



Economic and Social Council

Distr.: General
19 March 2014
English
Original: French

Committee on Economic, Social and Cultural Rights Fifty-first session

Summary record of the 33rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 6 November 2013 at 10 a.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second and third periodic reports of Albania

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.13-48285 (E) 170314 190314



* 1 3 4 8 2 8 5 *

Please recycle A recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second and third periodic reports of Albania (E/C.12/ALB/2-3); core document (HRI/CORE/ALB/2012); list of issues (E/C.12/ALB/Q/2-3); written replies of the Government of Albania to the list of issues (E/C.12/ALB/Q/2-3/Add.1), in English only)

1. *At the invitation of the Chairperson, the delegation of Albania took places at the Committee table.*

2. **Ms. Kodra** (Albania) said that her country had ratified the Convention on the Rights of Persons with Disabilities in February 2013 and had initiated the procedure to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. A dialogue was under way to determine the impact of ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Pursuant to article 122 of the Constitution, international instruments to which Albania was a party were incorporated into national law and took precedence over national legislation. The provisions of the Covenant were therefore taken into account by the national courts and had been invoked in three Constitutional Court judgements.

3. One of the priorities set by the new Albanian Government was to combat corruption. For that purpose, a national bureau of investigation had been established, and the Criminal Code and the Code of Criminal Procedure had been amended. An analysis of the disability sector had been initiated in April 2013, with a view to identifying short and medium-term priorities regarding the implementation of the Convention on the Rights of Persons with Disabilities. The new Government had made a commitment to employ persons with disabilities in the public administration. Measures had been taken to facilitate access for persons with disabilities to polling stations during the legislative elections of June 2013. With regard to the Roma minority, a programme for the employment of women in need had enabled about 40 Roma women to find work in 2012. Also, 166 Roma jobseekers had been trained in various fields through a free vocational training programme in 2012. Tuition fees for Roma children enrolled in compulsory education were paid for in full by the State. During the 2011/12 school year, 438 Roma and Egyptian children had been reintegrated in the school system through the “Second Chance” project to combat school dropout.

4. The Government was also working to increase the number of women in public and political life. Pursuant to the Electoral Code, which set a target of 30 per cent of parliamentary seats being held by women, the number of women elected to parliament had increased from 10 in 2005 to 25 in 2013. One third of ministries in the new Government were headed by women. In order to promote gender equality, the Government intended to strengthen legal and institutional mechanisms, increase women’s participation in decision-making, work towards women’s economic empowerment and reduce gender-based violence.

5. With regard to the right to work, the Labour Code was not fully in line with the Convention and was therefore being revised, taking into account the International Labour Organization (ILO) conventions, European Union (EU) directives and the revised European Social Charter. The amended Labour Code, which was expected to be adopted by parliament, covered aspects such as discrimination against persons living with AIDS or on the ground of sexual orientation, harassment in the workplace, protection for pregnant

women and a reduction of the minimum age for admission to employment from 16 to 15 years.

6. With regard to the right to just and favourable working conditions, the legal framework governing health and safety in the workplace had been strengthened in accordance with EU directives, inspection bodies had been reformed, and an administrative tribunal had begun operating in November 2013. As to the principle of “equal pay for equal work”, Albanian law made no distinction between men and women. In practice, however, there were significant disparities, which were mainly related to the types of work performed. The wage gap had nevertheless been narrowed to 18 per cent in 2012, compared with 35 per cent in 2005. The minimum wage was increased annually at a rate twice that of inflation.

7. Albania had taken various measures to combat trafficking in persons, including carrying out a project to establish a transnational referral mechanism for victims. With regard to the right to an adequate standard of living, social housing was one of the new Government’s priorities. While the legal framework for social housing was complete, additional measures might be taken in 2014 to remedy some of the problems identified in the implementation of social housing programmes. As to food security, a series of laws and by-laws in line with the Community acquis had been adopted. Since 2007, the State had also increased its direct support for farmers. New roads had been built in rural areas. The State was working to ensure better access to food for the population as a whole. A country nutrition paper and an action plan for the period 2014–2020 had also been developed.

8. Public expenditure on education represented 4.25 per cent of gross domestic product (GDP). The Government intended to raise that figure to 5 per cent. In 2012, 92 per cent of students who had completed basic education had entered upper secondary education, compared with 77 per cent in 2005. The State was also working to expand vocational education at the secondary level. The infant mortality rate had steadily declined over the past 20 years (7 out of 1,000 live births in 2013, compared with 35.4 out of 1,000 live births in 1993). The maternal mortality rate had also declined; falling to two deaths a year on average during the period 2010–2013. Basic health care was provided to mothers and children in 421 primary health centres throughout the country. The State was also developing new programmes in the areas of nutrition, control of sexually-transmitted diseases and screening for cancers of the reproductive system. Lastly, national law protected tangible and intangible cultural heritage and ensured the implementation of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention for the Safeguarding of Intangible Cultural Heritage.

9. **Mr. Abashidze** (Country Rapporteur) noted with satisfaction that the situation in Albania with regard to economic, social and cultural rights had improved in many respects since 2007. Several concerns remained, however. First of all, no information had been provided on cases in which the Covenant had been invoked or on the decisions taken by the courts in those cases. In her opening statement, Ms. Kodra had indicated that the Covenant had been invoked in several Constitutional Court judgements, but it would have been useful to have received copies of those judgements, along with statistical data on such decisions and further information on the remedies available to persons whose economic, social and cultural rights had been violated. In addition, a distinction was made between fundamental rights and the rights set out in chapter 2 of the Constitution, which were considered to be “social objectives” and were not guaranteed by legislation. Some Covenant rights were thus considered to be “social objectives” under the Constitution, which meant that not all provisions of the Covenant could be invoked before the courts.

10. No information had been provided regarding the independence of the judiciary in the light of the problem of corruption in the State party. He asked what tangible progress had been made in the effort to combat that scourge. He also wished to know whether the

mandates of the People's Advocate (Ombudsman) and the Commissioner for Protection from Discrimination were clearly different, and he noted a more general lack of coordination among the various bodies responsible for economic, social and cultural rights. He asked how the two aforementioned bodies were funded and whether there was a mechanism for implementing the recommendations made by the People's Advocate. He also wished to know whether the State party had adopted a national human rights programme of action. He pointed out that no response had yet been made to the question of discrimination against minorities — particularly the Roma — and the rights of those minorities. The same could be said about the issue of gender equality, despite the adoption of a gender parity strategy for the period 2011–2015. He requested information: on unemployment and the benefits available to jobseekers; on the situation of vulnerable population groups, including children with disabilities; and on the quality of education, school infrastructure and teachers' salaries. He noted that, despite the laws currently in force, perpetrators of domestic violence — particularly violence against women and children — were not prosecuted.

11. **Mr. Ribeiro Leão** requested further information on the Covenant's status in the national legal order. In particular, he asked the State party to provide examples of cases in which the Covenant had been directly invoked before the courts. He asked when the State party planned to ratify the Optional Protocol.

12. **Ms. Shin Heisoo** expressed concern about the sex ratio in the State party, which indicated a demographic imbalance, and asked if the causes of that disparity between male and female births had been analysed. She requested additional information about the results of the "Second Chance" project. Generally speaking, the State party should include in its next report more statistical data and specific information about the effects of the measures taken, particularly the measures to benefit Roma or Egyptian children.

13. Noting with satisfaction the State party's efforts to establish gender equality, she asked whether the National Council for Gender Equality had the power to amend discriminatory legislative provisions or draft new legislation. She enquired whether there was a mechanism to systematically review bills using a gender perspective, and whether the State had sufficient human and financial resources to devote to gender equality.

14. **Ms. Bras Gomes** asked the delegation to provide specific examples of improvements made in the national legal framework pursuant to the Covenant and the Committee's recommendations. She also wished to know why the social inclusion of the Roma continued to pose such a challenge, despite the many measures taken by the State in that regard.

15. **Mr. Sadi** pointed out that the State party's second and third periodic reports had been submitted late, which suggested that it did not attach due importance to the Covenant or to its reporting obligations. He wished to know to what extent the Committee's general comments had given the State party a better understanding of its obligations under the Covenant. He asked what criteria were used to distinguish between fundamental rights and rights classified as "social objectives". Given that 70 per cent of the State party's population was Muslim, he wished to know more about the status of sharia in the national legal order. Lastly, he asked whether the imbalance in the sex ratio was the result of prenatal sex selection or sex-selective abortions.

16. **Mr. Abdel-Moneim**, noting that the public deficit had increased from 2000 to 2008, asked what the impact of that increase had been on funding for the protection and promotion of economic, social and cultural rights. He also wished to know how much international aid Albania received and what percentage of that aid the State devoted to the fulfilment of economic, social and cultural rights.

The meeting was suspended at 11 a.m. and resumed at 11.05 a.m.

17. **Ms. Kodra** (Albania) said that Albania had not become a democratic State until 1991. Up until 2001, there had been no structure in place to prepare reports, evaluate legislation or answer questions from specialists such as the members of the Committee, which explained why Albania had submitted two reports combined in a single document.

18. **Ms. Stillo Sila** (Albania) said that all the rights enshrined in the Constitution were of equal value, no matter where in the Constitution they were found. Similarly, all international instruments became part of national law as soon as they were ratified by parliament. In the three cases mentioned by the Country Rapporteur, the Constitutional Court had invoked the Covenant indirectly rather than directly by referring to a law. The Albanian legal order was not based on sharia, as Albania was a democratic and secular State.

19. **Ms. Kokona** (Albania) said that the Constitution's structure was based on that of the European Convention on Human Rights, which explained why not all rights were contained in the same part of the document. Nevertheless, they were all of equal value.

20. **Ms. Kodra** (Albania) said that her country was making efforts to overcome its difficulties in collecting statistical data, as it was aware of the importance of such data, which made it possible to formulate more relevant policies.

21. **Mr. Bejtja** (Albania) said that a study had been conducted in 2011 to determine the reason for the higher than average ratio of males to females in Albania. The ensuing report had confirmed that the number of boys was higher than the number of girls, but the causes of the trend were too numerous and the data collected too limited for any conclusions to be drawn. The report included a recommendation urging the public authorities and civil society to address the problem, notably by changing ways of thinking.

22. **Ms. Kodra** (Albania) said that the most recent census in Albania had been held in 2011 and that religion had not been taken into account. There were therefore no official data on the representation of different religions in Albania.

23. **Ms. Kamani** (Albania) said that the budget of the Ministry of Education had remained stable over the past three years, but that public spending on students and teachers had increased by 3 per cent annually. Teachers' salaries had increased by 240 per cent. From 2009 to 2013, the financial resources the Government had allocated to the education sector had mainly been used to pay for building and renovating schools. School equipment and infrastructure had also been modernized, and most schools now had an Internet connection. Human resources reform had also been carried out, bringing teacher training into line with the principles of the Bologna Process.

24. With regard to school dropout and school enrolment among Roma children, a national programme aimed at eliminating dropout had been launched in 2009. Since then, the Ministry of Education had kept track of the number of Roma children, Egyptian children and children with disabilities enrolled in schools, enabling it to improve its policies in support of those groups. Currently, about 97 per cent of Roma children aged 6 to 16 were enrolled in school. Intercultural activities were also organized in schools, with the participation of the Roma community. The "Second Chance" project benefited not just Roma children but also other children who were failing at school. Lastly, a new law had recently been adopted to encourage the integration of children with disabilities in the school system.

25. **Ms. Rusha** (Albania) said that her country had participated in the Decade of Roma Inclusion since 2010. The national action plan carried out for the past four years in support of the Roma minority had led to improvements with regard to civil registration, employment and housing. Lack of data on the Roma and Egyptian minorities was still a problem, however.

26. **Ms. Kamberaj** (Albania) said that, although the People's Advocate and the Commissioner for Protection from Discrimination were both responsible for protecting human rights, their mandates differed somewhat. While the People's Advocate defended the rights and freedoms of individuals vis-à-vis actions of the public administration, the work of the Commissioner for Protection from Discrimination covered both the public and private spheres. Both institutions could make recommendations, but the Commissioner also had the power to impose penalties or fines for failure to comply with the recommendations and to represent complainants in court.

27. **Mr. Jahjoli** (Albania) said that the Constitutional Court had ruled in 2013 that parliament could establish principles and adopt decisions clarifying the State's social objectives, in accordance with the Constitution and the State's commitments under the European Social Charter. It was up to the Constitutional Court to determine whether parliament should establish a specific monetary amount for the benefits offered to various population groups or merely set out broad guidelines and let the Government decide on the amount of benefits.

28. **Ms. Kodra** (Albania) said that the 30 per cent quota established for the representation of women was an initial step and was beginning to show results. Following a review of the relevant legislation, the State had adopted a new national strategy on gender equality and domestic violence for the period 2010–2015. It was currently collecting from the courts statistical data on domestic violence complaints.

29. **Mr. Abashidze** (Country Rapporteur) said that the recently adopted Aliens Act made it difficult for aliens to obtain a work permit. Any legislation that aggravated a situation ran counter to the general principles of international law. He requested further information about civil society's participation in the preparation of the report. He noted that only half the country's population had Internet access, and that the website of the ministry responsible for preparing the periodic report left something to be desired. He invited the Government to improve that website.

30. **Mr. Sadi** requested more specific information on sex-selective abortion practices and asked what was being done to combat them. He noted with interest the efforts being made to enrol Roma children in schools, but asked whether measures were also being taken to integrate them in society. He requested further information on the role of religious education in private schools.

31. **Ms. Bras Gomes** noted that the Albanian Constitution was based on the European Convention on Human Rights, but stressed the importance of the European Social Charter, which set out all social rights.

32. **Mr. Bejtja** (Albania) confirmed that sex-selective abortion favouring male births was practised and acknowledged that it was difficult to enforce abortion legislation in his country.

33. **Ms. Kokona** (Albania) said that, in the past decade or so, the imbalance in the sex ratio at birth had decreased significantly and it was no longer considered to be a problem. The Government had given priority to increasing job opportunities for women and to that end had developed a strategy to combat job discrimination against women.

34. **Mr. Ribeiro Leão**, referring to paragraph 220 of the periodic report, asked how "the commitment" of women manifested itself in urban areas and what was meant by that expression.

35. **Ms. Bras Gomes** requested further information on the social protection and insurance mechanisms in the State party and, particularly on the forms of social protection offered to the most vulnerable groups, such as retirees, and on the number of people who received those benefits.

36. **Ms. Shin Heisoo**, noting that the unemployment rate was higher among women than men and that women were rather poorly represented in the labour force, asked whether the State party intended to take action to change the traditional view of the role of women and to combat sexist stereotypes and segregation in employment. She also wished to know how many persons with disabilities, especially women, would be employed in 2013 under the policy establishing quotas for the employment of persons with disabilities, and whether the policies to promote equal pay for men and women were based on the principle of “equal pay for equal work”.

37. **Mr. Martynov** asked whether the State party had at its disposal disaggregated statistics on changes in the unemployment rate among young people since the submission of its previous periodic report in 2006. He asked about the unemployment rate among persons with disabilities and persons from minority groups, and the difference between unemployment rates in rural and urban areas. He asked whether the State party had established a timetable for implementing the Convention on the Rights of Persons with Disabilities, and what measures had been taken to ensure that all workers, in both the private and public sectors, received at least the legal minimum wage. He asked whether it was true that only 6 per cent of unemployed persons received unemployment benefits, and whether unemployed persons who were no longer eligible for such benefits received a minimum income that would keep them out of poverty. Lastly, he asked whether the State party intended to ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

38. **Mr. Abashidze** (Country Rapporteur) asked whether the Human Rights Commission could receive complaints from workers claiming their right to the minimum wage and whether the new Labour Code authorized the right to strike.

39. **Ms. Cong Jun** asked how many abortions were performed in the State party annually and what types of counselling and support services were offered to pregnant teenagers under the 2010–2015 Strategy for Reproductive Health. She also asked whether children from ethnic minorities who did not possess a birth certificate could enrol in school.

40. **Mr. Pillay** asked how many persons, particularly Roma, were considered to be living below the poverty threshold. Noting with concern the recent reports of forced evictions of Roma families, he asked whether the State party had taken measures to quickly find alternative accommodation for the victims of such practices.

41. **Mr. Ribeiro Leão** requested further details about the measures the State party had taken to promote a fairer distribution of the benefits of economic growth and to reduce social inequalities and poverty.

42. **Mr. Abashidze** (Country Rapporteur) asked whether sanctions had been imposed on persons convicted of the economic exploitation of children, particularly in agricultural or domestic work, and whether the State party had adopted a policy to help street children. Further information on the support services available to women and child victims of violence would be also welcome. He asked about progress made on the social housing construction policy and whether the Roma would be eligible to receive such housing. Lastly, he enquired whether the State party had taken measures to remedy the unequal access to health care for women in rural areas and to increase the number of nursery schools and day-care centres.

43. **Mr. Abdel-Moneim** asked whether the State party planned to review its tax policy with a view to taxing rich households more heavily than poor households. He also wished to know what average tuition fees were.

44. **Mr. Kerdoun** asked whether the State party had taken measures to reduce the dropout rate among girls, which was significantly higher than the rate among boys. He

wished to know whether students from minority groups could choose whether to attend school in their native language or in Albanian, or whether they could use their mother tongue only for certain school subjects. Lastly, he asked about the measures taken by the State party to improve the quality of education and teacher-training.

45. **Mr. Mancisidor** asked whether the Ministry of Education and Science still existed and, if so, whether its mandate was the same as it had been in 2006. It was his understanding that the share of GDP allocated to promoting research and innovation was very low and that many scientists were forced to leave the country owing to a lack of employment opportunities. Did the State party intend to remedy that problem, in particular by increasing the budget allocated to the promotion of scientific research? Lastly, he wished to know whether there were any plans to adopt a policy to encourage women to pursue careers in science.

46. **Mr. Schrijver** asked whether the human rights education provided included peace education and whether measures had been taken to promote the languages spoken by minority groups.

47. **Mr. Marchán Romero**, recalling that in 2006 Egyptians had not been recognized as a minority group in Albania, asked whether that was still the case.

The meeting rose at 1.05 p.m.