

**Advance unedited version**

Distr.: General  
16 January 2026

Original: English  
English, French and Spanish only

---

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

**List of issues prior to submission of the third periodic report  
of Albania\***

**Section I**

**A. General information**

1. Please provide updated information on the domestic legal framework relating to the implementation of the Convention, including the following:

(a) Laws enacted since the adoption of the previous concluding observations concerning the State Party<sup>1</sup> regarding the protection of all migrant workers and members of their families, and the steps taken towards harmonizing existing ones with the Convention, including Law No. 79/2021 “On Foreigners” – especially aligning its terminology with the Convention<sup>–2</sup>, Law No. 10389 of 3 March 2011 on some amendments and additions to Law No. 9668 of 18 December 2006 on the emigration of Albanian citizens for the purpose of employment, Law No. 10/2021 on Asylum, Law No. 7703/1993 on the Social Insurance and Law No. 113/2020 on Citizenship;

(b) The nature, scope and protection of bilateral, regional and multilateral agreements concluded or envisaged with countries of origin, transit and destination, in particular with Belgium, Germany, Greece, Swiss Confederation, Türkiye, United Kingdom of Great Britain and Northern Ireland, as well as agreements with the European Union and the Open Balkan Initiative pertaining to the rights of migrant workers and members of their families under the Convention and the results achieved, especially with respect to social security, detention, repatriation or expulsion and family reunification procedures. Please provide information on any measures taken to strengthen the protection of Albanian migrant workers abroad, including by reviewing and amending those bilateral, regional and multilateral agreements.<sup>3</sup> In addition, please provide information on the Protocol signed with Italy concerning the creation of immigration facilities to accommodate and process asylum seekers coming from a “safe country”, so declared by Italy, and fast-track their asylum procedure on the presumption they would not need protection. Please provide information on the measures adopted to ensure that the agreement does not violate the human rights of migrant and members of their families. Please provide information also on the measures taken to ensure that externalisation of borders does not have a harmful impact on the human rights of migrants, does not cause delayed disembarkation, unclear screening for vulnerability, risk of automatic detention and limited access to legal assistance, including through the use of

---

\* Adopted by the Committee at its 41<sup>st</sup> session (1-11 December 2025).

<sup>1</sup> CMW/C/ALB/CO/2, paras. 11 and 12.

<sup>2</sup> CMW/C/ALB/CO/2, para. 13.

<sup>3</sup> CMW/C/ALB/CO/2, para. 62.

accountability mechanisms and effective investigation for allegations of human right violations.

2. Please provide information on all policies, strategies, programmes and plans relating to the rights of migrant workers and members of their families adopted by the State Party for the effective implementation, the monitoring and evaluation mechanisms and follow-up procedures of the Convention, such as the National Strategy for Migration (2024-2030) and its action plan (2024-2026), the National Action Plan for the Fight Against Trafficking in Person 2024-2025, the National Strategy on Gender Equality (2021-2030), the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians (2021-2025). Please include information and statistics on the available human, technical and financial resources for their implementation as well as monitoring and evaluation mechanisms and follow-up procedures, on the steps taken to integrate rights-based, child-sensitive and gender-responsive approaches pertaining to migrant workers and members of their families, as well as on the measures taken to implement such strategy and its action plan and other programmes or policies, the results obtained, and the difficulties encountered.<sup>4</sup>

3. Please provide information on the institutional coordination framework for migration governance, including the government ministries or other agencies responsible for intergovernmental coordination at all levels of government, including national, regional and local, for the effective implementation of the Convention. Please provide information on the measures taken to establish a high inter-ministerial level mechanism with sufficient authority to coordinate the implementation of the Convention at the cross-sectoral, national, regional and local level, as well as the human, technical and financial resources allocated to the said coordinating body for its effective operation.<sup>5</sup>

4. Please indicate what progress has been made towards the establishment of a centralized, comprehensive, public and accessible system, including through the work of the Republic of Albania Institute of Statistic, for the collection and analysis of comparable quantitative, qualitative and disaggregated data on migration-related statistics and of information covering all articles of the Convention in Albania and abroad, including on migrant workers in an irregular situation, and the progress made to build the capacity of public officials to improve the collection and analysis of data on migration.<sup>6</sup>

5. Please provide information on the steps taken by the State Party to elect a new mandate holder as the People's Advocate of Albania.<sup>7</sup> In addition, please provide detailed information on whether the People's Advocate of Albania has the explicit mandate of independently monitoring and addressing the human rights situation within the State Party, including the rights of all migrant workers and members of their families under the Convention. Furthermore, please clarify whether the People's Advocate of Albania, in its capacity as National Preventive Mechanism (NPM), is responsible for monitoring the human rights situation in the centres established under the Protocol signed with Italy, or whether such monitoring falls under the responsibility of Italy's NPM. Please also provide information on the election of a new Commissioner for Protection from Discrimination, whose mandate expired a few years ago, noting that this equality body plays a key role in ensuring equal treatment for all, including migrants.

6. Please provide information on the steps taken by the State Party to promote and publicize the Convention, and to increase awareness of its provisions, among the general public, migrant workers and members of their families – particularly their rights and obligations, with a view to encourage those who claim to be victims of human rights violations to report them –<sup>8</sup> teachers, health workers, government officials dealing with migration and related issues, including embassy and consular personnel, law enforcement officials, officials of the National Employment Service, border police and the judiciary, employers, labour inspectors, trade unionists, civil society and the media. Please indicate whether the media promotes the Convention, and, if so, how they do so and the impact that

---

<sup>4</sup> CMW/C/ALB/CO/2, para. 16.

<sup>5</sup> CMW/C/ALB/CO/2, para. 18.

<sup>6</sup> CMW/C/ALB/CO/2, para. 20.

<sup>7</sup> CCP/C/ALB/CO/3, para. 6.

<sup>8</sup> CMW/C/ALB/CO/2, para. 26.

engagement has on the situation of migrant workers coming to and departing from the State Party.<sup>9</sup>

7. Please describe measures taken by the State Party to develop and promote education, training and capacity-building programmes, in particular pre-departure orientation programmes, including on the rights and best interests of the child and incorporating a gender perspective.

8. Please provide information on the cooperation and interaction between the State Party, civil society organizations and other social partners working on migrant workers' rights in relation to the implementation of the Convention. Please indicate whether the representatives of civil society organizations, in particular migrants' organizations, and other stakeholders are involved in the preparation of the State Party's replies to the present list of issues, and, if so, how.

9. Please provide information on efforts made to strengthen the recruitment system covering private agencies in the State Party that recruit migrant workers to work abroad, and the laws and procedures pertaining to recruitment in all its manifestations, and in particular on:

(a) The number, nature and outcome of complaints lodged against recruitment agencies, labour inspections conducted, and penalties and sanctions imposed in cases of noncompliance with the law;

(b) Measures taken by the State Party to strengthen national legislation and enforcement mechanisms to regulate and control employment agencies and prevent the exploitation of migrant workers by unscrupulous recruiters and employers, including through recruitment monitoring and inspections, as well as bilateral cooperation with receiving countries.<sup>10</sup>

10. Please describe the measures taken by the State party to counter corruption perpetrated by government officials with responsibilities relating to the implementation of the Convention, including law enforcement officials. In addition, please provide information on the measures taken to investigate corruption at all levels, including in the judiciary and the public and private sectors, promptly, thoroughly, independently and impartially, ensuring that the perpetrators – who are responsible for the implementation of the Convention – are duly prosecuted and sanctioned.<sup>11</sup>

11. Please provide information on the progress made towards:

(a) Making the declarations provided for in article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications;<sup>12</sup>

(b) Ratifying the following International Labour Organization (ILO) instruments that are relevant to the protection of the rights of migrant workers and members of their families:

- (i) The Domestic Workers Convention, 2011 (No. 189);
- (ii) The Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29);
- (iii) The Equality of Treatment (Social Security) Convention, 1962 (No. 118);
- (iv) The Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152);
- (v) The Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81);

<sup>9</sup> CMW/C/ALB/CO/2, para. 24.

<sup>10</sup> CMW/C/ALB/CO/2, para. 66.

<sup>11</sup> CCPR/C/ALB/CO/3, para. 8 (a).

<sup>12</sup> CMW/C/ALB/CO/2, para. 14.

(c) Ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006.<sup>13</sup>

## **B. Information requested, by article of the Convention**

### **1. General principles**

12. Please indicate whether the provisions of the Convention have been directly applied by public officials in the administration or invoked directly before the courts. Please also provide information on:

- (a) The judicial and administrative mechanisms, including in detention and expulsion proceedings, competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation, in particular migrant domestic workers;
- (b) The number and types of complaints examined by such mechanisms since the entering into force of the Convention for the State<sup>14</sup> and their outcome, disaggregated by sex, age, nationality, migration status and field of occupation;
- (c) Whether legal aid or assistance was provided on an equal basis with nationals;
- (d) Any redress, including compensation, provided to the victims of such violations.

### **2. Part II of the Convention**

#### **Article 7**

13. Please describe the measures taken, including legislative measures, in particular regarding the Constitution of Albania, Law No. 10221/2010 on protection against discrimination (as amended by the Law No. 124/2020), the Labour Code, and the Migration Code, to ensure that all migrant workers and members of their families in the State party or subject to its jurisdiction, whether or not they are in a regular situation, enjoy the rights provided for in the Convention without distinction of any kind and whether all prohibited grounds of discrimination enumerated in the Convention (article 1 (1) and 7) are covered. Please also provide information, together with specific examples, on all steps taken by the State Party to ensure non-discrimination, protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, including for all women migrant workers and domestic workers.<sup>15</sup>

14. Please inform the Committee, with quantitative and qualitative information, about any cases of racism, xenophobia, discrimination, including intersecting forms of discrimination, ill-treatment or violence, including gender-based violence, to which migrant workers and members of their families have been subjected in the State Party and in States where Albanian nationals are employed, together with information on gender-responsive research, including measures to strengthen data collection, acquisition and analysis and accountability measures to underline the contribution made by women migrant workers, as well as the gendered drivers of migration.<sup>16</sup>

### **3. Part III of the Convention**

#### **Articles 8 to 15**

15. Please provide information, with quantitative and qualitative data, on:

- (a) Progress made towards the prevention, combatting and sanctioning of labour exploitation to which all migrant workers, including women, children, as well as migrants

---

<sup>13</sup> CMW/C/ALB/CO/2, para. 15.

<sup>14</sup> CMW/C/ALB/CO/2, paras. 29 and 30.

<sup>15</sup> CMW/C/ALB/CO/2, para. 28.

<sup>16</sup> CMW/C/ALB/CO/2, para. 20.

with disabilities, may be subjected, and any cases of domestic servitude, forced labour and sexual exploitation, or other forms of coercive labour practices involving migrant workers, and on compensation obtained by the victims, including the number and results of complaints filed in that respect;

(b) Whether any of these cases involved recruitment-related abuses, including the withholding of identity documents, wage withholding, or threats of deportation;

(c) Measures taken to strengthen the labour inspection system, including the enforcement of adequate penalties for violations of the legal provisions enforceable by labour inspectors;

(d) Assistance, protection and rehabilitation, including psychosocial rehabilitation, provided to victims of labour and sexual exploitation, including migrant children who have been forced to work;

(e) Please provide information on measures taken to provide social security benefits to seafarers ordinarily resident in the State party's territory;

(f) Please provide information on the measures taken to bring the national legislation into compliance with the Forced and Compulsory Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), of the International Labour Organization, including information on the National Action Plans for the fight against human trafficking for 2024-2025.

16. Please provide information on:

(a) Measures taken by the State Party to ensure that the rights of migrant children in the State Party, in particular unaccompanied or separated children, children in an irregular migration situation, those in transit, unlawfully subjected to labour, or children who remain in Albania while one or both parents migrate for work abroad, are respected and that they are protected from all forms of exploitation, violence, abuse and neglect;

(b) Whether child protection policies and social services are extended to migrant children regardless of their legal status;

(c) The mechanisms in place to identify, refer and assist migrant children in vulnerable situations, including those engaged in street work or domestic labour;

(d) Steps taken or envisaged by the State Party to protect children against the worst forms of child labour and the implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182), in particular the enactment of a law specifying the types of work prohibited for children, the adoption of a national action plan against child labour, including the effective implementation of the Law No. 18/2017 on the rights and protection of children and the National Agenda for the Rights of the Child, as well as the strengthening of the labour inspection and child protection systems;

(e) Measures taken to support returning Albanian children, in particular unaccompanied and separated children – and measures taken to prevent the emigration of them <sup>-17</sup> children in an irregular situation, to ensure adequate care and protection of such children and whether relevant social protection systems, including community-based support or monitoring mechanisms, are in place.

17. Please provide information on:

(a) The measures taken to investigate promptly and impartially and address complaints of harassment, corruption and abuse of authority by law enforcement officials, including instances of extortion, arbitrary arrests and detention, denial of due process, or abuse involving migrant workers and members of their families;

(b) The availability and accessibility of complaint mechanisms, including whether migrants can report abuse anonymously and without fear of retaliation;

<sup>17</sup> CMW/C/ALB/CO/2, para. 60 (c).

(c) The number of complaints received, investigations conducted, officials prosecuted, and convictions secured, including the nature of the charges and sentences imposed, since the entering into force of the Convention for the State Party.<sup>18</sup>

### Articles 16 to 22

18. Please clarify whether measures have been taken to decriminalize irregular entry, stay and exit<sup>19</sup>. Please describe:

(a) The due process safeguards that have been put in place on an equal basis with nationals of the State Party, including access to a lawyer and interpreter during investigations, arrests, detentions and expulsions of migrant workers and members of their families for immigration-related offences;

(b) The measures taken to ensure that the obligation contained in article 16 (7) of the Convention regarding contact with consular or diplomatic authorities of the State of origin of detained migrant workers or members of their families is fully respected in law and in practice;

(c) The specific due process safeguards for unaccompanied and separated migrant children in a non-custodial and community-based context, including appointment of a guardian, the right to be heard, and access to child-sensitive procedures.

19. Please provide information on border control measures in Albania, particularly procedures applicable to migrants arriving at the international borders, including with Greece, and to reception facilities and how they operate and screen or refer migrants in a vulnerable situation, how international protection claims are processed with safeguards to uphold the principle of non-refoulement and the prohibition of arbitrary and collective expulsion, and whether standard operating procedures include individual assessments of protection needs at the border. Please provide statistic data on the number of applications for international protection received, on the number of decisions, combined with the percentage of applications processed.

20. Please indicate the measures that Albania has taken to uphold the right to liberty of migrant workers and their families in the context of administrative procedures related to entry, residence and expulsion. In particular, please:

(a) Provide information on the practical implementation of Section V “Detention in closed reception centres” of Law No. 79/2021 “On Foreigners” in detention centres, including in the Karreç Detention Centre, in the Gjader Detention Centre, the police station in Durrës port, and in the Italian Migrant Processing Centre in Shëngjin. Moreover, please report on measures taken to ensure that immigration detention is used only as a measure of last resort and for the shortest time possible and the availability of alternatives to detention, and that children and families and other groups in vulnerable situations are never detained for migration purposes, in line with the Committee’s general comments No. 4 (2017) and No. 5 (2021).<sup>20</sup> In this direction, please provide information whether the State Party is considering the possibility to reform article 119. Provide also information on the number of asylum seekers detained according to article 45(2) of the Law 10/2021 on Asylum and the steps taken to ensure that detention is necessary and proportionate and to consider alternative to detention for asylum seekers;

(b) Provide data on migrant workers and members of their families detained for immigration offences, including cases in which detention exceeded the maximum duration of one year, and on the number of persons currently held in immigration-related detention, as well as a list of all places where migrants can be deprived of their liberty.

21. Please describe efforts to improve the conditions in immigration detention centres and other facilities where migrant workers and members of their families are held, and provide information on:

---

<sup>18</sup> CMW/C/ALB/CO/2, paras. 29-30.

<sup>19</sup> CMW/C/ALB/CO/2, para. 72.

<sup>20</sup> CMW/C/ALB/CO/2, para. 36 (c).

- (a) Whether migrants detained for immigration reasons are held separately from convicted persons or persons in pre-trial detention;
- (b) The progress made towards ceasing the detention of children on the basis of their parents' immigration status, and allowing children to remain in family-friendly facilities with family members and/or guardians in non-custodial contexts while their immigration status is being resolved in accordance with their best interests, and whether it is ensured that children, if detained, are housed separately from unrelated adults;
- (c) Whether women detainees are supervised by female personnel;
- (d) The progress made to ensure access to adequate basic services such as food, clean drinking water and sanitation, healthcare, and hygienic conditions in the facilities, as well as contact with the outside world, including through the use of telecommunication means. Please also provide information on the availability of recreational activities and on the number and capacity of staff members, including social workers, legal advisers and interpreters, assigned to assist migrant workers and their families;
- (e) As to how victims of trafficking in persons are identified, referred for assistance, and protected, including as witnesses in legal proceedings;
- (f) Measures taken to create an independent monitoring body that regularly assesses detention facilities and to ensure that the guards and officials abide by strict behavioural rules.

22. Please provide information on:

- (a) Measures taken to ensure that expulsion decisions are issued by a competent authority in accordance with legal procedure established by law and in conformity with the Convention, that such decisions are subject to review with suspensive effect on appeal, and that migrant workers and members of their families are informed about their rights in a language that they understand;<sup>21</sup>
- (b) Expulsions or pending expulsion procedures involving migrant workers in an irregular situation and members of their families, supported by statistical data.

23. Please provide information on measures that the State Party has adopted to guarantee the right to family life, in particular the right of migrant children not to be separated from their parents in cases where expulsion orders are issued against the parents. Please clarify how authorities undertake an assessment of the best interests of the child before issuing removal or deportation orders involving families in line with general comments No.3 and No. 4 (2017).

### Article 23

24. Please provide information on the policies, practices, complaints mechanisms, and access to legal, medical and psychological assistance provided by the State Party's embassies, consulates and labour attaches, including those in Italy, the United Kingdom, and the United States of America, in assisting and protecting Albanian migrant workers abroad, particularly those in irregular situations, working in the informal sector or facing violence, abuse, arrest, detention, or expulsion.

### Articles 25 to 30

25. Please indicate the legal and labour protection and enforcement mechanisms in place to ensure that migrant workers in Albania, are treated equally to nationals with respect to, among the others, remuneration, working hours, rest periods and holidays with pay, work place safety, health, termination of contract and dispute resolution. Please also describe:

- (a) Measures taken to monitor and investigate complaints;
- (b) Labour inspection protocols, particularly in high-risk sectors, that ensure inspections are independent and focused on the conditions of work of migrant workers and

<sup>21</sup> CMW/C/ALB/CO/2, para. 38.

that migrant workers themselves are consulted during such inspections and in a confidential manner, without fear of immigration authorities becoming involved;

(c) Efforts to promote the rights of Albanian migrant workers abroad under seasonal labour schemes.

26. Please indicate whether the State Party's labour laws and regulations on conditions of work and employment benefits apply equally to migrant workers, including migrant domestic workers<sup>22</sup> and those in irregular situations, and are in full compliance with the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination in respect of Employment and Occupation Convention, 1958 (No. 111) of the International Labour Organization. In particular, please provide information on measures taken to ensure the principle of equal remuneration, to prevent discrimination in workplace, to protect against unfair dismissal, to seek alternative employment.

27. Please provide information on:

(a) Measures taken to ensure equal access to social protection, a social security scheme, healthcare and benefits;

(b) Steps taken to ensure, through child-sensitive, gender-responsive, human-rights-based and non-discriminatory bilateral, regional and multilateral social security agreements, as well as to expedite the conclusion of those under negotiation, that all migrant workers and members of their families have adequate social protection in countries of destination, including to facilitate the transfer of social security contributions paid by Albanian nationals abroad.<sup>23</sup>

28. Please provide information on measures taken to guarantee, in law and in practice, adequate access for migrant workers and members of their families, regardless of their migration status and on the basis of equality of treatment with nationals, to healthcare services, including emergency, urgent and maternal health services.<sup>24</sup>

29. Please provide information on measures taken to ensure the right of children of migrant workers in Albania and of Albanian nationals abroad, including children of migrant workers who are in an irregular situation, to be registered at birth and issued with personal identity document, as well as to have their nationality recognized in law and in practice, including to avoid situations of statelessness. Please further specify whether the right to be registered at birth is recognized for all migrant children, especially to Roma community's members.<sup>25</sup>

30. Please provide information on measures taken to ensure that children of migrant workers have full access to education in the State Party, regardless of their migration status. Please also provide information on the steps taken to remove legal and administrative barriers to ensure that migrant children in an irregular situation enjoy full access to education.<sup>26</sup>

### **Articles 31 to 33**

31. Please provide information on measures taken by the State Party to ensure that migrant workers and members of their families are provided with training programme on financial literacy and are able to transfer their earnings and savings to their State of origin, without restriction and with preferential and reception fees, upon termination of their stay in Albania, making savings more accessible.<sup>27</sup>

32. Please provide information on guarantees for transferring personal belongings, on agreements and financial or mobile services facilitating safe and low-cost remittances and related data on remittance flows.

---

<sup>22</sup> CMW/C/ALB/CO/2, para. 63.

<sup>23</sup> CMW/C/ALB/CO/2, para. 44.

<sup>24</sup> CMW/C/ALB/CO/2, para. 46.

<sup>25</sup> CCPR/C/142/D/3602/2019.

<sup>26</sup> CMW/C/ALB/CO/2, para. 50.

<sup>27</sup> CMW/C/ALB/CO/2, para. 52.

#### 4. Part IV of the Convention

##### Article 40

33. Please provide information on the legal and institutional measures taken to guarantee to migrant workers and members of their families the right to form associations and trade unions and to participate in their leadership, including on progress made to amend Law No. 79-2021 “On Foreigners” that does not explicitly guarantee their right to form associations and trade unions. Please provide information regarding any measures necessary taken to ensure that irregular migrants can take part in trade union activities, freely join trade unions and seek aid and assistance of any trade union, in accordance with article 26 of the Convention.<sup>28</sup>

##### Article 41

34. Please provide information on the measures taken by the State Party to effectively implement and review its legal and administrative framework, including Law No. 10019 of 2008 (as amended by Law No. 81/2024), Law No. 10221/2010 on protection against discrimination (as amended by the Law No. 124/2020), and Law No. 10/2025, facilitating the exercise of voting rights, right to participate in public affairs and be elected to public office, both at national and local level, by Albanian migrant workers and members of their families abroad.<sup>29</sup>

##### Article 44

35. Please provide information on measures taken to uphold the unity of the families of migrant workers and to facilitate family reunification and that family separation is used only as a measure of last resort. Please include also information regarding plan to review article 42 of the Law No. 79/2021 “On Foreigners”, which establishes the cancellation of the residence permit for family reunification in case of dissolution of marriage.<sup>30</sup> Moreover, please provide information, supported by quantitative and qualitative data, on the cases in which dissolved marriages due to domestic violence or other forms of gender-based violence, have resulted in the issuance of an autonomous residence permit on the basis of article 42 of the Law No. 79/2021 “On Foreigners”.

##### Articles 46 to 48

36. Please provide information on the legal and policy frameworks regulating the import and export duties and taxes of personal, household and work-related effects owned by migrant workers.

37. Please provide information on bilateral, regional and multilateral agreements concluded or envisaged by the State Party in the field of labour migration, in particular those concerning labour and employment rights, social protection, portability of benefits, taxation, and temporary labour schemes, and how these agreements ensure the protection of migrant workers’ rights and promote safe and regular migration pathways.

##### Articles 49 to 52

38. In order to avoid migrant workers falling into an irregular situation, please clarify whether:

(a) Albanian legislation requires separate residence and work permits and, if so, whether residence permits are automatically granted for at least the duration of the work authorization and maintained upon termination of employment, including prior to the expiration of their work permit;

<sup>28</sup> CMW/C/ALB/CO/2, para. 42.

<sup>29</sup> CMW/C/ALB/CO/2, para. 56.

<sup>30</sup> CMW/C/ALB/CO/2, para. 58.

(b) Migrant workers are permitted to freely choose and change their remunerated activity, and whether there are any restrictions in law and practice placed on the categories of employment, functions, services or activities that migrant workers can undertake;

(c) Legal safeguards exist to prevent loss of residence status while seeking new employment, participation in public work schemes or retraining initiatives, or accessing entitlements to unemployment benefits.

## 5. Part V of the Convention

### Articles 58 to 63

39. Please provide information on the measures taken by the State Party to ensure that frontier, seasonal and itinerant migrant workers enjoy treatment equal to that of national workers, particularly in respect of remuneration, and other conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standard.

## 6. Part VI of the Convention

### Article 64

40. Please provide information on the measures taken by the State Party, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with international migration of migrant workers and members of their families in Albania and abroad, and clarify how such measures are mainstreamed into broader migration policies, strategies, programmes and plans of action, and how they address the social, economic, cultural and other needs of migrant workers and members of their families, including the National Agenda on the Rights of the Child 2021-2026, the National Youth Strategy 2022-2029, as well as the National Social Protection Strategy 2024-2030.

41. Please provide information on:

(a) Measures taken by the State Party to address irregular migration of its nationals, in particular unaccompanied and separated children, including through bilateral, regional and multilateral agreements to enhance regular pathways to migration and address the root causes of irregular migration;

(b) Legal and policy measures taken, as well as cooperation measures with States of employment, to address the situation of migrant workers in the territory of the State Party and Albanian migrant workers abroad, in particular migrant domestic workers,<sup>31</sup> including those who are victims of the *kafalah* (sponsor) system and other forms of abuse.

42. Please provide information on the steps taken to review Law No. 18/2017 on the rights and protection of the children, as well as Law No. 121/2016 on social service, to afford to children whose parents are in an irregular situation the same rights and freedoms on an equal basis with children who are nationals of the State Party. In addition, please provide information on the measures taken to implement inter-agency procedures to determine the best interest of the child, and in case of unaccompanied children, the right to a guardian, who must uphold the best interests of the child throughout the process, as well as the mechanisms established to ensure the effective participation and the right to be heard of children in all proceeding affecting them, and for their views to be duly taken into account.<sup>32</sup>

### Article 67

43. Please provide information on:

(a) Cooperation programmes and readmission agreements between Albania and States of employment to support the voluntary return of Albanian migrant workers and their families, particularly in cases of irregular status or following rights violations, and whether

<sup>31</sup> CMW/C/ALB/CO/2, para. 64.

<sup>32</sup> CMW/C/ALB/CO/2, para. 60.

they include provisions ensuring the sustainable and durable reintegration of all returned migrant workers and members of their families. In addition, please provide information on the steps taken to provide appropriate consular or other services and to review existing bilateral agreements entered into force by the State Party, particularly with regard to their alignment with the provisions of the Convention;<sup>33</sup>

(b) Data on returnees, disaggregated by sex, age, disability and field of occupation upon return.

44. Please provide information on the legislative and policy framework to support the reintegration of returning migrant workers and their families in Albania, including access to social services, employment assistance, and recognition of foreign-acquired qualifications and work experience, as well as the legal or administrative mechanisms for skills validation. Please also indicate whether such agreements contain substantive and procedural safeguards to guarantee respect for the rights of returnees throughout the durable readmission and reintegration process, including protection from ill-treatment, arbitrary detention, collective expulsion, and other violations of their human rights.<sup>34</sup>

#### Article 68

45. Please provide information on the implementation by Albania of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the United Nations Global Plan of Action to Combat Trafficking in Persons, including through the adoption of a comprehensive national action plan. In particular, please elaborate on:

(a) Measures taken, including through the implementation of the National Action Plan for the Fight Against Trafficking in Person 2024-2025, the National Strategy on Gender Equality (2021-2030), the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians (2021-2025), and bilateral, regional and multilateral cooperation with countries of origin, transit and destination to effectively prevent, combat and sanction trafficking in persons, in particular women and children;

(b) Programmes to prevent trafficking in persons, to effectively protect trafficking victims, and ensure their access to justice and legal remedies, including information on anti-trafficking measures adopted by the National Task Force against Human Trafficking, the National Referral Mechanism, the National Anti-Trafficking Coordinator and the Office for Assistance to Victims;

(c) Efforts made to effectively and impartially investigate, prosecute and punish all acts of trafficking in persons, as provided in article 110/a for adults and article 128/c for children of the Criminal Code, and the number of judgments issued in connection with this crime, including information on the number of convictions, type of sentences and reparations provided to the victims. Please provide information on measures ensuring that the 2019 judicial reform – transferring jurisdiction over trafficking cases to general prosecutor's offices and courts – has not diminished the effectiveness of their investigation, prosecution and adjudication;

(d) The strengthening of the national referral mechanism, including the 2023 National Referral Mechanism, the adoption of a systematic, transparent and impartial approach to investigation and prosecution in cases of trafficking and the availability of gender-sensitive shelters, medical care and other support to assist victims in rebuilding their lives, including access to labour market and assistance for their physical, psychological and social recovery. In particular, please specify the number of migrant workers and members of their families, including those in an irregular situation, who are hosted in specialised shelter for victims of trafficking in persons;

<sup>33</sup> CMW/C/ALB/CO/2, para. 62.

<sup>34</sup> CMW/C/ALB/CO/2, para. 68.

- (e) Whether temporary or permanent resident permits are available to victims of trafficking;
- (f) Training and capacity building provided, including on the legal framework on trafficking in persons and on the identification and referral of victims to appropriate services, and through child-sensitive and gender-responsive procedures;
- (g) The human, technical and financial resources allocated by the State Party for counter-trafficking measures, including to anti-trafficking institutions at all levels, and providing protection to victims of trafficking;
- (h) Steps taken to strengthen the collection and analysis of disaggregated data on trafficking in persons, including on cases of trafficking in persons for the purposes of exploiting their labour in online scamming centres.<sup>35</sup>

46. Please provide information on:

- (a) The State Party's legislative and policy framework to address migrant smuggling and irregular migration, including any specific legislation adopted in line with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and through bilateral, regional and multilateral cooperation with countries of origin, transit and destination. Please provide information whether these agreements adhere to the principles of non-refoulement and the prohibition against arbitrary detention and collective expulsion;<sup>36</sup>
- (b) Measures taken to address root causes – particularly those affecting women and children – as well as the legal safeguards, protection services, and access to remedies provided to smuggled migrants and irregular migrants, including legal and psychological support. In addition, please provide information on the measures taken to ensure that migrant workers and members of their families who have been smuggled are not criminalized, and on the steps adopted to address the root causes of migrant smuggling in line with international human rights standards;<sup>37</sup>
- (c) Steps taken to strengthen the collection and analysis of disaggregated data on the smuggling of migrants and irregular migration flows.

## Article 69

47. Please provide information on:

- (a) Measures taken by the State Party to enable migrant workers and members of their families in an irregular situation in Albania to regularize their status in accordance with article 69 of the Convention. In particular, please specify the number of cases in which an irregular migrant has been granted a residence permit, even though the requirements of Article 33 of the Law No. 79/2021 “On Foreigners” or other general terms and conditions specified in that Law have not been met;
- (b) Efforts made to improve the protection and assistance afforded to Albanian nationals abroad in irregular situations, in particular those in vulnerable situations, with a view to promoting their regularization and protection, including through the review of Law No. 9668/2006 Law on the Migration of Albanian Nationals for Employment Purposes, as well as the conclusion of bilateral, regional and multilateral agreements.

## Section II

48. The Committee invites the State Party to provide information regarding the protection of migrant workers and members of their families, covering the period since the adoption of the previous concluding observations concerning the State Party, with respect to the following:

<sup>35</sup> CMW/C/ALB/CO/2, para. 70.

<sup>36</sup> CMW/C/ALB/CO/2, para. 71.

<sup>37</sup> CMW/C/ALB/CO/2, para. 72.

- (a) Bills, laws, and regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, strategies, programmes and action plans covering migration governance and labour mobility;
- (d) Ratifications of human rights instruments, and other relevant instruments, and information on how these instruments are being integrated into national law and policy, including ILO instruments listed in the present list of issues prior to submission (para. 11(b));
- (e) Studies, assessments or surveys on the situation of migrant workers and members of their families in Albania or Albanian working abroad, including any reports commissioned in collaboration with international partners such as the International Organization for Migration, UNHCR, and regional mechanisms, including the European Union.

## Section III

### **Data, official estimates, statistics and other information**

49. Please provide available qualitative and quantitative statistical data, or if precise data are not available, studies or estimates, since the adoption of the previous concluding observations concerning the State Party, disaggregated by sex, age, nationality, disability, migration status and field of occupation where applicable, on the following:

- (a) The volume and nature of migratory movements to, from and through Albania, including regular and irregular migration, the number of Albanian migrant workers working abroad;
- (b) The number of migrant workers in detention in Albania, including the legal basis and procedural safeguards applied for detention (e.g. immigration-related), and the number of Albanian migrant workers who are detained abroad, specifying the countries concerned and whether such detention was related to immigration;
- (c) The number of migrant workers and members of their families who have been expelled or deported from Albania during the reporting period, including the legal basis and procedural safeguards applied;
- (d) The number of unaccompanied and separated migrant children currently residing in Albania and children who remain in Albania while one or both parents migrate for work abroad.

50. Please provide any additional information on any important developments and measures taken in the implementation of the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority.

51. Please submit an updated common core document in line with the harmonized guidelines on reporting.<sup>38</sup> In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.

---

<sup>38</sup> HRI/GEN/2/Rev.6.