



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

Distr.: General
8 May 2019

Original: English

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

Concluding observations on the second periodic report of Albania*

1. The Committee considered the second periodic report of Albania (CMW/C/ALB/2) at its 411th and 412th meetings (CMW/C/SR.411 and CMW/C/SR.412), held on 1 and 2 April 2019. At its 429th meeting, held on 12 April 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party (CMW/C/ALB/2) and of its replies to the list of issues (CMW/C/ALB/Q/2/Add.1). The Committee appreciates the open and constructive dialogue held with the State party delegation, which was headed by Ravesa Lleshi, Permanent Representative of Albania to the United Nations Office at Geneva, and with representatives of the Ministry for Europe and Foreign Affairs, the Ministry of Education, Sports and Youth, the Ministry of Health and Social Protection, the Directorate-General of the State Police and the Permanent Mission of Albania.

3. The Committee recognizes that Albania is mainly known as a country of origin of migrant workers, and that it remains a country of transit for them.

4. The Committee notes that some States where Albanian migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of their rights under the Convention.

B. Positive aspects

5. The Committee reiterates its appreciation for the State party's efforts to promote and protect the rights of migrant workers abroad, in particular with respect to the right to social security. The Committee also notes with appreciation the establishment of the Ministry for the Diaspora in August 2017 to support Albanians living abroad, including Albanian migrant workers and members of their families.

6. The Committee notes with appreciation the ratification of the Convention on the Rights of Persons with Disabilities on 11 February 2013 and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 29 May 2013.

7. The Committee welcomes the adoption of Law No. 108/2013 of March 2013 on foreigners as amended in 2016, that regulates the State party's immigration procedures and

* Adopted by the Committee at its thirtieth session (1–12 April 2019).



provides for the rights and obligations of non-citizens in Albania; and Law No. 10389 of March 2011 on amendments and additions to Law No. 9668 of December 2006 on the migration of Albanian citizens for employment reasons, that regulates the migration of Albanian migrant workers. It also welcomes the adoption of Law No. 22/2018 on social housing, which expands support for certain groups of victims as beneficiaries of housing, including victims of trafficking; Law No. 121/2017 on asylum, which regulates the procedures for asylum and the rights of asylum seekers and refugees, including asylum-seeking migrant workers; Law No. 18/2017 on child protection, which provides for child protection mechanisms; and Law No. 121/2016 on social services in Albania, which defines specialized services for certain groups of victims, including victims of human trafficking.

8. The Committee also welcomes the following institutional and policy measures: the National Strategy for the Diaspora for 2018–2024 and its action plan; the National Strategy against Human Trafficking for 2018–2020 and its action plan; the National Strategy on Gender Equality for 2016–2020 and its action plan; the Social Housing Strategy for 2016–2025; the National Strategy for Employment and Skills for 2014–2020 and its action plan; the Action Plan for the Socioeconomic Reintegration of Women Victims of Trafficking; and the Common Strategy on Fighting Organized Crime, Illicit Trafficking and Terrorism for 2013–2020 and its action plan.

9. The Committee notes as positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, adopted by the General Assembly on 19 December 2018 in its resolution 73/195, and recommends that the State party work towards its implementation, ensuring full compliance with the Convention.

10. The Committee also notes as positive the standing invitation extended by the State party to the special procedures of the Human Rights Council in December 2009.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

11. The Committee notes the State party's initiatives to improve its legal framework concerning the rights of Albanian migrant workers and their families, especially in the areas of social security, reintegration support and the provision of information by establishing "immigration counters". It notes in particular that Law No. 10389 on amendments and additions to Law No. 9668 on the migration of Albanian citizens for employment reasons provides for reintegration services to returned Albanian migrant workers and members of their families, including facilitating their access to employment, education, housing and social services. However, it is concerned that the provisions of the Convention are not fully reflected in all relevant national legislation, including the Law on the Migration of Albanian Nationals for Employment Purposes.

12. The Committee notes the State party's initiatives to improve its legal framework concerning the rights of migrant workers and members of their families in Albania, especially the issuing of work and residence permits. However, it is concerned that the provisions of the Convention are not fully reflected in all relevant national legislation, in particular under Law No. 108/2013 of March 2013 on foreigners, and particularly with regard to the time required for issuing residence permits for family members of migrant workers; the right of family members to maintain their residence permit in cases of divorce or upon the death of a migrant worker; the right of migrants in an irregular situation to join trade unions; the protection of migrant workers in an irregular situation and their children, and of asylum-seeking migrant workers; and legal guarantees for access to health, education, the labour market, social assistance, interpretation and similar services.

13. The Committee recommends that the State party strengthen its efforts to ensure all relevant legislation, including the Law on the Migration of Albanian Nationals for Employment Purposes and the Law on Foreigners, is in full conformity with the Convention and other relevant international instruments. It also recommends

that the State party take effective measures for the implementation of all relevant legislation, with clear time frames, indicators, monitoring and evaluation benchmarks, and provide detailed information in its next periodic report. It further recommends that the State party review its laws to use the terminology “migrants who are non-documented or in an irregular situation”, which is the terminology used in the Convention.

Articles 76 and 77

14. The Committee reiterates its previous recommendation (CMW/C/ALB/CO/1, para. 14) that the State party consider making the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from State parties and individuals concerning violations of the rights established by the Convention.

Ratification of relevant instruments

15. The Committee recommends that the State party consider ratifying or acceding to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) as soon as possible, and also to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Comprehensive policy and strategy

16. The Committee recommends that the State party finalize the adoption of the National Strategy on Migration Governance for 2019–2022 and its action plan, and ensure that it adheres to the Convention and provides for a comprehensive gender-responsive and human rights-based migration policy and strategy. The Committee also recommends that the State party take effective measures, with clear time frames, indicators, monitoring and evaluation benchmarks, to implement the national strategy and its action plan, and provide sufficient human, technical and financial resources for its implementation. The Committee further requests that the State party include in its next periodic report updated information, supported by statistics, on the concrete measures taken to implement the strategy and its action plan, the results obtained and the difficulties encountered.

Coordination

17. The Committee takes note of the existence of an interministerial committee tasked with the preparation of reports and follow-up action on the recommendations of the Committee and of other human rights treaty bodies. It is concerned, however, that the State party has not established a mechanism with the mandate or authority to coordinate all activities relating to the implementation of the Convention at all levels.

18. The Committee recommends that the State party ensure that a high interministerial-level mechanism with sufficient authority is mandated to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels. The State party should ensure that the said coordinating body is provided with the human, technical and financial resources necessary for its effective operation, with the involvement of civil society actors.

Data collection

19. While noting that the Ministry of Internal Affairs collects, analyses and publishes data on migration, the Committee is concerned about the absence of disaggregated statistical information that would enable it to fully assess the extent to and the manner in which the rights set out in the Convention are implemented in the State party, in particular with regard to migrant workers abroad and their conditions of employment, and the situation of returnees, migrant workers in transit, women migrant workers, unaccompanied child migrants and undocumented migrant workers.

20. **The Committee recommends that the State party improve, in accordance with Sustainable Development Goal target 17.18, its data-collection system, covering all aspects of the Convention, and ensure that data are collected on the status of migrant workers, both documented and undocumented, in the State party, and on migrant workers in transit and nationals working abroad. The Committee also encourages the State party to compile information and statistics that are disaggregated by sex, age, nationality, ethnic origin, reason for entry and departure from the country, and the type of work performed, in order that the Committee may effectively assess the impact of relevant policies and the implementation of the Convention. The State party should also conduct thorough gender-responsive research and strengthen data collection, acquisition and analysis and accountability measures to highlight the contribution made by women migrant workers, as well as the gendered drivers of migration.**

Independent monitoring

21. The Committee notes that the People's Advocate, which is the ombudsman institution and national preventive mechanism under the Optional Protocol to the Convention against Torture, was accredited in 2014 with A status by the Global Alliance of National Human Rights Institutions. The Committee is concerned, however, that the institution does not have adequate financial and human resources to carry out its mandate relating to the rights of migrant workers and members of their families effectively.

22. **The Committee recommends that the State party take all measures necessary to provide the Office of the People's Advocate with adequate human, technical and financial resources to allow it to effectively promote and protect the rights of migrant workers and members of their families, including when dealing with their complaints.**

Training on and dissemination of the Convention

23. While noting the information on the training of certain groups of public officials on the Convention, including law enforcement officials and officials of the National Employment Service, the Committee is concerned that the State party's efforts to provide training on the Convention and to disseminate information on the rights enshrined therein among all stakeholders are insufficient.

24. **The Committee recommends that the State party develop training programmes on the rights of migrant workers and members of their families under the Convention, and that such programmes be made available to all stakeholders, in particular members of the security forces, judges, prosecutors, social workers and other stakeholders working in the area of migration. It also recommends that the State party engage with the media and civil society in training and in the dissemination of information on the Convention.**

Corruption

25. The Committee regrets the lack of information about measures taken to prevent corruption among officials who have responsibilities relating to the Convention, including border officials and members of the police.

26. **The Committee invites the State party to provide in its next periodic report information on measures taken to prevent corruption among officials who have responsibilities relating to the Convention, including statistical information on investigations and sanctions. The Committee recommends that the State party conduct awareness-raising campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to report it.**

2. General principles (arts. 7 and 83)

Non-discrimination

27. While noting the State party's legal framework to ensure non-discrimination, especially Law No. 10221 on protection against discrimination, the Committee is concerned

about the lack of a clear and specific provision prohibiting intersecting and multiple forms of discrimination faced by migrant workers and members of their families, and that existing legislation does not provide special protection to women migrant workers, including domestic migrant workers. The Committee regrets the lack of information on the actual practice in and examples of the implementation of the State party's non-discrimination framework that would make it possible to assess the enjoyment of the right to non-discrimination pursuant to the Convention with respect to both documented and undocumented migrant workers and members of their families.

28. **The Committee recommends that the State party incorporate in its legislation a clear and specific prohibition of the intersecting and multiple forms of discrimination that migrant workers and members of their families face, and take measures to guarantee the rights of all women migrant workers, including domestic workers. It also recommends that the State party provide information in its next periodic report on the measures taken to implement its non-discrimination laws, together with specific examples relevant to the rights of migrant workers and members of their families, both documented and undocumented.**

Right to an effective remedy

29. While noting the information provided by the State party that every person, regardless of nationality, has access to the courts and enjoys the protection of the rights guaranteed by law, the Committee is concerned that no information has been provided on the number of cases or proceedings brought before courts by migrant workers and members of their families, including those in an irregular situation, which may reflect their lack of awareness of their rights and of the legal remedies available to them. It is also concerned at the lack of information, such as statistics and examples of legal assistance provided to migrant workers and members of their families in cases of violation of their rights under the Convention.

30. **The Committee recommends that the State party ensure that migrant workers and members of their families, including those in an irregular situation, have, in law and in practice, opportunities equal to those of nationals of the State party to file complaints and to obtain effective redress in courts in cases where their rights under the Convention have been violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about judicial remedies and reparations available to them in cases of violation of their rights under the Convention. It further recommends that the State party provide legal assistance to them to facilitate their access to justice in cases of violation of their rights under the Convention, and provide statistics and examples of such cases in its next periodic report.**

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Border management and migrants in transit

31. The Committee notes the migration flows transiting through Albania that comprise, inter alia, migrant workers and members of their families, asylum-seeking migrant workers, trafficked persons, unaccompanied and separated children, stateless migrant workers and undocumented migrants. The Committee is concerned about the insufficient capacity of border management and of public officials serving at border-crossing points, and the lack of infrastructure at these points. Furthermore, the Committee is concerned about the lack of safeguards to ensure that border governance measures are not discriminatory and are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion.

32. **The Committee recommends, in line with the OHCHR *Recommended Principles and Guidelines on Human Rights at International Borders*, that the State party increase border management capacity, including of public officials serving at border-crossing points, and take measures to improve the infrastructure at these points to ensure respect for human rights of all migrants, regardless of their status. The State party**

should ensure that its border governance measures address and combat all forms of discrimination by State and private actors at international borders and are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion.

Due process, detention and equality before the courts

33. The Committee notes that articles 121 and 127 of the Law on Foreigners provide for certain procedural guarantees for migrant workers in cases of detention. It is concerned, however, about the lack of information regarding measures to ensure that migrant workers and members of their families, in particular those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party.

34. The Committee recommends that the State party take the steps necessary to ensure that, in all administrative and judicial proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party.

35. While noting that the Law on Foreigners defines detention as an administrative measure taken and enforced as a last resort, the Committee is concerned about:

(a) The placement of migrant workers and members of their families in administrative custody for reasons relating to irregular migration, therefore not as a measure of last resort in practice;

(b) The placement of undocumented migrant children, including both unaccompanied and separated migrant children, as well as children with families, in immigration detention facilities, frequently with adults who are not related to them;

(c) The lack of information on alternatives to detention for migrant workers, including those in an irregular situation;

(d) The lack of information on the conditions and maximum period of administrative detention of migrants awaiting expulsion.

36. In the light of the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) **Ensure that administrative detention is used only as a measure of last resort;**

(b) **Expediently and completely cease the detention of children on the basis of their or their parents' immigration status, and allow children to remain with family members and/or guardians in a non-custodial, community-based context while their immigration status is being resolved, in accordance with the best interests of the child and the rights to liberty and family life;**

(c) **Provide for non-custodial, community-based alternatives to detention, including case management, monitoring and supervision;**

(d) **Provide information in its next periodic report on the effectiveness of measures taken to ensure that all facilities provide adequate basic services, including food, health care, hygienic conditions and access to outdoor areas.**

Expulsion

37. The Committee takes note of the information provided by the State party in its replies to the list of issues (CMW/C/ALB/Q/2/Add.1), according to which it is possible to appeal against expulsion orders. It is, however, concerned about the lack of information on the extent to which migrant workers subject to expulsion proceedings make use of that right,

and about the legal provisions guaranteeing the right to request the suspension of expulsion orders.

38. The Committee recommends that the State party take the steps necessary to ensure that migrant workers who are subject to an administrative deportation or expulsion order are aware of and able to exercise their right to appeal against the order. It also recommends that the State party take the steps necessary to ensure that administrative proceedings for deportation and expulsion are fully in accordance with articles 22 and 23 of the Convention.

Consular assistance

39. The Committee notes that the State party launched the Online Consular Services platform in 2016, and mandated the State Minister for the Diaspora to strengthen communication and interaction between Albanian migrant workers and members of their families abroad with the State party's consular authorities. It is, however, concerned about the lack of information on the protection and assistance provided by the State party's consulates to Albanian migrant workers abroad, especially in cases involving deprivation of liberty and/or expulsion orders.

40. The Committee recommends that the State party take further steps to strengthen its consular services to protect and promote the rights of Albanian migrant workers and members of their families, where necessary, and to provide, in particular, any assistance necessary to persons who are deprived of liberty and/or subjected to an expulsion order.

Freedom to join and take part in meetings of trade unions

41. The Committee remains concerned at the fact that undocumented migrant workers cannot join trade unions, despite the Committee's previous recommendations thereon (CMW/C/ALB/CO/1, para. 30).

42. The Committee recommends that the State party take all measures necessary, including legislative amendments, to guarantee that all migrant workers, including those in an irregular situation, may exercise the right to take part in trade union activities and to freely join trade unions, in accordance with article 26 of the Convention and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

Social security

43. The Committee notes with appreciation that the State party has concluded bilateral social security agreements and adopted the Law on Foreigners, which concerns, among others, migrant workers and members of their families in Albania, and the Law on Social Insurance, which concerns, among others, Albanian migrant workers and members of their families in other countries, both providing for improvements relating to their right to social security. However, the Committee regrets the lack of information on the legal requirements that migrant workers in an irregular situation would have to fulfil in order to have access to social security on equal terms with nationals.

44. The Committee recommends that the State party ensure that all migrant workers and members of their families, including those in an irregular situation, are able to subscribe to a social security scheme and that they are informed of their rights in this regard. The State party should continue to conclude with all destination countries binding bilateral agreements that are gender responsive and non-discriminatory, and that provide for the protection of migrant workers' human rights, including the right to social security, and expedite the conclusion of those under negotiation.

Medical care

45. The Committee notes with appreciation the measures taken as part of reintegration programmes to ensure that returned migrant workers and members of their families have

access to health services. However, while noting that migrant workers in a regular situation have access to government-funded health services, the Committee is concerned that migrant workers in an irregular situation do not have such access, except to emergency health care.

46. The Committee recommends that, in accordance with articles 28 and 30 of the Convention, the State party adopt concrete and effective measures to ensure access to health-care services, including but not limited to emergency and urgent medical care, for all migrant workers and members of their families on the basis of equality of treatment with nationals.

Birth registration and nationality

47. The Committee regrets the lack of specific information on measures taken to ensure the rights of children of migrant workers to nationality and citizenship. It notes with concern that the legal obligation to inform the authorities about the migratory status of persons hinders registration at birth of children born to migrant workers in an irregular situation.

48. The Committee recommends that the State party take all measures necessary, including legislative amendments, to ensure that children of migrant workers, including children born to migrant workers in an irregular situation, are registered at birth and issued with personal identity documents, in accordance with Sustainable Development Goal target 16.9, and that it raise awareness of the importance of birth registration among migrant workers and members of their families.

Education

49. The Committee notes with appreciation the measures taken to ensure access to education by children of Albanian migrant workers abroad or those returned. However, it is concerned that children of migrant workers who are in an irregular situation in Albania are not able to enrol in public schools because they cannot obtain the necessary documentation from the municipalities due to their irregular migration status, and because schools and other education institutions are not legally excluded from the obligation to inform the authorities about the migratory status of children.

50. In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that, in accordance with article 30 of the Convention, the State party remove existing legal and administrative barriers and adopt concrete measures to ensure access to education for all children of migrant workers, irrespective of the migration status of their parents.

Transfer of earnings and savings

51. The Committee is concerned about the absence of information about partnerships with financial institutions to facilitate the transfer of earnings and savings of Albanian migrant workers to Albania and of migrant workers in the State party to their States of origin.

52. The Committee recommends that the State party facilitate the transfer of remittances by Albanian migrant workers to Albania. It also recommends that the State party take measures to facilitate the transfer of earnings and savings by migrant workers in Albania to their States of origin with preferential transfer and reception fees, in accordance with Sustainable Development Goal target 10.c, and make savings more accessible to migrant workers and members of their families.

Right to be informed and dissemination

53. While noting that article 8 of Law No. 9668 provides for the right to be informed and free counselling for Albanian citizens before migration and after their return to the country, the Committee is concerned at the lack of information on government

initiatives to provide information on a regular basis to all migrant workers and members of their families on their rights under the Convention and on their rights and obligations in the State party.

54. The Committee recommends that the State party strengthen its efforts to disseminate information on the rights of migrant workers under the Convention, the conditions of admission and employment, and the rights and obligations under the laws of the State of employment. It also recommends that the State party further develop targeted pre-departure and awareness-raising programmes, including in consultation with relevant non-governmental organizations, migrant workers and their families, and recognized and reliable recruitment agencies.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Right to vote and to be elected in State of origin

55. While noting that Law No. 10221/2010 on protection from discrimination prohibits discrimination in exercising the right to vote and to be elected, as well as to be appointed to a public office, including on the grounds of residence and other status, the Committee is concerned that no measures are in place allowing Albanian migrant workers living abroad to participate in the public affairs, vote or be elected in elections organized by the State party.

56. The Committee recommends that the State party take effective measures to ensure that Albanian migrant workers living abroad are able to exercise their right to vote, and to be elected in elections in practice, and can participate in the public affairs, including by facilitating their registration and participation in the next national elections.

Family reunification

57. While noting that articles 55 and 56 of the Law on Foreigners provide for family reunification, the Committee is concerned that article 60 of the same law provides for the cancellation of residence permit for family reunification in cases of dissolution of marriage within five years from the issuing of the permit, or of death of a spouse within three years from the issuing of the permit, or when the right of legal guardianship of a child is terminated.

58. The Committee recommends that the State party take the measures necessary to ensure the protection of the unity of the family of migrant workers, including by adopting laws to ensure that residence permits of family members of migrant workers are not revoked in the event that the status of the ground on which the permits were issued changes.

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)

Children in situations of international migration

59. The Committee notes with appreciation the measures taken to secure the rights and welfare of children in situations of international migration, including specific protective measures adopted in Law No. 18/2017 on the rights and protection of children and Law No. 121/2016 on social services. It is concerned, however:

(a) That the implementation of the inter-agency procedure for determining the best interests of the child provided for in the Law on Foreigners and the Law on Child Protection remains insufficient;

(b) That, in Albania, the children of migrant workers, in particular children whose parents are in an irregular situation, do not enjoy their rights and freedoms on an equal basis with children who are nationals of the State party;

(c) About the emigration of unaccompanied minors from Albania, mostly to Italy, which exposes them to risks of exploitation, violence, abuse and neglect, and other crimes;

(d) That there are no mechanisms in place to ensure the effective participation and the right to be heard of children and adolescents in all proceedings affecting them, and for their views to be duly taken into account.

60. In accordance with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) **Take effective measures to implement the inter-agency procedure for determining the best interests of the child, which includes the right to information and free legal assistance from professionals specialized in the rights of children, and in the case of unaccompanied children, the right to a guardian, who must uphold the best interests of the child throughout the process;**

(b) **Ensure that all children in situations of migration and those affected by migration can enjoy the same rights as all other children, including those to birth registration, proof of identity and a nationality, and access to education, health care, housing and social protection;**

(c) **Take all measures necessary to prevent the emigration of unaccompanied migrant children and ensure that all migrant children and those affected by migration, including those returned, are protected against exploitation, violence, abuse and neglect, and other crimes, and that they receive reception and reintegration support;**

(d) **Establish mechanisms to ensure the effective participation and the right to be heard of children and adolescents in all proceedings affecting them, and for their views to be duly taken into account.**

International cooperation with countries of transit and destination

61. While noting that the State party has signed several memorandums of understanding and entered into a number of bilateral agreements, the Committee is concerned that some of them do not adequately cover the provisions contained in the Convention.

62. The Committee recommends that the State party enter into agreements with the countries of employment with a view to better protecting the rights of Albanian migrant workers as provided for in the Convention, and facilitate the provision of appropriate consular and other services.

Migrant domestic workers

63. The Committee is concerned about the lack of information on the current legal framework applicable to migrant domestic workers and whether such workers and members of their families are able to enjoy their rights on an equal basis with nationals of the State party.

64. In the light of its general comment No. 1 (2011) on migrant domestic workers, the Committee recommends that the State party cooperate with States of employment regarding frameworks and agreements for the protection of the rights of migrant domestic workers, and provide information in its next periodic report on the legal and policy measures taken to ensure that migrant domestic workers can fully enjoy their rights under the Convention.

Recruitment agencies

65. The Committee notes the State party's efforts to strengthen the regulation and monitoring of private recruitment agencies, including the decisions of the Council of Ministers (Nos. 101 and 286) pursuant to the Labour Code and Instruction No. 286 of 21 May 2018 by the Minister of Finance and Economy. The Committee is, however,

concerned about the lack of information on measures taken to strengthen the regulatory regime for private recruitment agencies and to monitor their activities.

66. The Committee recommends that the State party provide information in its next periodic report on measures taken to strengthen the regulatory regime for private recruitment agencies and improve recruitment monitoring and inspections to ensure respect for the rights of migrant workers, in accordance with article 66 of the Convention.

Voluntary return, readmission and reintegration

67. While noting the measures taken to improve the legal and institutional framework to facilitate the voluntary return of Albanian migrant workers and members of their families, the Committee is concerned about the lack of dedicated reintegration policy measures in place. The Committee is also concerned about the lack of information on whether readmission agreements, including with the European Union, include all substantive and procedural safeguards under the Convention, including the prohibition of collective expulsion.

68. The Committee recommends that the State party take effective measures to facilitate, in accordance with the principles of the Convention, the durable reintegration of returning migrant workers and members of their families into economic, social and cultural life in Albania. The State party should also ensure that its current and future readmission agreements and protocols with host countries guarantee the durable economic, social and cultural reintegration of migrants who return to the State party, contain substantive and procedural guarantees for them, and protect them from ill-treatment and other violations of their rights if they are expelled.

Trafficking in persons

69. The Committee notes that the State party has taken significant legislative, political and institutional measures to combat trafficking in persons and related practices, including the establishment of the National Task Force against Human Trafficking, the National Referral Mechanism, the National Anti-Trafficking Coordinator and the Office for Assistance to Victims, and the adoption of the National Strategy against Human Trafficking and its action plan 2018–2020, and the Action Plan for the Socioeconomic Reintegration of Women and Girl Victims of Trafficking, and the launch of the national contact line to facilitate the reporting of suspected cases of trafficking. The Committee is, however, deeply concerned that the State party is a source, transit and destination country for victims of trafficking, including for women and children subjected to sex trafficking and forced labour. The Committee is also concerned that:

(a) The measures taken by the State party to implement its legislative and administrative anti-trafficking framework remain insufficient, including in the areas of support for and identification, protection, referral, rehabilitation and social integration of victims of trafficking;

(b) The human, technical and financial resources allocated for the implementation of anti-trafficking measures are inadequate;

(c) There is a lack of data on trafficking in persons, including the number of investigations into and prosecutions and punishments of all acts of trafficking in persons, and other related offences.

70. In accordance with the OHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, the Committee recommends that the State party:

(a) **Take effective measures, with clear time frames, indicators, and monitoring and evaluation benchmarks, to implement its legislative and administrative framework to prevent and combat trafficking in persons, including by strengthening mechanisms for the early identification of victims of trafficking and for**

providing support for and referral, rehabilitation and social integration of trafficking victims, such as by providing shelters and legal, medical and psychosocial assistance;

(b) Allocate sufficient human, technical and financial resources for the implementation of anti-trafficking measures, including to anti-trafficking institutions at all levels, including the National Task Force against Human Trafficking, the National Referral Mechanism, the National Anti-Trafficking Coordinator and the Office for Assistance to Victims;

(c) Include in its next periodic report data on trafficking and the number of prosecutions and convictions in trafficking and sexual exploitation cases, and also information on the impact of the measures taken to combat these phenomena.

Smuggling of migrants and irregular migration

71. The Committee notes the measures taken to prevent and eliminate irregular migration flows, including by strengthening regional cooperation, in particular the signing of the agreement, on 5 October 2018, with the European Union on cooperation in border management. The Committee is, however, concerned about the lack of information on whether such agreements adhere to all substantive and procedural safeguards under the Convention and international human rights law, including the principle of non-refoulement and the prohibition against arbitrary and collective expulsions. It is also concerned that the State party remains a country of origin and transit of migrant workers in an irregular situation, and that many of them, including children, face severe conditions throughout their journey.

72. In accordance with the OHCHR *Recommended Principles and Guidelines on Human Rights at International Borders*, the Committee recommends that the State party adopt effective measures to detect, prevent and curtail irregular flows of migrant workers, and investigate, prosecute and punish criminal groups responsible for the smuggling of migrants and other related offences. In doing so, the State party should develop human rights-based frameworks for overall migration and border management, taking into account the rights and needs of migrant workers, ensuring that migrant workers in an irregular situation are not criminalized and that measures aimed at addressing irregular migration or smuggling of migrants do not adversely affect the human rights of migrant workers and members of their families, in particular with respect to non-refoulement, and the prohibition of arbitrary detention and collective expulsions.

6. Dissemination and follow-up

Dissemination

73. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

74. The Committee recommends that the State party avail itself of international assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with specialized agencies and programmes of the United Nations.

Follow-up to concluding observations

75. The Committee requests the State party to provide, within two years (that is, by 1 May 2021), written information on the implementation of the recommendations contained in paragraphs 34 and 36, on due process, detention and equality before the

courts; paragraph 60, on children in situations of international migration; and paragraph 72, on the smuggling of migrants and irregular migration.

Next periodic report

76. The Committee requests the State party to submit its third periodic report by 1 May 2024. In doing so, the State party may wish to follow the simplified reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (HRI/GEN/2/Rev.6).
