar year	More than 10 years of contributions
			50% during hospitalization	
Unemployment benefit (urban workers)	12,024 ALL			At least one year of contributions
Unemployment benefit (rural workers)	8,233 ALL			
Old-age benefit (urban workers)	12,024 ALL	24,048 ALL	75% of average net earnings	
Old-age benefit (rural workers)	8,233 ALL	12,024 ALL		
Employment injury benefit (urban workers)	12,024 ALL		100% of the insured's average daily wage in the last three years is paid for up to 12 months	
Employment injury benefit (rural workers)	8,233 ALL			
Maternity benefit (urban workers)	12,024 ALL		80% of average daily wage in the last calendar year for the period of leave before childbirth and for 150 days after; 50% for the remaining period	
Maternity benefit (rural workers)	8,233 ALL			
Invalidity benefit (urban workers)	12,024 ALL	24,048 ALL	80% of last average net earnings	
Invalidity benefit (rural workers)	8,233 ALL	12,024 ALL		
Survivor's benefit (spouse's pension)			50% of deceased's old-age pension	
Survivor's benefit (orphan's pension)			25-50% of deceased's old-age pension	

Exchange rate: US\$1.00 = 101.70 leks

Table 4. INSTAT (The Institute of Statistics of Albania)

		Old age pension amount					
		2007	2011	2012	2013	2014	
<i>Minimum monthly pension</i>	- <i>Urban pension</i>	8,650	11,117	11,562	12,024	12,264	
	- <i>Rural pension</i>	4,520	7,468	7,841	8,233	8,398	
<i>Maximum monthly pension</i>	- <i>Urban pension</i>	17,300	22,234	23,123	24,048	24,528	
	- <i>Rural pension</i>	..	11,117	11,562	12,024	12,264	
<i>Average monthly pension</i>	- <i>Urban pension</i>	10,143	13,278	14,104	15,004	15,867	
	- <i>Rural pension</i>	4,626	7,859	8,048	8,249	8,064	
		Unemployment benefit					
		2007	2011	2012	2013	2014	2015
		5,240	6,850	6,850	6,850	6,850	6,850
		Average monthly wage in public sector and official minimum wage by Type and Year					
		2007	2011	2012	2013	2014	2015
<i>Average monthly wage in public sector</i>		33,750	46,665	50,092	52,150	53,025	54,000
<i>Official minimum wage in public sector</i>		14,000	20,000	21,000	22,000	22,000	22,000
		Average monthly wage and salary per employee by economic activities					
		2010	2011	2012	2013	2014	
<i>2 Manufacture</i>		27,826	28,283	28,172	28,919	27,989	
<i>5 Wholesale and retail trade, repair of motor vehicles and motorcycles</i>		31,748	32,933	33,744	31,773	29,922	
<i>9 Total</i>		34,783	36,451	37,715	36,993	37,323	

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

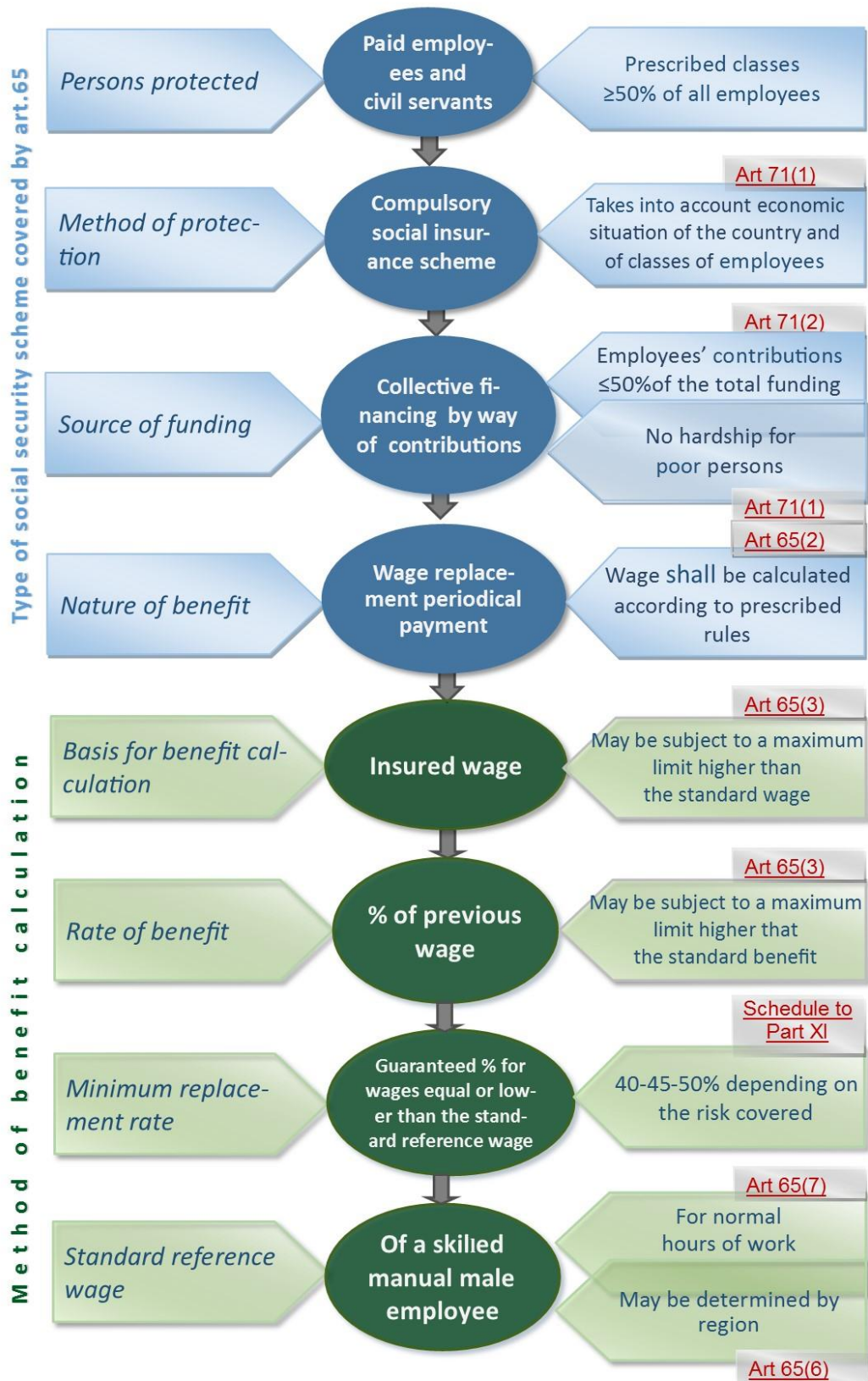


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

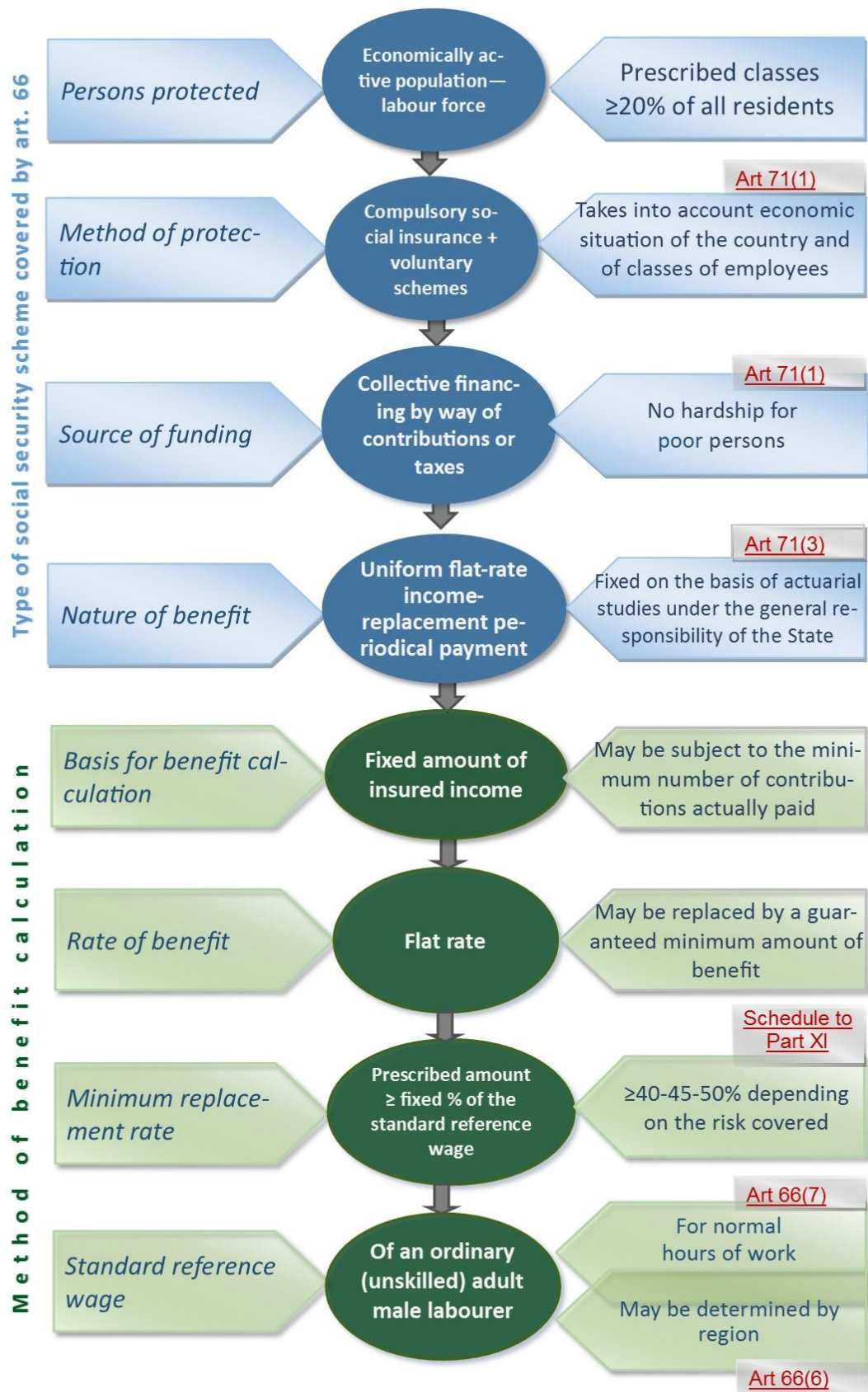


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

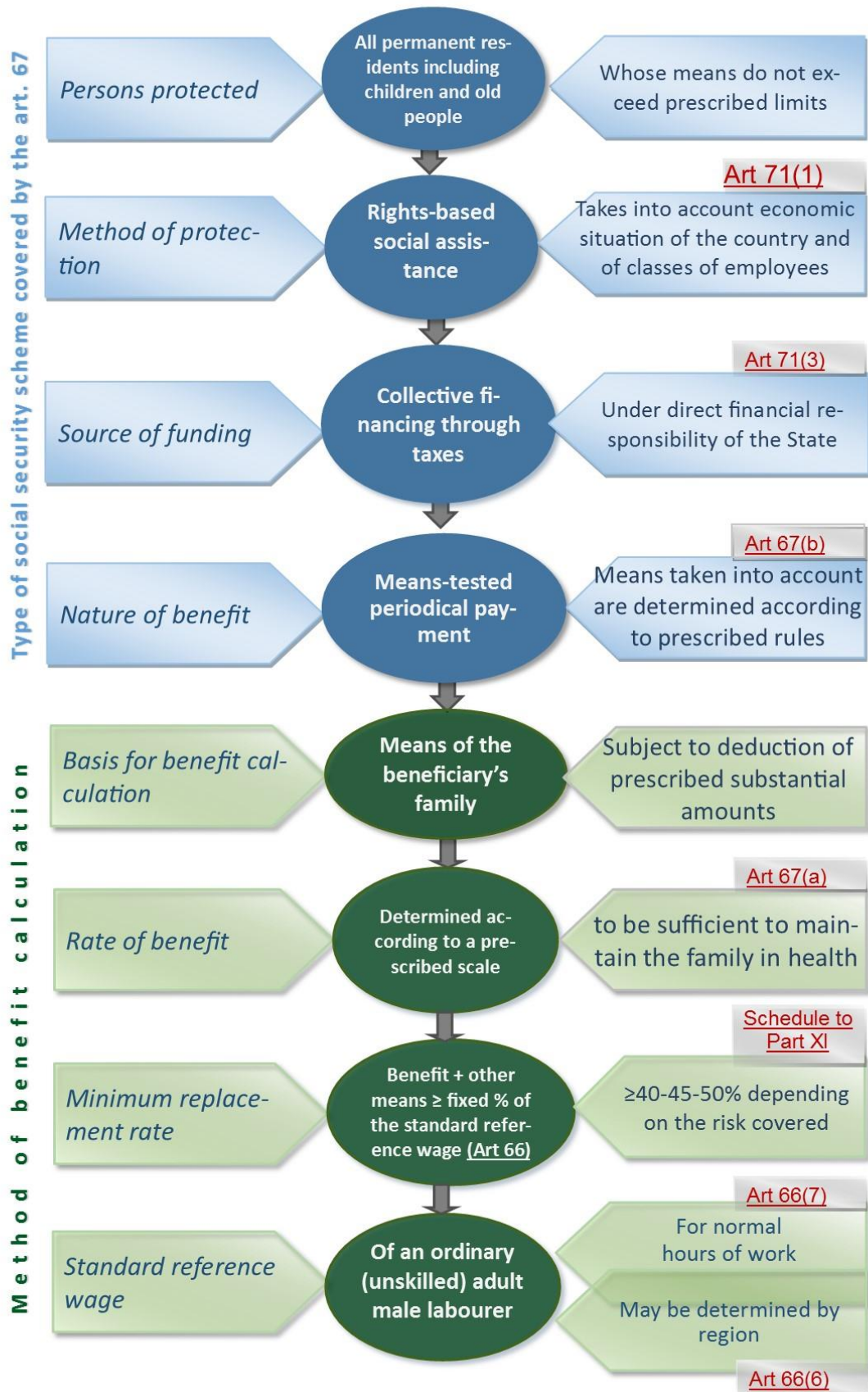


Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in wholesale or construction	258 euros (total skilled+ unskilled) – wholesale 306 euros (total skilled+ unskilled) – construction	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	378 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)		
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in wholesale or construction		

* Gross wages are used unless stated otherwise

¹ ILO calculations based on ILOSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

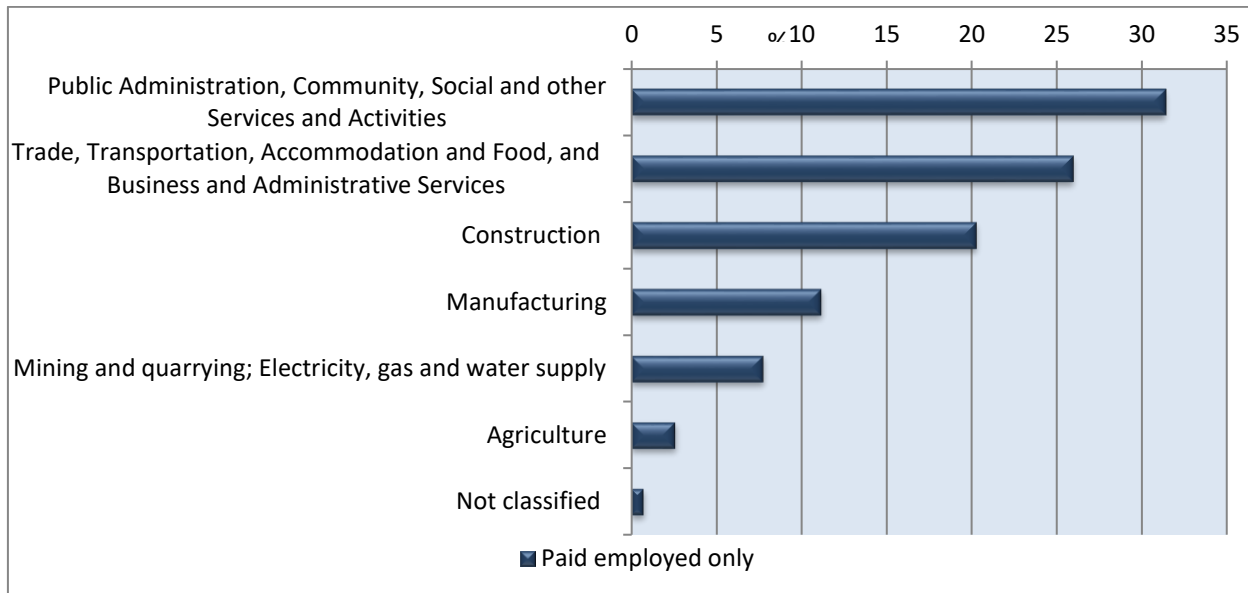
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008 <http://unstats.un.org/unsd/cr/registry/isc-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08			
		ISCO 08	Total	7. Craft and related trades workers	9. Elementary occupations
ISIC rev.4	ISIC rev.4				
	Total				
	...				
	C. Manufacturing			skilled	unskilled
...					

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

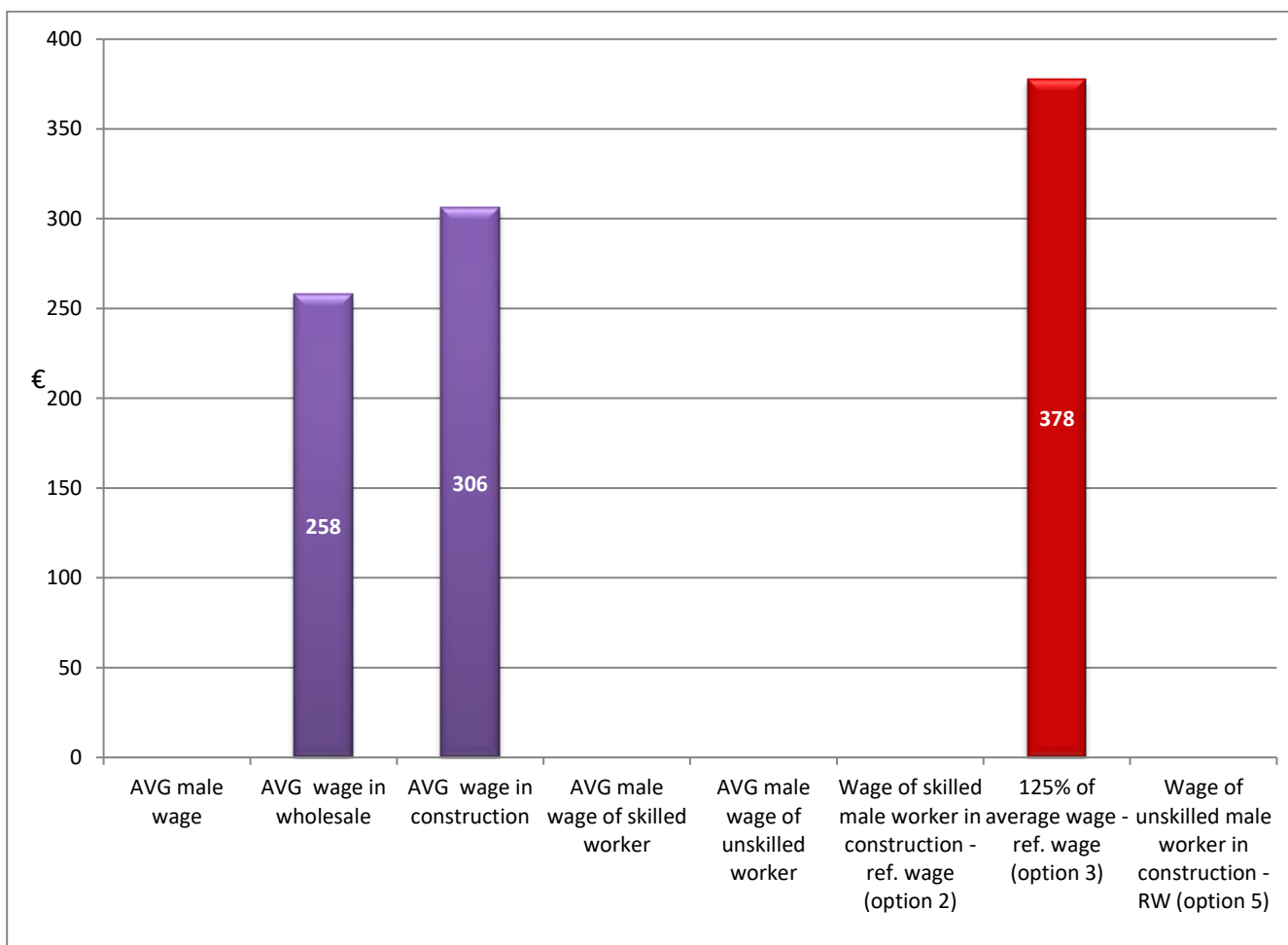
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Albania, 2010, euros



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql651y4_190

*CHAPTER II. Checklists of the main provisions
of the ILO Social Security (Minimum
Standards) Convention, 1952 (No. 102) and
corresponding national legislation*

- [Table 1. Unemployment benefit \(Part IV\)](#)
- [Table 2. Old-Age benefit \(Part V\)](#)
- [Table 3. Employment Injury benefit \(Part VI\)](#)
- [Table 4. Invalidity benefit \(Part IX\)](#)
- [Table 5. Survivors' benefit \(Part X\)](#)

Table 1. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<p><i>Article 20</i></p> <p>Risk covered = involuntary unemployment</p>	<p>Suspension of earnings due to inability to obtain <u>suitable</u> employment when:</p> <ul style="list-style-type: none"> capable of, and available for, work? 			<p>Definition of suitable work: section 8 of Law no. 7995 on employment promotion: "Suitable employment shall be the paid employment of a person according to age, sex, health condition, education, vocational training, residence, duration of previous employment, experience gained, the impact of the work in question in the personal and family situation and the labour market situation".</p> <p>Persons who do not benefit from unemployment payment (payment suspended) are defined in Paragraph 9 of the Decision of the council of minister no. 223 and Instruction no. 1468: "a) persons who unreasonably refuse to pursue employment programs, with appropriate payment; b) persons who refuse, without reasonable arguments, to participate in training and qualification courses, with payment.</p>	
<p><i>Article 21</i></p> <p>Persons protected = Prescribed classes of:</p>	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Residents whose means are below a prescribed limit.</p>			<p>NO INFORMATION</p>	

Table 1. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 22</i> Calculation of the benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings: ≥ 45% • <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			NO INFORMATION	
<i>Article 23</i> Maximum qualifying period	<p>What qualifying period of employment, contribution or residence a person has to complete for entitlement to unemployment benefits?</p>			NO INFORMATION	

Table 1. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 24</i> Minimum duration of payment of unemployment benefit	<p>Is unemployment benefit limited to:</p> <ul style="list-style-type: none"> • For protected employees: 13 weeks within 12 months? • For protected residents: 26 weeks within 12 months ? <p>Does the duration of the benefit vary with the length of the contribution period and/or the benefit previously received?</p>			NO INFORMATION	
Article 24(3) Waiting period of 7 days	Is there a waiting period before the unemployment benefit becomes payable?	.		NO INFORMATION	

Table 2. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> • Article 26 • Risk covered = Old age 	<ul style="list-style-type: none"> • Pension age ≤ 65 years • OR • > 65 years if elderly persons maintain their working ability 			NO INFORMATION	
<p>Article 27</p> <p>Persons protected =</p> <p>Prescribed classes of:</p>	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>All residents whose means are below a prescribed limit</p>			It seems that the protected persons are employees in paid employment which represent 50% of all employees.	
<p>Article 28</p> <p>Amount of pension</p>	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings: ≥ 40% <p>OR</p> <ul style="list-style-type: none"> • <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the reference wage of an unskilled male labourer <p>OR</p> <ul style="list-style-type: none"> • <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			<p>The total old-age benefit is paid on a monthly basis.</p> <p>Article 66 of the convention is used for the calculation of old age benefit.</p>	STATISTICAL DATA REQUESTED

Table 2. Old-Age benefit (Part V)

ILO C. 102					
	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<p>Article 29</p> <p>Maximum qualifying period</p>	<ul style="list-style-type: none"> • Employees and Economically active persons: 30 years of employment or contributions? • Residents: 20 years of residence? • Reduced benefit after 15 years of employment or contribution? 			<p>Period of contribution provided for by the national law: 35 years The replacement rate paid after 30 years is 40 per cent of former earnings (more information have been requested on that point) Reduced pension after 15 years of contribution.</p>	<p>STATISTICAL DATA REQUESTED</p>
<p>Article 30</p> <p>Minimum duration of benefit</p>	<p>Benefit granted until death?</p>			<p>The benefit is paid from the date when the insured person meets the requirements for entitlement to it until the death of the person.</p>	

Table 3. Employment Injury (Part VI)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 32	<ul style="list-style-type: none"> The following due to an accident or a prescribed disease resulting from employment: 			Any physical impairment or health damage occurring as a result of the performance of work, or in connection with work that results in temporary incapacity, invalidity or death.	
	Risks covered = + <ul style="list-style-type: none"> (a) a morbid condition (sickness); 				
	Sickness + <ul style="list-style-type: none"> (b) incapacity for work involving suspension of earnings; 				
	Temporary incapacity for work + <ul style="list-style-type: none"> (c) total loss of earning capacity likely to be permanent or corresponding loss of faculty 			Additional medical care and rehabilitation (section 45 of law No. 7703). Additional compensation and training (Reg. No. 7 of 1994). Eligibility for permanent partial disability if the person has lost 33% of work capacity (80% of the average wage of the last 3 years) Total benefit provided between 10 and 33%. Temporary disability benefit: 100% of the average daily wage of the last 3 years during 12 months.	
	Permanent total incapacity + Partial loss thereof + What is minimum degree of loss prescribed by law? +				
Permanent partial incapacity +					
Death of breadwinner	<ul style="list-style-type: none"> d) loss of support suffered by the widow or child as the result of the death of the breadwinner; 			Payment of a survivors' benefit to the dependant of the breadwinner deceased as a result of an employment injury.	

Table 3. Employment Injury (Part VI)

<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> <i>Article 33</i> <p>Persons protected:</p> <p>Classes of Employees Surviving family members</p>	<p>Employees in paid employment which represent 50% of all employees?</p> <p>+</p> <ul style="list-style-type: none"> Wives and children of deceased breadwinners? 			<p>All employees are covered under the mandatory social insurance scheme for accidents at work and occupational diseases.</p>	
<p><i>Article 34</i></p> <p>Types of medical care to be provided: Generalists - home visits</p>	<p>(a) general practitioner and specialist in-patient care and out-patient care, including <u>domiciliary visiting</u>;</p> <p>+</p>			<p>Medical care is provided to all persons who have been victim of an accident at work or of an occupational disease.</p> <p>Further information has been requested on the nature of the medical benefit provided and on whether the beneficiary of these benefits is required to participate in the costs of such services.</p>	<p>ADDITIONAL INFORMATION REQUESTED</p>
<p>Specialists . in hospital . outside hospital</p> <p>Massage Physiotherapy Osteopathy</p>	<p>(b) dental care;</p> <p>+</p>				
	<p>(c) nursing care <u>at home</u> or in hospital or other medical institutions;</p> <p>+</p>				
	<p>(d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;</p> <p>+</p>				
	<p>(e) dental, pharmaceutical and other medical or surgical supplies,</p> <p>+</p>				

Table 3. Employment Injury (Part VI)

Table 3. Employment Injury (Part VI)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	(g) prosthetic appliances, <u>kept in repair</u> , and + (h) eyeglasses;				
	(f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.				
Article 34(4) Objectives of medical care	<ul style="list-style-type: none"> ✓ Maintaining (Preventive care) ✓ Restoring (Curative care) ✓ Improving <p style="margin-left: 40px;">the health of the person protected</p> <p style="margin-left: 40px;">+ his/her ability to work and to attend to personal needs</p>			NO INFORMATION	
Article 35 Re-establishment in suitable work	<p>Public medical care institutions co-operate with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in <u>suitable</u> work?</p> <p>Do these institutions ensure provision for the vocational rehabilitation of disabled persons?</p>			NO INFORMATION	
Article 36 Type and	Periodical payment afforded in case of: - incapacity for work?			Payment in case of temporary incapacity for work	

Table 3. Employment Injury (Part VI)

Table 3. Employment Injury (Part VI)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
calculation of benefit	- total loss of earning capacity likely to be permanent or corresponding loss of faculty?				
	- partial loss thereof?				
	- death of the breadwinner?				
Permanent total invalidity	<ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings: $\geq 50\%$ <p>OR</p> <ul style="list-style-type: none"> • <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: $\geq 50\%$ of the wage of an unskilled male labourer 			<p>Article 65: 100% of the average daily net earnings over the last 3 years during 12 months.</p> <p>No ceilings on earning or maximum amount of benefits.</p> <p>80% of reference earnings for incapacity of 67% or more, progressively decreasing down to a replacement rate of 50% for incapacity of 33%.</p>	
Conversion into a lump sum	May the periodical payment be commuted for a lump sum where the degree of incapacity is slight?			The benefit in respect of minor permanent incapacity of between 10 and 33% loss of capacity as certified by a special medical commission shall be paid as a lump sum.	
	If so, does the national legislation provide that lump sum needs to be properly utilized?			NO INFORMATION	
Death of the breadwinner	<p>The benefit for loss of support due to death of the breadwinner is a periodical payment?</p> <ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings: \geq 			<p>Calculated in the same way the survivors' benefit.</p> <p>The surviving spouse would be entitled to 50% of the pension that the deceased person would have received at the time of death and the</p>	

Table 3. Employment Injury (Part VI)

Table 3. Employment Injury (Part VI)					
ILO C. 102	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	<p>40% of the earnings of breadwinner</p> <p>OR</p> <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the wage of an unskilled male labourer 			half-orphans to 25% of the pension (each) that the insured person would have received at the time of death, increased to 50% if there is no surviving spouse.	
Qualifying period ?	There is no qualifying period.			There is no qualifying period	
Article 38					
Minimum duration of medical care	Benefit until recovery from sickness or as long as incapacity exists?			Maximum duration of cash benefits: 12 months.	
Waiting period	Medical care as of the first day of incapacity? In case of incapacity for work, benefit paid during first 3 days?			No waiting period	

Table 4. Invalidity benefit (Part IX)					
ILO C. 102	Main provisions	Yes	No	National legislation	Comments
Article 54 Risk covered => Inability to work	<ul style="list-style-type: none"> • Inability to engage in <u>any</u> gainful activity to an <u>extent prescribed</u> which is: • Likely to be permanent • OR • Persists after the exhaustion of sickness benefit 			Payment upon assessment of an insured person being blind, severely disabled or incapable of performing any work.	
Article 55 Persons protected = Prescribed classes of:	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>Residents whose means are below a prescribed limit</p>			Employees, employers and self-employed (option 1 and probably 2 as well are applied).	
Article 56 Type and calculation of benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings $\geq 40\%$ <p>OR</p> <ul style="list-style-type: none"> • <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate $\geq 40\%$ of the wage of an unskilled male labourer <p>OR</p> <ul style="list-style-type: none"> • <u>Article 67</u>: Means-tested benefit calculated according to a fixed 			Payment on a monthly basis. Flat rate pension in case of total disability equal to the minimum standard of living + an earning-related pension for employed persons equal to 1% for each year of coverage multiplied by his/her covered earnings for contributions purposes.	

Table 4. Invalidation benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	scale.				
<i>Article 57</i> Maximum qualifying period	<ul style="list-style-type: none"> • Employees and economically active persons: 15 years of contribution or employment • OR • Residents: 10 years of residence • + • Reduced benefit after 5 years of contribution or employment? 			The claimant must have been insured for at least half of the period between the age of 20 and the age at which the disability occurred for entitlement to a full or partial pension.	
<i>Article 58</i> Minimum duration of benefit	<p>Is invalidity benefit paid:</p> <ul style="list-style-type: none"> • throughout the duration of permanent inability to work? • OR • until old-age benefit is payable? 			<p>The benefit shall be paid as long as the disability persists.</p> <p>After assessment, a board of medical experts decides whether the benefit shall be maintained, adjusted or withdrawn.</p> <p>Upon reaching pensionable age, the insured person in receipt of disability benefit has the right to opt for an old-age pension of more favourable.</p>	

Table 5. Survivors' benefit (Part IX)					
ILO C. 102	Main provisions	Yes	No	National legislation	Comments
Article 60 Risk covered = Death of the breadwinner	Are widows and dependent children protected in case of loss of death of the breadwinner? In the case of a widow, is the right to conditional benefit on her being incapable of self-support?			Section 2 of the law on social insurance: protection in case of "loss of person who maintains the family" or death of the breadwinner + Section 40: breadwinner dependents are widows and widowers, children, parents and other dependent relatives. The right of a widow/widower to a benefit is made conditional upon her/him supporting a dependent child younger than the age of 8 who was previously under the charge of the deceased person; or disabled; or having reached the age of 50 (widow) and 60 (widower).	
Article 61 Persons protected = Prescribed classes of :	Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR Residents whose means are below a prescribed limit			Employees, employers and self-employed persons in case of death of the breadwinner.	
Article 62 Type and Calculation of	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: $\geq 40\%$ OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the 			The minimum survivors' benefit shall be no less than 50% of the basic old-age pension shared among all the survivors.	

Table 5. Survivors' benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
benefit	<p>wage of an unskilled male labourer</p> <p>OR</p> <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 				
Article 63 Qualifying period	<ul style="list-style-type: none"> 15 years of contribution or employment <p>OR</p> <ul style="list-style-type: none"> 10 years of residence of the breadwinner Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 			In any case, a person whose breadwinner has been ensured for 5 years would be entitled to a reduced benefit.	INCOMPLETE INFORMATION
Article 64 Duration of benefit	<p>When does the benefit stop for:</p> <ul style="list-style-type: none"> The widow? The children? 			For children of the breadwinner, the benefit is provided up to 18 years of age or 25 if studying or disabled for work. As for the surviving spouse, the right subsists until he/she remarries.	

CHAPTER III. Integrated Management of compliance and reporting obligations of Albania under social security provisions of the ratified international treaties on social rights

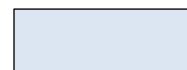
- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2017](#)
- [Table 4. Up-to-date standards on which reports are due in 2018](#)
- [Table 5. Up-to-date standards on which reports are due in 2020](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Example of the time management of the 5 years reporting cycle on international and European social security standards](#)
- [Fig. 2. Example of the time management for reporting on social security standards](#)

Table 1. Up-to-date social security standards in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2 Art.3	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, 14,30	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C168 Part VIII 6 C128 Part VI, C130 Part IV, C121 Art.22-2
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Albania



Social Security Standards not in force

Table 2. Pending comments of the supervisory bodies

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	🔴 Art.11§1§3		🔴 Art.1§1§3	Art.23	Art.15§2	Art.16	🔴 Art.8§1	Art.15 §1§3		🔴 Art.4§1,	
	Art 11§2				🔴 Art.3	Art.27§1b,c				Art.13§1§2§3, 14,30	
	Art.13§1										
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		🔴 C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C168 Part VIII 6
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C121 Art.22-2
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Albania

Pending comments of the supervisory bodies



Social Security Standards not in force



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2017

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, 14,30	
		Art.3									
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C168 Part VIII 6
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C121 Art.22-2
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Albania



Social Security Standards not in force



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, 14,30	
		Art.3									
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C168 Part VIII 6
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C121 Art.22-2
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Albania



Social Security Standards not in force



Report in 2018

Table 5. Up-to-date standards on which reports are due in 2020

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2 Art.3	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, Art.13§1§2§3, 14,30	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C168 Part VIII 6 C128 Part VI, C130 Part IV, C121 Art.22-2
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Albania



Social Security Standards not in force



Report in 2020

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

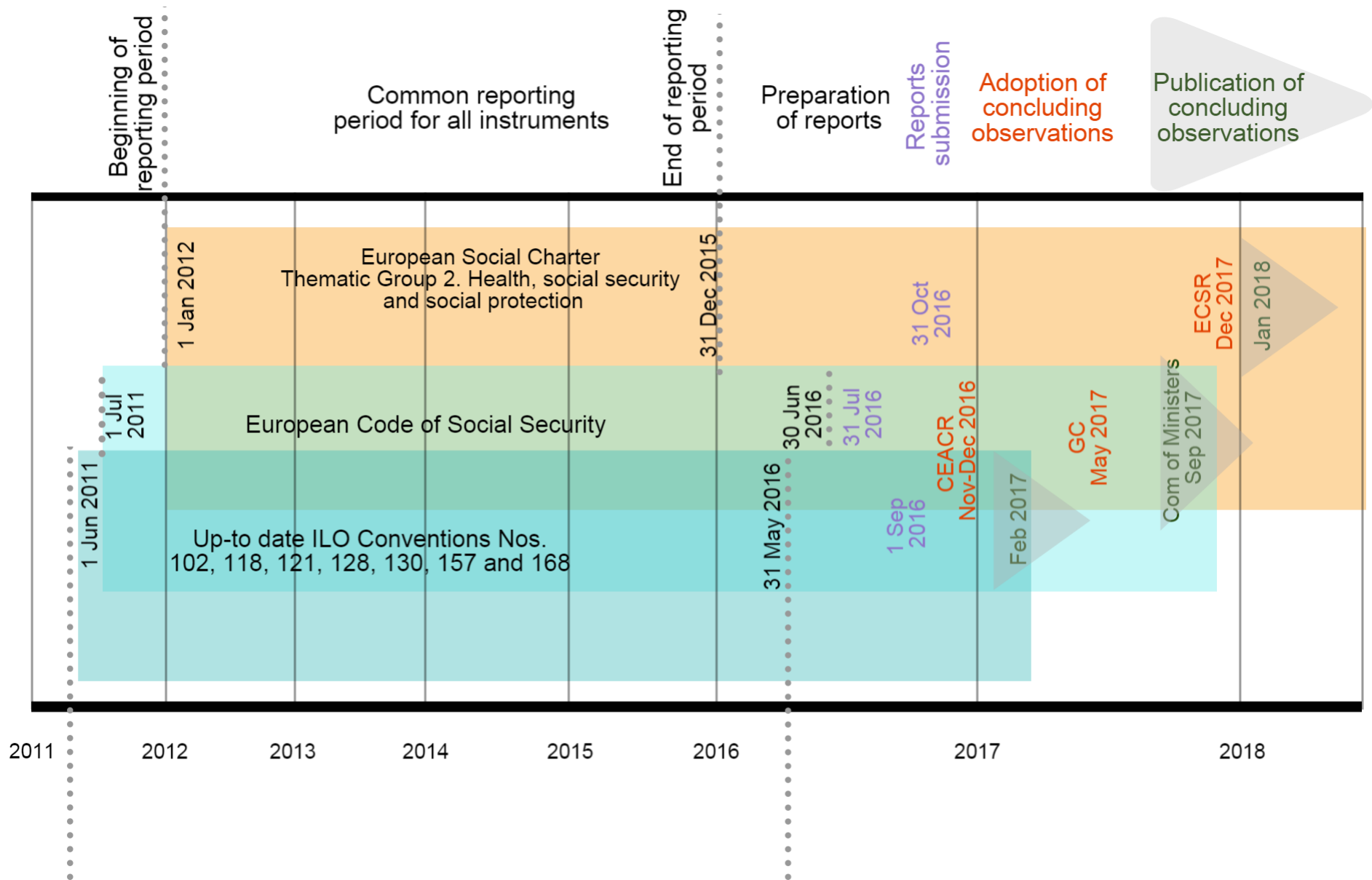
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Example of the time management of the 5 years reporting cycle on international and European social security standards



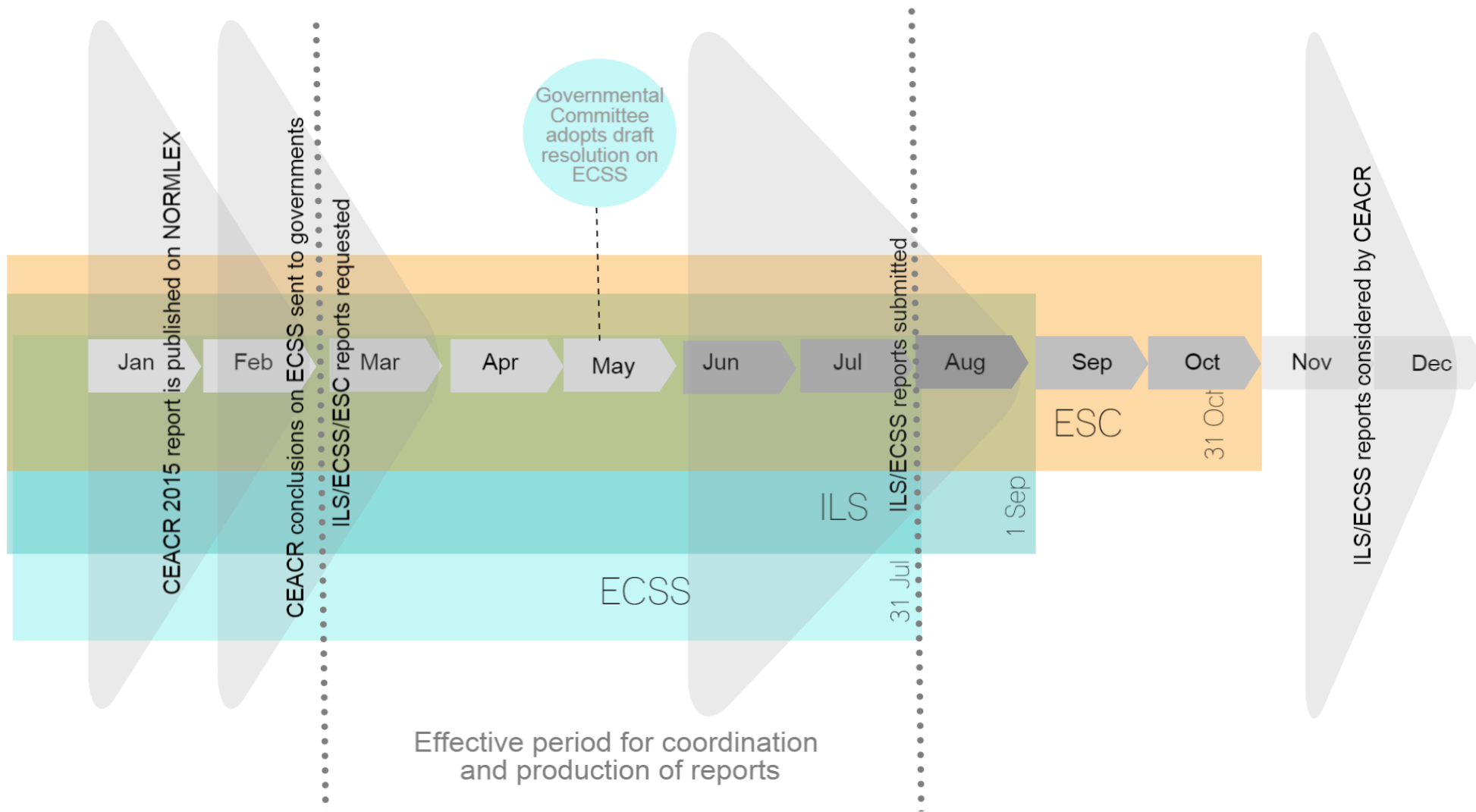


Fig. 2. Example of the time management for reporting on social security standards

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Albania](#)
 - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. [United Nations](#)
 - [International Covenant on Economic, Social and Cultural Rights](#)
 - [Convention on the Rights of the Child](#)
 - [Convention on the Elimination of All Forms of Discrimination against Women](#)
 - [Convention on the Right of Persons with Disabilities](#)
 2. [Council of Europe](#)
 - [European Social Charter](#)
 3. [International Labour Organization](#)
 - [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
 - [Employment Promotion and Protection against Unemployment Convention, 1988 \(No. 168\)](#)
 - [Maternity Protection Convention, 2000 \(No. 183\)](#)

Table 1. In force international treaties on social rights ratified by Albania

Body	International Treaty	Entry into force for Albania	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	4 Oct 1991	30 Nov 2018
	Convention on the Rights of the Child	27 Feb 1992	27 Sep 2017
	Convention on the Elimination of All Forms of Discrimination against Women	11 May 1994	July 2020
	Convention on the Rights of People with Disabilities	11 Feb 2013	Submitted 28 May 2015
Council of Europe	European Code of Social Security		
	European Social Charter	14 Nov 2002	31 Oct 2016
International Labour Organization	Convention 102	18 Jan 2006	1 Jun - 1 Sep 2017
	Convention 103		
	Convention 121		
	Convention 128		
	Convention 130		
	Convention 168	04 Aug 2006	1 Jun - 1 Sep 2017
	Convention 183	18 Aug 2004	1 Jun - 1 Sep 2018

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2013

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

The Committee is concerned about the discrepancies in statistics and lack of disaggregated data that would allow for an accurate assessment of the fulfilment of economic, social and cultural rights in the State party.

The Committee recommends that the State Party:

(a) Undertake regular and systematic assessments, against a clear set of indicators, as regards the level of enjoyment of all the economic, social and cultural rights by various segments of the population, including the most disadvantaged and marginalized groups ;

(b) Set up a system of statistical data collection on unemployment, poverty, sex-rates at birth, violence against children, dropout rates and re-enrolment in education and other factors impacting the implementation of economic, social and cultural rights set forth in the Covenant, duly disaggregated by year, gender, age, urban/rural population, ethnic origin, disadvantaged and marginalized groups and other relevant criteria, and include the statistical data in its next periodic report;

(c) Include data collection and use of the human rights indicators, in particular for economic, social and cultural rights, as part of its National Strategy for Development and Integration (NSDI) ; and

(d) Consider in this respect the conceptual and methodological framework for human rights indicators that was developed by the Office of the United Nations High Commissioner for Human Rights .

The Committee is particularly concerned at the lack of information on the use of maximum available resources by the State party in progressively achieving the full realization of the rights recognized in the Covenant (art. 2, para. 1).

The Committee recommends that the State party regularly evaluate the impact of the measures taken and the budget allocations made for the various areas of implementation of the Covenant in order to assess whether the maximum of available resources has been used in progressively achieving the full realization of the rights recognized in the Covenant, taking into account the Committee's general comment No. 3 (1990) on the nature of States parties' obligations and its 2007 statement on the obligation to take steps to the "maximum of available resources" under an optional protocol to the Covenant.

The Committee is concerned that asylum seekers, refugees and persons receiving subsidiary forms of protection do not have access to comprehensive integration programmes, social assistance and services and housing options (arts. 2, 9 and 11).

The Committee recommends that the State party enact necessary by-laws and take other steps to ensure the full implementation of the 2003 Law on Integration and Family Reunion of Persons Granted Asylum in Albania and amend legislation on social welfare to ensure that asylum seekers, refugees and persons receiving subsidiary forms of protection have access to comprehensive integration programmes and social assistance and services. The Committee also recommends that the Law on Social Housing apply to refugees and those receiving subsidiary protection .

The Committee is concerned at the extremely low figures on public and private employees receiving the minimum wage which points out the weak enforcement of the relevant legislation (art. 7).

The Committee requests that the State party take measures to enforce legislation on the minimum wage, while ensuring that the minimum wage is regularly adjusted to the cost of living and that it enables employers and their families to enjoy a decent living, in accordance with article 7 (a) (ii) of the Covenant.

The Committee regrets the lack of data regarding social assistance in the State party, the lack of information on whether the social security system is adjusted to assist persons with disabilities and older persons, and disadvantaged individuals and families, so that they can live in dignity, and the lack of clarity on whether the amount of social assistance benefits is sufficient to cover the real costs of living. The Committee also regrets the absence of information regarding the safeguards of equal access to social insurance and social assistance (art. 9).

The Committee calls upon the State party to adjust the social security system , taking into account the Committee's general comment No. 19 (2008) on the right to social security, in order assist persons with disabilities and older persons, and disadvantaged individuals and families, so that they can live in dignity and to provide for an effective system to ensure that the amount of social assistance benefits is sufficient to cover the real costs of living. The Committee also encourages the State party to consider the introduction of a minimum income benefit that would bring together all the existing social assistance benefits and ensure a life in dignity for all those living in the State party. The Committee further reiterates its previous re commendation to the State party to consider ratification of ILO Convention No. 117 (1962) concerning Basic Aims and Standards o f Social Policy and Convention No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

The Committee is concerned that the Law on Status of Orphans guarantees only limited assistance and support to children during the transition from State institutions to an independent adulthood and that the age limit for leaving State institutions, which has been increased to 18 years according to the State party, is not systematically observed (art. 10).

The Committee urges the State party to amend the Law on Status of Orphans to guarantee adequate assistance and support to children during the transition from State institutions to an independent adulthood and ensure that children are supported and leave State institutions upon completion of maturity - at 18 years.

The Committee is concerned about the recent incidents of forced evictions and demolition of Egyptians and Roma's irregular settlements, leaving families with children without any alternative housing, compensation, protection, education or health services (arts. 11-14).

The Committee urges the State party to take urgent measures to consult affected Egyptian and Roma communities throughout all stages of eviction, to ensure due process guarantees and compensation and to provide in particular for adequate alternative accommodation, taking into account the Committee's general comment No. 4 (1991) on the right to adequate housing and general comment No. 7 on the right to adequate housing: forced evictions. The Committee also recommends that the State party prohibit forced evictions in domestic legislation.

Noting the significant decrease in poverty, the Committee is concerned about the lack of strategies to address extreme poverty faced in particular by members of marginalized groups including minorities and about the prevalence of regional disparities affecting the enjoyment of all economic, social and cultural rights without discrimination (arts. 2 and 11).

The Committee urges the State party to develop additional strategies to address extreme poverty faced in particular by members of marginalized groups including minorities and to take all necessary remedial measures to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights. The Committee also urges the State party to allocate sufficient funds for the implementation of these strategies, taking into account the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee in 2001 (E/C.12/2001/10).

The Committee notes with concern the absence of adequate measures to provide social housing to low-income families (art. 11).

The Committee requests that the State party take policy and financial measures to expand the network and quality of social housing to low-income families which should become part of the existing national plan of action on housing. The Committee also reiterates its recommendation that the State party enact legislation that ensures the right to housing.

The Committee is concerned about the inadequate budgetary allocation to health care and the limited access to health services in particular in rural areas, high infant mortality and the absence of information on sexual and reproductive health as part of the education curricula (art. 12).

The Committee recommends that the State party undertake the necessary measures to improve its health care and services, by, inter alia, increasing the budgetary allocations to the health sector and extending health services to rural areas. The State party should continue addressing high infant mortality and provide for sexual and reproductive health in the education curricula, and report on progress in the enjoyment of the right to health in the next periodic report, taking into account the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.

Convention on the Rights of the Child – Concluding observations 2012

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Allocation of resources

The Committee is concerned that the proportion of the budget allocated to areas of direct relevance to children has decreased over the reporting period and that the State party relies excessively on civil society and international donors in this regard. The Committee is also particularly concerned that:

- (a) The State party does not define specific budgetary allocations for the provision of critical social services to children, including those in most vulnerable situations;
- (b) The decentralization of services has not been accompanied by adequate financial transfers to local communities and the reluctance of some local governments to establish functional services for families in vulnerable situations has led to a deterioration of the situation of children in the least developed regions;
- (c) The State party does not conduct assessments of the impact on children of budgetary decisions; and
- (d) The high level of corruption in the State party contributes to divert resources that could enhance the implementation of the rights of the child.

The Committee urges the State party to:

- (a) Conduct a comprehensive assessment of budget needs of children and allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of the rights of children and in particular to increase the budget allocated to social sectors, including to the education sector, and address the disparities on the basis of indicators related to children's rights.**
- (b) Utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children and use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", while ensuring that the differential impact of such investment on girls and boys is measured;**
- (c) Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability by local authorities;**
- (d) Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**
- (e) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption; and**
- (f) Take into account the recommendations during the day of general discussion in 2007 on resources for the rights of the child - responsibility of States.**

Data collection

While noting the collection of data on children by the National Statistics Institute (INSTAT), the Committee is concerned that INSTAT has not established a comprehensive data-collection system covering all areas of the Convention and that data collection remains insufficient as regards – notably – children at risk of being trafficked, abused and neglected children, abandoned children, children belonging to minority groups and children with disabilities.

The Committee encourages the State party to strengthen its efforts to set up a comprehensive data collection system with the support of its partners and analyse the data collected as a basis for assessing progress achieved in the realization of child rights and helping design policies and programmes to implement the Convention and the Optional Protocols thereto. Data should include all children up to the age of 18 years and be disaggregated, inter alia, by age, sex, urban/rural area, ethnicity and socioeconomic background to facilitate analysis on the situation of all children.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

While welcoming the enactment of Law No. 10221 of 4 February 2010 on the Protection against Discrimination and the appointment of the Commissioner for the Protection against Discrimination in May 2010 and other efforts undertaken to counter discrimination, especially against minorities in the State party, the Committee is concerned that, inter alia, girls, children belonging to minority groups, particularly Roma, children living in rural areas and children with disabilities continue to be the victims of serious discrimination, in particular in their access to education, social protection, health and adequate housing.

The Committee urges the State party to ensure that its programmes address as a matter of priority the situation of discrimination against girls, children belonging to minority groups, children living in rural areas and children with disabilities. The Committee further urges the State party to include information in its next periodic report on measures and programmes relevant to the Convention and , in particular , the situation of Roma children undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)

Family environment

In spite of the ratification in 2005 of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, the Committee notes with concern:

(a) The lack of parent-counselling programmes to support parents in caring for their children, especially parents with disabilities and parents of children with disabilities and to prevent domestic violence;

(b) The fact that in the northern areas of the country, mothers are not allowed to maintain contact with their children when they live on their own or go back to their original families following divorce or death of their spouse due to the application of the “Kanun”;

(c) The absence of a parenting plan to ensure that children maintain relations with both their parents after divorce; and

(d) The insufficient enforcement of maintenance decisions, in particular with regard to the lack of implementation of judicial decisions to pay maintenance allowance, when the parent has emigrated abroad and the absence of legal provision supporting the periodic judicial review of the maintenance allowance in the light of changing costs of living.

The Committee urges the State party to:

(a) Set up programmes to support parents and caregivers to understand and adopt good child-rearing practices based on knowledge of child rights, child development

and techniques for positive discipline in order to support families' capacity to provide children with care and a safe environment;

(b) Launch an awareness-raising campaign to prevent children from being deprived of their mothers due to the application of the "Kanun" and ensure that the best interests principle is applied in all cases concerning custody and contact;

(c) Set up a structure and system to facilitate relations between the child and both parents after divorce and ensure that responsibilities of parents for upbringing and development of their children are clearly established considering under all circumstances the best interests of the child; and

(d) Take all necessary measures to ensure that alimony decisions are enforced, consider ratifying the Convention on the Recognition and Enforcement of Decisions relating to the Maintenance Obligations and the Convention on the Law Applicable to Maintenance Obligations and ensure by law that the amount of the maintenance allowance can be reviewed in accordance with the child's evolving need, his best interests and the situation of her/his parents.

Children deprived of a family environment

The Committee welcomes the adoption of the Sectoral Strategy of Social Protection of 2008 which aims to establish family-oriented alternative care services for children without parental care, the de-institutionalization of children, the recognition of foster families as beneficiaries of the 2010 Economic Aid Law and the development of manuals for foster families and social workers. The Committee is however concerned that most of the children in institutions have been placed there because of poverty and the lack of appropriate support provided to their families. The Committee is particularly concerned by:

(a) The organization of institutions by age groups, which results in frequent moves of children, the disruption of their relations with staff and children and the separation from their own siblings;

(b) The situation of children who have to leave institutions at the age of 15 years and are left with no support from the State party and are living in poverty, marginalized and exposed to abuse and exploitation;

(c) The insufficient number of staff to care for children in institutions and the lack of training they receive; and

(d) The situation of children in the centre of Poliçan who survive thanks to the donations of the local community.

The Committee urges the State party to take all necessary measures to ensure that children from the most marginalized families can be raised with their biological parents and, to this end, increase financial allocations to families in need and combine them with social services appropriate for them. The Committee also urges the State Party to:

(a) Amend Decree No. 209 of 12 April 2006 with a view to prohibiting the placement of children into institutions on economic grounds;

(b) Further prioritize family-type care settings over institutional placements, by inter alia raising public awareness about the negative impact of institutionalization on a child's development;

(c) Take all the necessary measures to reduce children's length of stay in institutions by the regular review of placement as required under article 25 of the Convention;

(d) Ensure that children are no longer separated from their siblings and that they are cared for in a stable environment that favours the creation and maintenance of positive relationships with adults and children;

- (e) Abide by its commitment made during the universal periodic review process to extend the age of leaving care from 15 to 18 years and ensure that children leaving institutions are provided with appropriate support;**
- (f) Ensure that alternative care institutions are provided with the necessary human, technical and financial resources for the proper care of children; and**
- (g) Harmonize its legislation with the Guidelines for the Alternative Care of Children.**

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

The Committee is concerned about the situation of children with disabilities in the State party, most of them being totally excluded from mainstream society, kept isolated in their homes and living in situations of poverty at high risk of being ill-treated. The Committee notes with particular concern the poor implementation of the National Strategy on Disabled People and the absence of effective measures and strategies for children with disabilities to enjoy de facto their rights. The Committee is also concerned that:

- (a) Early identification and early intervention services are lacking, a situation which has detrimental impact on the lives of children with disabilities and undermines their chances of inclusion in the society;**
- (b) Only children with the most serious disabilities receive financial support while children with mental, hearing and speech disabilities receive no support at all and that families having several children with disabilities receive financial support for only one of their children; and**
- (c) Most children with disabilities are deprived of their right to education.**

In the light of its general comment No. 9 (CRC/C/GC/9, 2006) , the Committee recommends that the State party address as a matter of priority the situation of extreme marginalization of children with disabilities in the State party. In particular, the Committee recommends that the State party:

- (a) Undertake long-term awareness - raising programmes in order to change and combat negative societal attitudes prevailing against children with disabilities;**
- (b) Set up mechanisms for early detection and multidisciplinary intervention services for children with disabilities and their families and take all the necessary measures to increase their access to preschool education;**
- (c) Ensure that all children with disabilities, including children with mental, hearing and speech disabilities receive proper financial support and care from the State and that support to families is no longer restricted to one child per family;**
- (d) Develop a comprehensive national strategy on disability, promoting the full enjoyment of all human rights and fundamental freedoms by all children with disabilities, with special focus on time - bound measures to ensure that children with disabilities access mainstream education; and**
- (e) Consider ratifying the Convention on the Rights of Persons with Disabilities.**

Health and health services

While welcoming the information provided by the State party during the dialogue on the national programme to reduce child malnutrition and the national awareness campaign launched in March 2012 on “The new and better ways of feeding babies and children in Albania”, the Committee is concerned at the still high infant mortality rate – largely resulting from malnutrition – which affects particularly children living in remote areas. Furthermore, the Committee is concerned by:

- (a) The high proportion of Roma children (almost half of them) that do not have a health card and are therefore deprived access to health services;
- (b) Children's access to health care being subject to their mother's membership in the scheme of social insurance;
- (c) The difficulty for children of rural and remote areas to access health-care services;
- (d) The pervasive practice of health workers and doctors asking for informal payments which prevents children from accessing health services;
- (e) The fragmented organization of maternal and child health services and the lack of proper relations between those services and early childhood care institutions;
- (f) The declining rate of exclusive breastfeeding; and
- (g) The impact on children's health of air pollution (especially in the capital Tirana), contamination of drinking water with pesticides and bacteriological substances and poor food quality.

The Committee urges the State party to prioritize the allocation of financial and human resources to the health sector with a special emphasis on primary health care in order to ensure equal access to quality health services by all children, including children living in remote areas and Roma children. In particular, the Committee recommends that the State party:

- (a) Strengthen its efforts to address child malnutrition, focusing primarily on the most disadvantaged categories of children and on nutrition education and access to quality food;**
- (b) Ensure that all Roma children are provided with a health card and have effective and unimpeded access to health services;**
- (c) Ensures that access to basic health care is not conditional upon the mother's membership in the social security schemes;**
- (d) Take all necessary measures to counter the pervasive practice of health workers and doctors asking for informal payments;**
- (e) Strengthen the link between maternal and child health services, including paediatric institutions and the collaboration of these services and the early childhood care institutions;**
- (f) Strengthen its efforts to promote exclusive breastfeeding until 6 months of age by raising the awareness of health personnel and the public of the importance of exclusive breastfeeding; and**
- (g) Take all the necessary measures to address air pollution and contamination of drinking water.**

Adolescent health

While noting the creation of the National Committee to Coordinate the Fight against Drugs chaired by the Prime Minister, the Committee expresses concern about the relatively high use of ecstasy, cocaine, heroin and steroids, by adolescents even at a very early age and the unavailability of drug prevention services that address the needs of adolescent drug users. Furthermore, the Committee is concerned at the absence of specialized health services for adolescents, including mental health services and the fact that existing counselling services are not used by adolescents.

In the light of its general comment No. 4 (CRC/GC/2003/4), the Committee recommends that the State party:

- (a) Adopt standards for adolescent - friendly health services, and a comprehensive strategy for the implementation and monitoring of these services;**
- (b) Address the incidence of drug, as well as tobacco and alcohol, use among children by, inter alia, providing children with accurate and objective information about**

substance use, including tobacco use and develop specialized and youth-friendly drug-dependence treatment and harm reduction services;

(c) Strengthen training, in collaboration with non-governmental organizations (NGOs), of general practitioners, nurses, social workers and other primary-care workers in the field of health promotion, including healthy lifestyles and emotional well-being of adolescents, with a view to improving the capacity and quality of health professionals in the country; and

(d) Develop a comprehensive mental health policy, including mental health promotion, outpatient and inpatient services for adolescents with mental health issues and programmes to support families with children at risk.

HIV/AIDS

The Committee expresses concern that children infected by HIV/AIDS are detected at a very late stage due to the lack of access to confidential voluntary testing and the deficiencies in the surveillance system to detect cases of HIV/AIDS. The Committee is also concerned that services to prevent mother-to-child transmission of HIV/AIDS have not been integrated in the health system. The Committee is also particularly concerned that one third of children with HIV/AIDS do not go to school.

In the light of its general comment No. 3 (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights, the Committee recommends that the State party provide for a system of voluntary testing for HIV/AIDS with full respect of the right to privacy and confidentiality and improve the surveillance system to detect cases of HIV/AIDS. The Committee also recommends that services to prevent mother-to-child transmission of HIV/AIDS be fully integrated in the health system. The Committee further recommends the State party to reinforce preventive action among youth, targeting teenagers in the most vulnerable situations, and ensure that HIV/AIDS education programmes are provided in secondary schools and children with HIV/AIDS are able to attend school without discrimination.

Standard of living

The Committee notes that poverty levels in the State party continue to be high and thus welcomes the creation of child protection offices in the communes and at district level and the commitment made by the State party to establish a functional child protection system to deal with issues of child poverty. The Committee is concerned, however, that social protection schemes do not focus specifically on children, are limited to small cash transfers and have failed to lift families, in particular Roma families and families with children with disabilities, out of poverty. The Committee is also concerned that two thirds of poor families are left without any economic aid.

The Committee recommends that the State party reform its child protection system and undertake structural changes in order to address child poverty, including by ensuring priority access to services for all families and children at risk, paying particular attention to Roma families and families with children with disabilities. In that regard, the Committee recommends that the State party provide all families with child allowance as a universal benefit and that cash transfers to families living in poverty are complemented by measures to promote employment for women and children after completing education and provide skills training, housing, transport and other benefits. The Committee also recommends that the State party ensure that social workers are well trained, receive sufficient salaries and are clearly instructed to identify families and children at risk, manage the social schemes effectively and follow up on their implementation and assess their impact.

While welcoming the information provided by the State party during the dialogue that the Roma families forcibly removed from their settlement near Tirana train station in February 2011 were finally provided with housing solutions, the Committee remains concerned about the precarious housing conditions in which some of these families still remain.

The Committee recommends that the State party address the housing conditions of all the affected Roma families and refrain in the future from forced evictions.

Children in situations of migration

The Committee expresses concern about the physical, psychological and social impact that massive labour migrations have on the rights and well-being of children and the preservation of the family unit.

The Committee recommends that the State party study the impact of migration on children as previously recommended by the Committee on Migrant Workers (CMW/C/ALB/CO/1, para. 38, 2010) and to provide children with all the necessary social services for them to fully enjoy their rights under the Convention.

Children belonging to minority groups

The Committee notes with concern the weak implementation of the various programmes and strategies for Roma, owing mainly to inadequate allocation of resources and the insufficient coordination between institutions involved at central and local levels. The Committee is also concerned that Egyptians are not recognized as a minority in the State party and that Egyptian children might therefore not be entitled to the special protection measures for vulnerable groups of children.

The Committee urges the State party to further strengthen and implement its various programmes and strategies for Roma children, in particular by further allocating human and financial resources. The Committee also recommends that the State party amend its National Strategy to Improve Living Conditions of the Roma Minority and take active measures specifically aiming at preventing and combating discrimination and marginalization of Roma children. The Committee further recommends that the State party recognizes the Egyptian minority, in order to guarantee special protection measures to which their children are entitled.

Children in street situations

The Committee reiterates its deepest concern about the high number of children living and working on the streets and that insufficient measures have been taken to address the situation of these children, who are subjected to the worst forms of exploitation, including begging in the street, extreme marginalization and homelessness, and are at risk of becoming victims of trafficking and sexual exploitation. Furthermore, the Committee is concerned that children in street situations might be treated as offenders.

The Committee, in the light of its previous recommendation (CRC/C/15/Add.249, para. 73, 2005) urges the State party, in collaboration with NGOs and with the participation of children, to:

- (a) Strengthen the measures to protect and assist children from living in street situations and remove them from those situations, and ensure their access to education and health services by taking into account the views of these children;**
- (b) Strengthen the support and assistance available to families, both as a preventive measure and a measure conducive to the return of children to their families, as appropriate;**

- (c) Set up programmes and reporting mechanisms providing children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation, and assist and advise them;**
- (d) Ensure that persons using children for worst forms of exploitations are prosecuted and sanctioned; and**
- (e) Ensure that children in street situations are not considered or treated as offenders.**

Administration of juvenile justice

While noting the information provided by the State party during the dialogue of the current reform of the juvenile justice system, the Committee reiterates its concern (CRC/C/15/Add.249, para. 76, 2005) about the lack of an effective juvenile justice system in the State party. The Committee expresses particular concern about:

- (a) Cases of children being held 48 hours in police stations, interrogated in inappropriate rooms, without the assistance of a lawyer, subjected to ill-treatment from the police and their inmates and detained in cells together with adults;
- (b) The continued use of pretrial detention of children who might spend months in detention without access to education, psychological support and reintegration measures and the fact that 70 per cent of convicted juveniles will have spent their sentence in detention while awaiting their trial;
- (c) The limited development of alternatives to detention;
- (d) The degraded infrastructure and unsanitary conditions in some pretrial detention centres for juveniles;
- (e) Limited access to medical and mental health services in detention;
- (f) The absence of any educational programme for child offenders under the age of criminal responsibility, even in cases of the commission of crimes; and
- (g) The lack of programmes to assist children in contact with the law and protect them from harm, intimidation, reprisals and secondary victimization and hardship during judicial procedures.

The Committee recommends that the State party bring the juvenile justice system fully in to line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System and the Committee's general comment No. 10 (CRC/C/GC/10 , 2007) . In particular, the Committee urges the State party to:

- (a) Establish specialized juvenile courts with adequate human, technical and financial resources throughout the country, introduce specialized judges for children in all the regions and ensure that such specialized judges receive appropriate education and training;**
- (b) Ensure that children are no longer detained in police stations together with adults and without access to a lawyer and that all cases of mistreatment are properly investigated and punished;**
- (c) Organize regular training for law enforcement personnel, including police and prison administration staff, in order to ensure that they all have a thorough understanding of provisions of the Convention and are aware that violations are not acceptable and will be investigated, and that perpetrators are liable to prosecution;**
- (d) Provide children, both victims and accused, with effective and adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings in conformity with the Code of Penal Procedure;**

- (e) Ensure that detention is a measure of last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it;**
- (f) Promote alternative measures to detention, such as diversion, probation, counselling, community service or suspended sentences, wherever possible;**
- (g) Take urgent measures to address the conditions of detention in pretrial detention centres for juveniles;**
- (h) Ensure that all children deprived of liberty have effective access to education and health services, including mental health care; and**
- (i) Make use, if relevant, of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

K. Cooperation with regional and international bodies

The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2016

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Temporary special measures

18. The Committee commends the State party on introducing temporary special measures, including quotas for the representation of both sexes in the Electoral Code (2012), in the State Police and in the armed forces, as well as economic support to women entrepreneurs. The Committee is concerned, however, about the lack of monitoring of the implementation, and of information on, the impact of such temporary measures on the achievement of substantive gender equality in all areas covered by the Convention.

19. **The Committee reiterates its previous recommendation (see [CEDAW/C/ALB/CO/3](#), para. 23) that the State party strengthen the use of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on the subject, in all areas in which women are underrepresented or disadvantaged, in order to accelerate the achievement of substantive gender equality in the areas covered by the Convention, in particular as regards women facing intersecting forms of discrimination, such as women and girls belonging to linguistic and ethnic minorities, older women, women with disabilities and women living in rural and remote areas, in line with article 8 of the Law on Gender Equality in Society and article 11 of the Law on Protection from Discrimination. The Committee requests the State party to include in its next periodic report comprehensive information on the implementation of such measures and on their impact.**

Employment

30. The Committee welcomes the reform of the State party's legislation concerning the employment of women, namely, the amendment of the Labour Code defining and reversing the burden of proof in cases of sexual harassment. The Committee notes with concern, however, women's concentration in the informal labour market, especially in the textile and shoe industries, without adequate labour and social protection, and the lack of disaggregated data on the number of women in the informal economy. It is also concerned that the gender wage gap, notwithstanding reported positive developments, remains significant, in particular in the private sector, and that the minimum wage remains extremely low (approximately \$180 a month), disproportionately affecting women. The Committee is further concerned about the limited access to the formal labour market for women belonging to ethnic and linguistic minorities and women with disabilities, as well as about the lack of sex-disaggregated information on labour migration to third countries.

31. **The Committee recommends that the State party:**

(a) **Improve its statistical analysis to cover all areas, including the informal sector, in which women are concentrated, and improve the labour and social protection of women working in the informal sector, in particular in the textile and shoe industries;**

(b) **Take measures to better estimate and reduce the gender wage gap, in particular in the private sector, by implementing effectively the principle of equal pay for work of equal value, and increase the minimum wage;**

(c) Ensure equal access to the formal labour market for women belonging to linguistic and ethnic minorities and women with disabilities, including by introducing temporary special measures in line with article 4 (1) of the Convention.

Health

32. The Committee is concerned about the excessive use of abortion as a method of birth control in the State party, including sex-selective abortion. It also notes with concern that women living in rural and remote areas and Roma and Egyptian women continue to have limited access to primary health care and sexual and reproductive health-care services, and are often unaware of the availability of such services. It is also concerned about the low budgetary allocations (2.6 per cent of gross domestic product) for the health sector and the limited oversight of hospital facilities. Furthermore, the Committee is concerned about the increasing mother-to-child transmission of HIV, notwithstanding the preventive programmes adopted by the State party.

33. **The Committee recommends that the State party take all measures necessary to:**

(a) Prevent the use of abortion as a method of birth control and promote the use of modern contraceptive methods to prevent unwanted pregnancies;

(b) Promote access for women and girls in rural and remote areas and Roma and Egyptian women to primary health care and sexual and reproductive health-care services, and include age-appropriate education on sexual and reproductive health and rights in all school curricula;

(c) Increase the budget for the health sector and regularly monitor and evaluate hospital facilities and the services provided therein, including sexual and reproductive health-care services;

(d) Strengthen its efforts to prevent the mother-to-child transmission of HIV, through regular screening, early diagnosis and free distribution of antiretroviral medicines.

Economic and social benefits and economic empowerment of women

34. The Committee welcomes the measures taken by the State party, including the Action Plan for Women Entrepreneurs and the Guarantee Fund, to increase the number of women entrepreneurs who own or manage businesses. The Committee also welcomes the 2014 amendment of the Law on Social Assistance and Social Services which provides for social assistance to be paid directly to women. Nevertheless, the Committee notes with concern the limited implementation of those laws and policies, in particular at the local level and as regards women and girls belonging to disadvantaged or marginalized groups. The Committee is concerned at the improper implementation of the practice of the Agency for the Legalization, Urban Planning and Integration of Informal Areas/Construction (ALUIZNI) whereby informal property is registered under the name of the so-called head of household, which discriminates against women in practice.

35. **The Committee recommends that the State party:**

(a) Strengthen its mechanisms for effective monitoring of the implementation of the legislation on social assistance and policies in all 61 municipalities, including by enhancing their capacity with regard to the delivery of social assistance services, and the economic empowerment of women, in particular those belonging to disadvantaged and marginalized groups;

(b) Take measures to accelerate and simplify the procedures for the legalization of informal buildings and unify ALUIZNI practices so that the application files are prepared on the basis of family certificates, and not discriminate against women by registering informal property under the name of the so-called head of household.

Rural women

36. The Committee is concerned about the significant disparities in access to basic services, such as education, employment and health care, and in the participation in decision-making of rural women in the State party, especially those living in remote mountainous areas, compared with their urban counterparts. The Committee is particularly concerned about the revival of patriarchal attitudes in rural areas, often resulting in gender-based violence.

37. **The Committee recommends that the State party:**

(a) **Implement a comprehensive strategy to ensure that rural women and girls and women and girls living in remote areas have as equal access as their urban counterparts to high-quality education, employment and health care, as well as to decision-making processes and economic empowerment;**

(b) **Take measures to change traditional perceptions about the roles of women and girls in the family and in society, to counter growing patriarchal attitudes in rural areas;**

(c) **Consult the Committee's general recommendation No. 34 (2016) on the rights of rural women.**

Disadvantaged groups of women

38. The Committee is concerned about the continuous discrimination against and lack of appropriate legislation or measures for the protection of women and girls belonging to disadvantaged and marginalized groups, such as older women, Roma and Egyptian women, women with disabilities, migrant women, lesbian, bisexual and transgender women, women in detention, secluded women and asylum-seeking women, in particular as regards their access to education, health services, employment, housing and participation in public and political life.

39. **The Committee recommends that the State party adopt targeted laws, policies and programmes to ensure equal rights for women belonging to disadvantaged and marginalized groups, such as:**

(a) **Older women, by approving the draft law on third age status;**

(b) **Roma and Egyptian women, by improving their access to education, health services, employment and housing;**

(c) **Women with disabilities, by introducing specific provisions in the national legislation in accordance with the criteria established under the Convention on the Rights of Persons with Disabilities;**

(d) **Migrant women, by monitoring the impact on emigrant women of the Strategy for the Reintegration of Returnees and Repatriated Albanian Nationals 2010-2015;**

(e) **Lesbian, bisexual and transgender women, by harmonizing the Criminal Code with the anti-discrimination laws and introducing into it the issue of hate crimes;**

(f) **Women in detention, by monitoring the implementation of standards provided in Law No. 40/2014 for women in detention;**

(g) Secluded women, by providing them with adequate protection and access to health care, education, employment and freedom of movement;

(h) Asylum-seeking women, by taking all measures necessary to put in place legal arrangements to ensure regularized stay for persons seeking to join their relatives in other countries of the European Union.

40. The Committee also requests the State party to include, in its next periodic report, information on the enjoyment by those women of their rights under the Convention, disaggregated by age, national or ethnic origin and rural/urban areas.

Technical assistance

46. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Convention on the Right of Persons with Disabilities

No conclusions available. First State party report was submitted on 28 May 2015 – not yet considered.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from World Bank Development Indicators that the GDP growth rate in Albania decreased from 5.9 % in 2007 to 3.5 % in 2010.

According to Eurostat the formal employment rate was 53.4 % in 2009, which is very low.

The Committee notes from the Albanian Institute of Statistics that long term unemployment (as a percentage of all unemployed persons) remains very high, at 62.5 % in 2010. Youth unemployment also increased during the reference period, from 20.1 % in 2007 to 27.2 % in 2009. The Committee asks the next report to include up-dated information on these indicators.

Employment policy

The report indicates that total expenditure on labour market policies (active and passive) represented 0.76 % of GDP in 2009. The Committee recalls that in assessing national situations under Article 1§1 it primarily looks at active labour market policies adopted by States. It therefore asks the next report to indicate specifically the amount of expenditure on active labour market policies (as a share of GDP).

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 1§1 of the Charter on the ground that the number of persons which have access to active labour market measures is too low.

Paragraph 3 - Free placement services

The Committee recalls that in order to assess the effectiveness of employment services it looks at a number of performance indicators, such as the number of vacancies notified to employment services, the number of placements made by these services and the average length of time in filling vacancies. As the report contains no information on these matters for the third consecutive time, the Committee considers that there is nothing to show that employment services are operated in an efficient manner.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 1§3 of the Charter on the ground that it has not been established that free placement services operate in an efficient manner.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

Improvement of occupational safety and health

The report does not provide information on the involvement of public authorities in research relating to occupational health and safety, training of qualified professionals, definition of training programmes or certification of processes.

The Committee asks that this information be provided in the next report.

Consultation with employers' and workers' organisations

The report underlines the role played by the Occupational Health and Safety Commission within the National Labour Council in promoting co-operation at all levels. Act No. 10237 establishes the set-up of health and safety committees within undertakings, which are consultative bodies purporting to convene employers and workers for the evaluation and prevention of occupational hazards, and which employers are required to consult at regular intervals.

The Committee takes note of this information. It considers that the information does not suffice to establish that the social partners are consulted by public authorities (bodies, jurisdiction, participants, frequency of meetings, themes dealt with) in practice. It asks that detailed information on the matter be provided in the next report. It also asks for information on the set up and the consultation of health and safety committees in practice.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 3§1 of the Charter on the grounds that it has not been established that:

- public authorities are involved in research relating to occupational health and safety, training of qualified professionals, definition of training programmes or certification of processes;
- employers' and employees' organisations are being consulted by public authorities in practice.

[Paragraph 2 - Safety and health regulations](#)

Risks covered by the regulations

The Committee takes note that there has been general framework legislation on occupational safety and health since Act No. 10237 came into force. It notes, however, that existing regulations only cover a small proportion of the risks identified in Conclusions XIV-2, and fail to offer protection against significant risks such as heavy loads, asbestos, air pollution, noise and vibration, and chemical, physical and biological agents, or exposed sectors such as dock labour and agriculture. Nor does the report establish that the aforementioned regulations correspond to international standards.

Protection against hazardous substances and agents

The Committee considers that the level of protection against risks related to hazardous substances and agents, in particular asbestos and ionising radiation, is inadequate. It asks that the next report provide relevant information on the matter. It would recall Recommendation 1369 (1998) of the Parliamentary Assembly of the Council of Europe on the dangers of asbestos for workers and the environment.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 3§2 of the Charter on the grounds that:

- the health and safety legislation and regulations in force do not specifically cover a majority of risks;
- the level of protection against risks related to hazardous substances and agents is inadequate.

[Paragraph 4 - Occupational health services](#)

The Committee previously noted (Conclusions 2009) that in 2007 only 13.46% of entities with more than 15 employees inspected had in place an occupational health service, while the figure for 2008 was 25.2%. It requested information on the measures taken to ensure

compliance in practice with Decision No. 742 of the Council of Ministers dated 6 November 2003 supplementing and amending Decision No. 692 dated 13 December 2001 on special worker safety and protection measures, which requires all undertakings employing more than 15 persons to have an occupational doctor.

The report indicates that the proportion had increased substantially by 2011 and stood at 72.57% of entities with over 15 employees inspected by the labour inspectorate.

The Committee takes note of this progress. However, recalling that all workers in all branches of the economy and every undertaking must have access to occupational health services, it considers that the quoted figure is not sufficient to establish that there is a strategy to progressively institute access to occupational health services for all workers in all sectors of the economy.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 3§4 of the Charter on the ground that it has not been established that there is a strategy to progressively institute access to occupational health services for all workers in all sectors of the economy.

Article 4 - Right to a fair remuneration – Conclusions 2010

Paragraph 1 - Decent remuneration

According to the report the minimum wage is fixed by Decision of the Council of Ministers taking into account economic factors and living standards. In 2006 the gross minimum wage amounted to 14,000 lek (€100,70) whereas the gross average wage stood at 28,842 lek (€207,50). In line with the general increase in salaries in 2007-2008, the average wage amounted to 33,750 lek (€ 242), whereas the minimum wage stayed at the level of 14,000 lek in 2007. The Committee notes that the Government was committed to raising the minimum wage in 2007 but this proposal was not accepted by the employers' organisations.

However, according to the report, the gross minimum wage was raised to 17,000 lek (€122) in 2008 and 18,000 lek (€129) in 2009. The report specifically states that the minimum wage was raised to 18,000 lek with an intention to meet the requirements of Article 4§1 of the Charter. The Committee will examine the situation in 2009 in its next assessment under this provision whereas in the present context it will focus on the year 2007 for which the report provides all the elements for assessment.

As regards the net amount of minimum and average wages in 2007, the report states that social and health insurance contributions correspond to 11,2% of the wage while the income tax is levied at 10%. However, for minimum wage earners, as well as for those whose wage is below 30,000 lek, income is taxed only over the non-taxed minimum of 10,000 lek.

Accordingly, the net minimum wage in 2007 amounted to 11,932 lek (€ 86) whereas the net average wage to 26,595 lek (€191). The Committee thus notes that in 2007 the net minimum wage amounted to 45% of the net average wage.

The Committee recalls that to be considered fair, a net minimum wage should amount to no less than 60% of a net average wage. If the wage lies between 50% and 60%, a state is asked to demonstrate that the wage is sufficient for a decent standard of living, e.g. by providing detailed information on the cost of living. However, a net wage which is less than half the net national average wage will be deemed to be unfair and therefore the situation of the Party concerned will not be in conformity with Article 4§1. Therefore, the Committee holds that the minimum net wage in Albania is manifestly unfair.

In reply to the Committee's question, the report states that various supplements are paid to minimum wage earners in the public sector. However, the Committee notes that most of these supplements are paid to specific categories of workers such as those working in hazardous working environment, night shift etc. As regards the supplement for the years of

service, the Committee notes that employees on minimum wage receive on average 14% of their wage. In the meantime, the Committee decides not to take these supplements into account as in its assessment it only considers supplements paid specifically to a worker on minimum wage, who does not belong to any specific category.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 4§1 of the Charter as the minimum net wage is manifestly unfair.

Article 8 - Right of employed women to protection of maternity – Conclusions 2011

[Paragraph 1 - Maternity leave](#)

Right to maternity leave

The situation which was previously found to be in conformity with Article 8§1 has remained unchanged. The same regime applies to women employed in the public sector.

Right to maternity benefits

The Committee noted in its last conclusion that employed women on maternity leave are entitled to maternity benefit provided they have been insured for a period of twelve months prior to pregnancy. It found that this qualifying period is lengthy and requested further information, for example on the definition of this period, and whether periods of unemployment are taken into account.

The required period of twelve months' insurance prior to pregnancy to be entitled to maternity benefits corresponds to the last full calendar year preceding the year during which maternity benefits are paid. This qualifying period includes periods of unemployment. The Committee asks whether women who do not fulfil the qualifying conditions for maternity benefit are entitled to other benefits. In the meantime, the

Committee finds that this qualifying period is too long to be in conformity with Article 8.

The report confirms that, in accordance with Section 26§1 of Act No. 7703 of 11 May 1993 on Social Insurance, the amount of benefit for the prenatal leave and first 150 days of post natal maternity is 80% of the previous average salary calculated over a 12-month period and 50% for the remaining period of maternity leave. The Committee considers this aspect in conformity with the requirements of Article 8§1.

The same regime also applies to women employed in the public sector.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 8§1 of the Charter on the ground that the required period of twelve months of contribution to the social security scheme prior to pregnancy to be entitled to maternity benefits is too long.

Article 11 Right to protection of health – Conclusions 2013

[Paragraph 1 - Removal of the causes of ill-health](#)

Right of access to health care

Despite repeated requests, the report fails to describe the healthcare system, or to provide information on access by disadvantaged groups to the health system or the management of waiting lists and waiting times. However, the Committee has extracted some elements from the written information submitted by the Albanian representative to the Governmental Committee (Report concerning Conclusions 2009, T-SG(2011) final).

Concerning management of waiting lists and waiting times, the information submitted by the Albanian representative to the Governmental Committee indicates that the referral system of the public health system is based on Minister of Health Order (No. 52 of 12 October 2009 "On

the application of patients' referral system in the health service"). The aim is to regulate medical doctors' activity, the transfer of patients from one level of service to another, to strengthen the family doctor role, to relieve the pressure in the hospital care system and reduce corruption. The Committee nevertheless considers that it does not demonstrate that health care is provided within medically acceptable periods. The Committee therefore asks once again for specific information on the average waiting time for care in hospitals, as well as for a first consultation in primary care, with a view to showing that access to health care is provided without undue delays.

As regards the right to protection of health of transgender persons the Committee received submissions from the International Lesbian and Gay Association (European Region) (ILGA) stating that "the Albanian authorities fail to provide medical facilities for gender reassignment treatment (or the alternative of such treatment abroad), and to ensure that medical insurance covers, or contributes to the coverage of such medically necessary treatment, on a non-discriminatory basis". The Committee invites the Government to submit comments on this matter, and also refers to its question in the General Introduction.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 11§1 of the Charter on the ground that it has not been established that public health services operate in an effective manner.

Paragraph 2 - Advisory and educational facilities

Education and awareness raising

In its previous conclusion the Committee noted a number of measures and campaigns to prevent activities that are damaging to health, such as smoking, alcohol and drugs (Conclusions 2009). The current report only mentions promotional activities on health education and the promotion of safe motherhood during 2009-2011. The Committee asks the next report to include up-dated information on the whole range of activities undertaken by public health services, or other bodies, to promote health and prevent diseases.

As regards health education at schools, the Committee found a breach of this provision on the ground that it had not been established that issues, other than those conducive to promoting health, were addressed at schools (Conclusions 2009). The Committee notes from the written information submitted by the Albanian representative to the Governmental Committee (Report concerning Conclusions 2009, T-SG(2011)1 final) that the Public Health and Health Promotion Strategy emphasises that children receive, in the preschool and school institutions, the basic rules of a healthy lifestyle – good social interaction and teamwork – and they learn about personal hygiene, accidents prevention, healthy nutrition and other substantial issues concerning health and safety.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

Tobacco, alcohol and drugs

In its previous conclusion, the Committee asked whether there was legislation prohibiting the sale of tobacco products to young persons, whether smoking in public places was prohibited and whether the advertising of tobacco products was prohibited (Conclusions 2009). The report provides no information on these matters. The Committee asks the next report to indicate whether there exist laws on smoke-free environments, health warnings on tobacco packages, and if there is a ban on tobacco advertising, promotion and sponsorship. In the meantime, given the lack of information, it considers that it has not been established that adequate measures have been taken to prevent smoking. As regards the consumption of

alcohol and drug abuse, the Committee wishes to receive updated information on legislation on the use of alcohol and drugs and trends in consumption.

Immunisation and epidemiological monitoring

As the report does not address this question, the Committee asks for up to date information on the national vaccination programme, as well as the vaccination coverage rate.

Likewise, it requests information on the arrangements for reporting and notifying diseases and emergency measures in case of epidemics.

Conclusion

The Committee concludes that the situation in Albania is not in conformity with Article 11§3 of the Charter on the ground that it has not been established that:

- adequate measures have been taken to prevent smoking;
- efficient immunisation and epidemiological monitoring programmes are in place.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Albania (Ratification: 2006)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part II. Medical care. The Committee notes that, over the last ten years, the Government has pursued reforms aimed at improving equal access to quality health care and ensuring the system's fiscal sustainability. ***The Committee would be grateful if the Government would indicate the results obtained in terms of increase in the number of beneficiaries in urban and rural areas and the informal economy and the improvement in the general health status of the population.***

Part V. Old-age benefit. Articles 28 and 29 of the Convention. In response to the Committee's questions regarding the replacement rate of old-age benefit served to an ordinary adult male labourer defined under *Article 66 of the Convention*, the Government indicates that, in 2011, the minimum pension (11,117 Albanian lek (ALL)) was established at 63.3 per cent of the minimum monthly wage (ALL17,540) for a beneficiary totalling 35 years of contributions. ***The Committee would like the Government to show how the above minimum wage relates to the reference wage of the ordinary male labourer defined according to the prescriptions of Article 66 of the Convention and specify who is entitled to the minimum pension and under what conditions.***

Part VI. Employment injury benefit. Article 35. In reply to the previous comments, the report reiterates that persons who are victims of occupational accidents or diseases are eligible for training and retraining in order to recover their lost capacity, in accordance with the Regulations of the Social Insurance Institute (section 45 of the Law on Social Insurance). ***Please describe training and rehabilitation services offered by the Social Insurance Institute, indicating the total number of beneficiaries.***

Part IX. Invalidity benefit. Article 56. With reference to the Committee's previous comments regarding the method for calculating invalidity benefit, the Government states that the average invalidity pension for 2011 was ALL11,456 and ALL12,968 in 2012. ***To assess the replacement rate of disability pension for a standard beneficiary totalling 15 years of contributions or employment, the Committee would like the Government to indicate whether it makes recourse to Article 65 or 66, and to follow the methodology indicated by the report form under the selected Article.***

Article 57(1). Qualifying period. The Committee observes that invalidity benefit is paid at full rate subject to payment of contributions by the insured person for at least 50 per cent of the years between the age of 20 and their current age. A reduced pension is paid if the insured person is totally disabled but does not satisfy the conditions for entitlement to the full disability pension. The Committee observes that in the case of an insured person of 52 years or more, the required period of contribution would be 16 years or more, whereas the Convention guarantees a full pension after 15 years of contribution or employment. ***Please explain whether after 15 years of contribution or employment the reduced pension would attain the minimum replacement rate set out in the Convention, that is 40 per cent of the reference wage.***

Part X. Survivors' benefit. Article 62. The report indicates that in the case of the deceased breadwinner earning the minimum wage (ALL17,540) and totalled 15 years of contributions, the surviving spouse with two dependent children would receive a benefit equal to the minimum pension, that is ALL11,114, thus ensuring a replacement rate of 63.3 per cent. ***The Committee would like the Government to show how the above minimum wage relates with the reference wage of the ordinary male labourer defined according to the prescriptions of Article 66 of the Convention.***

Article 63. Reduced survivor's benefit. Referring to its previous comments, the Committee notes the Government's indication that there is currently no reduced pension for survivors in cases where the deceased breadwinner had accumulated five years of employment or contributions. ***The Committee therefore invites the Government to consider the possibility of introducing such benefit as required by Article 63 of the Convention by including this issue in the next actuarial report relating to the survivors' benefit branch.***

Part XIII. Common provisions. Article 70. Right of appeal. The Committee notes with *interest* that, following the adoption of Act No. 10.383 on compulsory health care insurance of 24 February 2011, a right of appeal is now also recognized in health care matters against a fine or suspension of benefits (section 39). ***Please indicate whether complaints may also be filed as regards the quality of the medical care.***

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) – Albania (Ratification: 2006)

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 6 of the Convention. Non-discrimination. *Please indicate the provisions of the national legislation prohibiting discrimination in employment promotion and unemployment protection on the grounds mentioned in this Article of the Convention.*

Article 15(1)(b). Rate of benefit. The report stated that the flat-rate monthly unemployment benefit was 6,850 Albanian leks (ALL) in 2011, while the national minimum monthly wage amounted to ALL21,000 as of July 2012. The Committee recalls that, according to *Article 15(1)(b)* of the Convention, the amount of a flat-rate unemployment benefit shall be fixed at not less than 50 per cent of the statutory minimum wage, or of the wage of an ordinary labourer, or at a level which provides the minimum essential for basic living expenses, whichever is the highest. ***In order to ensure compliance with this requirement of the Convention, the Committee requests the Government to indicate in its next report measures taken to raise the rate of the unemployment benefit in Albania to the level of 50 per cent of the national minimum wage.***

Articles 17(2) and 19(6). Seasonal workers. *Please indicate whether seasonal workers in Albania are able to fulfil the same qualifying period of 12 months of contributions as other workers in order to become entitled to unemployment benefit.*

Article 27. Right to complaint and appeal. *Please indicate whether an insured person has the right to complain against the decision of the National Employment Service to refuse or withhold the unemployment benefit otherwise due to this person.*

Article 30. Subsidies to safeguard employment. *Please explain how supervision of the use of the financial subsidies given to employers (for example, for apprenticeship or training programmes) is ensured in order to prevent misuse of these funds.*

Maternity Protection Convention, 2000 (No. 183) - Albania (Ratification: 2004)

Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes with *interest* that the 1995 Labour Code is being modified, and that the draft amendments are awaiting approval by the Council of Ministers. The draft text strengthens maternity protection and prohibits overtime by pregnant women and women with a child up to one year of age; it provides for postnatal leave of 63 days (42 days currently), the requirement for the employer to adapt work carried out by a pregnant woman to her condition, which includes the transfer to an equivalent position and the payment of benefits when the transfer is not possible, and paid nursing breaks of two hours or a reduction in working hours upon agreement with the employer. The Committee also notes the adoption of Act No. 10383 of 24 February 2011 on compulsory health insurance which, in accordance with *Article 6(7) of the Convention*, provides for free medical care for pregnant women (medical consultations and examinations, medication, treatment and hospitalization when necessary). ***The Committee requests the Government to provide it with a copy of the Act.***

Article 6(5) of the Convention. Conditions required to qualify for cash benefits. Further to its previous comment, the Committee notes the statistical data provided by the Government which shows a steady increase in the number of beneficiaries of cash benefits. However, these same statistics show that women who are entitled to maternity benefits, who fulfil the condition of being insured for at least 12 months before pregnancy, do not seem to constitute the large majority of the women to whom the Convention applies (32.9 per cent in 2012). ***The Committee requests the Government to examine this situation with a view to ensuring that the conditions required to qualify for cash benefits enable a large majority of the women to whom the Convention applies to receive cash benefits.***

Article 6(6). Cash benefits out of social assistance funds. The Committee notes the Government's indication that, firstly, a woman who is not insured receives no benefits and, secondly, the legislation on social assistance contains no provision concerning maternity benefits. The Committee draws the Government's attention to the obligations deriving from *Article 6(6)* of the Convention which provide that where a woman does not meet the conditions to qualify for cash benefits under national laws, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.