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|  | United Nations | CMW/C/ALB/CO/2 | |
| _unlogo | **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 initial report of Libya

Concluding observations on the second periodic report of Albania[[1]](#footnote-1)\*

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 third periodic report of the State party, its replies to the list of issues (CMW/C/BIH/Q/3/Add.1) and the additional information provided by the high-level and multisectoral delegation.

3. Notwithstanding the fact that the Committee recognizes, for the most part, Bosnia and Herzegovina as a country of origin of migrant workers, it also considers it as a country of transit and destination.

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.

6. 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.

7. The Committee welcomes the adoption of the following legislative measures:

8. The Committee also welcomes the following institutional and policy measures:

9. The Committee notes that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration and recommends that the State party work towards its implementation, ensuring full compliance with the Convention.

C. Factors and difficulties impeding the implementation of the Convention

D. Principal subjects of concern and recommendations

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

Legislation and application

Legislation and implementation

Articles 76 and 77

10. The Committee notes that the State party has not yet made the declarations provided for in articles 76 and 77 of the Convention whereby it would recognize the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights enshrined in the Convention.

11. The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.

The Committee recommends 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 States parties and individuals concerning violations of rights established by the Convention.

Ratification of relevant instruments

12. The Committee notes that the State party has ratified almost all the major human rights treaties and a number of ILO conventions.

13. The Committee recommends that the State party consider ratifying or acceding to the above instruments as soon as possible.

**Comprehensive policy and strategy**

Coordination

Data collection

14. The Committee recommends that the State party establish a centralized and comprehensive database covering all aspects of the Convention, and collect data on the status of migrant workers in the State party. It also encourages the State party to compile information and statistics, disaggregated by sex, age, nationality, reason for entry or departure from the country and the type of work performed, in order to effectively inform relevant policies and the application of the Convention, in line with target 17.18 of the Sustainable Development Goals. In cases where it is not possible to obtain precise information, for example in the case of migrant workers in an irregular situation, the Committee requests that the State party provide data based on studies or estimates.

Independent monitoring

15. The Committee recommends that the State party provide adequate human, technical and financial resources to the national human rights commission to enable it to effectively discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to promote and protect the rights of migrant workers and members of their families under the Convention, including when addressing complaints from migrant workers and monitoring the conditions in places where migrant workers may be deprived of liberty.

Training on and dissemination of the Convention

Participation of civil society

16. The Committee recommends that the State party proactively and systematically involve civil society and non-governmental organizations in the implementation of the Convention, including in the planning and implementation of migration policy, as well as in the preparation of its next periodic report.

Corruption

2. General principles (arts. 7 and 83)

Non-discrimination

Right to an effective remedy

17. 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.

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

Freedom to leave any state

Protection from violence, physical injury, threats and intimidation

Labour exploitation and other forms of ill-treatment

Conditions of detention

Remuneration and conditions of work

Border management and migrants in transit

Due process, detention and equality before the courts

Expulsion

Consular assistance

Freedom to join and take part in meetings of trade unions

Social security

Medical care

Birth registration and nationality

Education

Transfer of earnings and savings

Right to be informed and dissemination of information

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

Family reunification

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57-63)

Seasonal workers

6. 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

International cooperation with countries of transit and destination

Migrant domestic workers

Recruitment agencies

Return and reintegration

Illegal or clandestine movements and employment of migrant workers in an irregular situation

Measures to address migrant workers in an irregular situation

Children remaining behind

Trafficking in persons

Trafficking in persons and smuggling of migrants

Smuggling of migrants and irregular migration

Regularization

Repatriation of bodies

7. Dissemination and follow-up

Dissemination

18. **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

19. **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

20. **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

21. **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).**

1. \* Adopted by the Committee at its thirtieth session (1–12 April 2019). [↑](#footnote-ref-1)