



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

Distr.: General  
8 June 2010

Original: English

---

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

**Twelfth session**

26 - 30 April 2010

**Consideration of reports submitted by States parties under  
article 73 of the Convention**

**List of issues to be taken up in connection with the  
consideration of the initial report of Albania  
(CMW/C/ALB/1)\***

**I. General information**

1. Please provide official estimates with regard to the numbers of migrant workers who are non-documented or in an irregular situation, migrants in transit and emigrants engaged in a remunerated activity abroad and members of their families, disaggregated by entity, gender, age, nationality and ethnic origin. Please also elaborate on the steps undertaken to address the problem of collecting the data needed to evaluate the dimension and nature of migration flows (paras. 244 and 245).
2. Please provide more detailed and updated information on the revised Law 9959 on Foreigners, adopted in 2008, and any other measures taken to implement the provisions of the Convention following its ratification by the State party (para. 22).
3. Please indicate the rank of the Convention in domestic law and provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities.
4. Please indicate whether national legislation provides for the application of the Convention to refugees and/or stateless persons (art. 3 (d) of the Convention).
5. Please provide more detailed information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions, among the general public, migrant workers and members of their families and State employees. Has the Convention been translated into the national language? Please also indicate whether specific training programmes on the Convention are implemented for

---

\* Unless otherwise specified, paragraph numbers in brackets refer to the State party report, issued as document CMW/C/ALB/1.

relevant public officials, such as border police officers, embassy and consulate officials and social workers, but also judges, prosecutors and relevant government officials (paras. 268-272).

6. Please provide detailed information on the involvement of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report (see the Committee's provisional guidelines regarding the form and content of initial reports, para. 3 (d)).

## **II. Information relating to articles of the Convention**

### **A. General principles**

7. Please provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including when they are non-documented or in an irregular situation, in case of a violation of their rights; (b) the complaints examined by such mechanisms since the date of entry into force of the Convention and their outcome; and (c) any redress provided to victims of such violations.

8. Please provide information on the concrete improvements achieved in the implementation of the National Migration Strategy and the National Action Plan for Migration (paras. 198-210). Please also elaborate further on the National Strategy for Integral Management of Borders and its Action Plan (paras. 206-207).

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

#### **Article 21**

9. Please explain the measures that the State party has taken to prevent retention of identity documents by employers or by employment or recruitment agencies of migrant workers. Please also indicate whether migrant workers concerned have the right to take action before national courts.

#### **Article 23**

10. Please provide information on (a) measures taken to ensure that effective consular assistance is provided to Albanian nationals working abroad and to members of their families, and (b) whether foreign migrant workers and members of their families in Albania are informed of their right to have recourse to consular assistance in the case of detention or expulsion (para. 273).

#### **Article 27**

11. Please describe how the different social security schemes in place in the State party are applied to migrant workers who are documented or in a regular situation and to those who are non-documented or in an irregular situation. Please indicate whether contributions made by migrant workers to pension schemes, if any, are reimbursed to them and/or whether the State party is a member to bilateral or multilateral agreements on the recognition and transfer of accrued pension benefits.

#### **Article 28**

12. Please clarify to what extent migrant workers and members of their families who are non-documented or in an irregular situation have access to health care. Please provide further information on any measure taken by the State party to ensure the right of irregular migrant workers to receive urgent medical care (paras. 114 and 115).

#### **Article 30**

13. Please indicate whether primary education is compulsory and available free to all children of migrant workers, including those who are non-documented or in an irregular situation, and provide statistical data on the enrolment of children of migrant workers at the primary, secondary and tertiary levels of education.

**Article 31**

14. Please provide information on the measures taken to ensure respect for the cultural identity of migrant workers and members of their families.

**Article 33**

15. Please indicate whether and how the State party has established programmes to inform Albanian national wishing to migrate abroad about their rights arising out of the Convention, and their rights and obligations in the State of employment.

**C. Part IV of the Convention**

**Article 40**

16. Please clarify whether documented migrant workers have the right to form associations and trade unions

**Article 41**

17. Please provide information on the steps taken by the State party to facilitate the exercise by Albanian workers living abroad of the right to vote and to be elected at elections held in the State party.

**Article 42**

18. Please indicate measures taken by the State party, if any, to establish procedures or institutions to take account of the special needs, aspirations and obligations of migrant workers and their families.

**Article 44**

19. Please inform the Committee on the legislation, practice and statistical data, if any, concerning family reunification of migrant workers, as well as on measures taken, if any, to facilitate it.

**Article 47**

20. Please provide information on remittances transferred by Albanian migrant workers abroad. Are any taxes levied on incoming remittances? Please provide information on any measures adopted to facilitate transfers of migrant workers earnings and savings to Albania including any agreement to reduce the cost of such transactions for migrant workers.

**D. Part V of the Convention**

**Article 59**

21. Please provide information on the number of frontier and or seasonal workers engaged in a remunerated activity in the State party, as well as of Albanian seasonal workers engaged in a remunerated activity abroad, disaggregated by gender and nationality, and on the bilateral and multilateral agreements governing migration by seasonal workers to which Albania is a party.

**E. Part VI of the Convention**

**Article 66**

22. Please provide information on: (a) the ways and means by which Albanian nationals, in particular women, are typically recruited for work in foreign countries; (b) the efforts undertaken to regulate recruitment activities within the State party; and (c) the efforts undertaken to cooperate and consult with the main destination countries of Albanian migrant workers with a view to promoting sound, equitable and humane working and living conditions for nationals of Albania in those countries.

**Article 67**

23. Please provide information on the number of returning Albanian migrant workers. Please provide information on the measures the State party is taking to facilitate the orderly return of nationals working abroad and members of their families, inter alia, when they decide to return to Albania, or when their authorization of residence or employment expires, or when they are in an irregular situation in the State of employment. What measures are adopted to facilitate their durable social and cultural reintegration?

24. With reference to paragraph 9 of the report (CMW/C/ALB/1), please provide information regarding readmission of migrant workers, including statistical data on how many have been readmitted by Albania since 2007 and how many have been deported from Albania under these agreements. Please specify whether the agreements mentioned in the State party's report include procedures aimed at guaranteeing the rights of migrant workers and members of their families.

**Article 68**

25. Please provide information on measures taken to prevent clandestine movements and trafficking in migrant workers, while assuring the protection of their human rights, including within the framework of the National Strategy for Combating Trafficking in Human Beings 2008-2010.

26. Please provide information on the reported large-scale departure of unaccompanied children from Albania to neighbouring countries and on measures taken by the State party to address this problem.

27. Please provide information on mechanisms and procedures to facilitate the identification of persons in need of international assistance and protection (trafficking victims) among migrants upon their arrival to the country. Please also provide information on the measures taken by the State party to ensure that its migration control measures safeguard the rights of vulnerable groups and individuals, such as children and victims of trafficking.

**Article 69**

28. Please indicate whether the State party considers the possibility of regularizing the situation of other migrant workers and members of their families within its territory who are in an irregular situation, including informal sector workers and long-term residents without legal status.

---