



**United Nations Special Rapporteur on the right to development, Saad
Alfarargi**

**Official visit to Albania
15 to 24 November 2022**

PRELIMINARY OBSERVATIONS AND RECOMMENDATIONS

Tirana, 24 November 2022

**Preliminary observations and recommendations of the United Nations
Special Rapporteur on the right to development, Mr. Saad Alfarargi, at the
end of his visit to Albania**

Tirana, (24 November 2022) – *At the end of his visit to Albania, during which the Special Rapporteur held meetings in Tirana, Elbasan and Kamëz, Mr. Saad Alfarargi delivered the following statement:*

I would like to express my sincere appreciation and gratitude to the Government of Albania for inviting me to the country to conduct an official visit as Special Rapporteur on the right to development, and for their full support and cooperation before and during my time here.

During my official visit from 15 to 24 November 2022, I visited Tirana and the municipalities of Elbasan and Kamëz and I was able to meet with a large number of government representatives, civil society organizations, as well as with United Nations officials.

The Declaration on the right to development was adopted by the United Nations General Assembly on 4 December 1986, by Resolution 41/128, and Albania was among the countries that voted for its adoption. Article 1 of the Declaration on the Right to Development defines the right to development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Since then, the right to development was reaffirmed in several international agreements, such as the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action. Most recently, in 2015, the right to development was explicitly recognized in four key internationally agreed policy documents: the Addis Ababa Action Agenda of the Third International Conference on Financing for Development; the Sendai Framework for Disaster Risk Reduction 2015-2030; “Transforming our world: the 2030 Agenda for Sustainable Development”, which included the Sustainable Development Goals; and the Paris Agreement on climate change. These documents have become part of the policy and normative foundation of my mandate.

My objectives during my visit were primarily to learn more and gain first-hand understanding of the advancement of the right to development in Albania, and to identify remaining challenges with a view to formulating recommendations to the Government and other stakeholders who are working towards implementing the sustainable development goals and promoting the realisation of the right to development in the country.

I was especially interested in learning more about how the national and local governments promote and guarantee effective public participation in development policies and programs; what key challenges the country face in the implementation of the right to development; and what policies and measures are in place to address inequalities, including those based on gender, disability, social and other status. I focus on inequalities, since these are a major obstacle to the realization of the right to development. Indeed, inequalities impact on the ability of individuals and communities to participate in, contribute to and enjoy economic, social, cultural and political development, as well as threaten long-term social and economic development and impede poverty reduction.

I chose to conduct a country visit to Albania because I believe that it is a country that has achieved an impressive progress, despite the numerous challenges that it has been facing.

Women's participation in political and economic development

To start on a positive note, I would like to note that Albania has achieved an impressive progress in ensuring and institutionalizing the participation of women in governing and decision-making bodies, such as central Government, public administration, and is on its way to achieve high level of women's representation at management level of businesses. According to information received, among the elected members of the current parliament, 92 are men (65.7%) and 48 women (34.3%); the speaker of the Parliament is a woman and over 70% of the ministers in the central Government are of women. In 2019, the percentage of women employed in senior management positions in the public sector was 41,3 %. These positive changes result to a great extent from progressive amendments of the electoral legislation.

Women appear to be less represented in local governments - while, according to data received, 44% of local councils' seats were won by women in the 2019 local elections, only eight of the mayors in the 61 municipalities are women. Further, women from disadvantaged communities continue to be unrepresented in both the new parliament and cabinet of ministers. Lastly, data on the percentage of women in the judiciary does not appear to be available. I encourage the Government to collect and make available data on participation of women in the judiciary. With regard to budgeting, I was informed that between 2017 and 2021, there has been an important increase in gender budgeting, from 1% of the total budget to 9% in the 2022-2024 budget cycle. I was extremely encouraged to learn that the Ministry of Finance and Economy has started to apply gender-sensitive key performance indicators for monitoring budget execution, and that reporting on such indicators will be implemented for a second time in 2022. The Albanian Supreme Audit Institution is in process of finalizing the first gender audit which

will be launched in January 2023. I am looking forward to seeing the impact of these positive measures.

While the education levels of women and men appear to be largely equal, the participation of women in the labor force appears to be lower - according to statistics from 2021, in the 30 to 64 age group 86.9% of the men participate in the labor force, versus 68.7% of women. For the 15 to 29 age group the percentages are 58.6 % for men versus 46.3% for women. No disaggregated data is available to the situation in the rural regions, but civil society representatives have raised concerns with regard to the much higher levels of unemployment in the rural areas. Further, women appear to be employed predominantly in sectors such as health and social services, education, manufacturing, and agriculture, which are characterized by lower wages. In addition, unmet childcare needs lead to women's inactivity. Women do 96% of domestic chores and 18% of women are out of work primarily due to unpaid care work at home (versus only 1% of men). Similarly, girls perform almost four times more unpaid care work than boys.

With regard to the private sector, I received information that while women's participation in business has increased during the last decade (25.4% of women owning or managing a business), the majority of women-led enterprises are under-capitalised micro/small businesses in mostly informal and lower value-added sectors. Women's active participation in private sector development remains low, especially for women in rural areas. The gender gap in access to credit has not decreased over the years.

I urge the Government to invest additional efforts to promote the equal inclusion of women in the labor force and to increase its focus on creation of employment and development of rural areas. I further urge the responsible central and local authorities to work on providing a sufficient number of places in early childhood care institutions and kindergartens in order to allow women with young children to rejoin the workforce. More work needs to be done on reversing the gender stereotypes with regard to housework and reducing the amount of unpaid work done by women.

Domestic violence has an impact on the victims' ability to enjoy their right to development, for example by impacting their ability to participate in the workforce due to injuries or displacement and results in additional financial burdens for the social protection networks. I was heartened to hear, both from civil society representatives and from state and municipal officials regarding the progress in revising the legislation and policies to combat domestic violence and of the good cooperation that exists between stakeholders working in that area. Despite all efforts, there are still numerous victims of domestic violence every year and I urge the responsible authorities to focus more attention on the

enforcement of the existing measures, on systematically applying appropriate sanctions for non-compliance and on investing in building the capacity of the first responders to domestic violence complaints.

Anti-discrimination accountability mechanisms

I have received information that, in recent years, the legal and policy framework on anti-discrimination has been developed and improved largely in accordance with international standards. The Law against Discrimination was amended in 2020, introducing a number of improvements, including new grounds for discrimination such as gender identity, sexual orientation, sex characteristics, HIV/AIDS, and physical appearance; reversal of the burden of proof in favor of claimants in all cases related to discrimination; inclusion of new forms of manifestation of discrimination, such as intersectional discrimination, harassment and sexual harassment, and hate speech. The Labor Code and the Code of Administrative Procedure have also been revised to reverse the burden of proof with regard to discrimination in the workplace.

I commend the fact that the legislation provides the opportunity to bring complaints on different discrimination grounds to the Commissioner for Protection from Discrimination, as well as to courts. However, according to information received, the anti-discriminatory case-law, in particular in the court system, has not yet substantially developed. I encourage civil society and grass roots organization to make use of the available mechanisms and the responsible authorities, such as the School of Magistrates of Albania and the Albanian School of Public Administration, to provide additional specialized training to judges and prosecutors on the application of the above legislation in line with the international human rights standards. I also recommend the revision of the Code of Civil Procedures, so that it is brought in full compliance with anti-discriminatory legislation with regard to the burden of proof. I further recommend that institutions created to ensure gender equality under the framework of the Law on Gender Equality are adequately funded, so that they have the necessary human and other resources to implement their mandates.

Participation of civil society

The role of civil society organizations and their cooperation with the authorities and other relevant stakeholders is fundamental to the advancement of the right to development and of human rights more broadly. I was pleased to learn from civil society organizations that they have been included in the discussions leading to formulation of domestic development policies and legislation and budgeting. I am even more encouraged to learn that participation of civil society in consultation processes related to the elaboration of national and local strategies and action plans, as well as budgeting, is mandated by several pieces of

legislation. I encourage all levels of government to involve civil society and other stakeholders in such discussions at an early stage, to allow adequate time for consideration and providing inputs and maximize its impact when working on development policies and legislation, in particular those affecting economic and social rights of the population.

While in Albania, I met with numerous active civil society organization working on different aspects of human rights and development. I was concerned, however, to learn that the registration procedures for establishing a non-governmental organization is complex and lengthy, involves considerable expenses and is centralized in the capital, making it additionally difficult for persons living in remote areas to register such organizations. In comparison, the creation of a new business company has been simplified and can be done remotely and on-line. I urge the responsible authorities to revise the regime for the establishment of civil society organizations in order to make it easy, fast and inexpensive, in particular for small associations from the remote and rural areas, so that communities can be better represented in various consultation processes.

Situation of persons with disabilities

I met with several organisations of persons with disabilities and was informed that they are facing exclusion and poverty, due both to lack of awareness among the population at large and to widespread accessibility problems. The levels of disability pensions and funds provided to persons assisting persons with disabilities are insufficient to cover basic needs. At the same time persons with disabilities appear to be poorly represented in legislative and governing bodies both at central and local levels.

In terms of access to healthcare, I heard about the numerous obstacles persons with disabilities are confronted with, ranging from inaccessible buildings; absence of public transportation that they can use; lack of information provided in formats accessible for persons with different disabilities; lack of personnel adequately qualified to address their specific needs, including in the field of sexual and reproductive health; and lack of equipment adapted to persons with disabilities. Women with disabilities face additional hurdles when trying to access reproductive health care services. Further, no recent and reliable data appears to exist about the number of persons with disabilities and the types of disabilities affecting them.

Further, I received information that the large majority of the schools are not physically adapted to integrate children with disabilities. While a number of the schools reconstructed after the 2019 earthquake have been brought into compliance with the accessibility requirements, much remains to be done to make the entire school system accessible to children with disabilities.

I was encouraged to hear that the numbers of teaching assistants dedicated to work with and assist children with disabilities in schools has increased to 1600 throughout the country and that a specific university curriculum was recently introduced to train teaching assistant working with children with disabilities. I urge the responsible authorities to ensure the recruitment of a sufficient number of teaching assistants, particularly in remote and rural areas, and to invest in their continuous education, so that they are fully qualified to meet the needs of children with disabilities.

Persons with disabilities face numerous issues related to public infrastructure that is not accessible to them. Roads and public buildings are not accessible for wheelchairs; road crossings are not provided with traffic lights adapted for visually impaired person or persons in wheelchairs; information on a number of issues is not available for persons with visual or hearing impairments in an adequate manner, to name but a few of the most pressing problems. I was encouraged to hear that Law No. 93/2014 “On Inclusion and Accessibility of the Persons with Disabilities” and related by-laws have been revised to include sanctions for public institutions and private companies that do not comply with accessibility requirements, though I was also informed that the sanctions are not enforced systematically. I urge the responsible authorities to prioritise the implementation of the legislation and the imposition of sanctions for non-compliant public and private actors.

I was further informed that Law No. 15/2019 “On Employment Promotion” provides that employers must employ one person with disability for every 25 employees. However, the bylaws for the implementation of that Law, which were supposed to include an enforcement mechanism for its implementation, have not yet been adopted. In addition, no official data, disaggregated by type of disability, exist regarding the employment levels of persons with disabilities. According to information received less than 200 persons with disabilities are employed in public administration and even fewer in private businesses.

I urge the Council of Ministers to adopt the necessary bylaws for the implementation of Law No. 15/2019, including a robust enforcement mechanism, as a priority matter. I further urge the authorities to invest in gathering adequate disaggregated data regarding the situation of persons with disabilities and to ensure adequate funding for the implementation of the Law, so that persons with disabilities in Albania do not remain among those left behind.

I was also informed that the meetings of the National Council for Disabled People have been suspended due to COVID-19 related restrictions and have not resumed yet. I call on the responsible Government authorities to resume these meetings

and to continue the dialogue with associations of person with disabilities and other civil society organisations.

I am aware that Albania will be soon submitting a report to the Committee on the Rights of Persons with Disabilities, and I believe this is an excellent opportunity to discuss these issues with the experts on the Committee and take steps towards resolution of the problems faced.

Rural development

I am also concerned by the fact that the development of remote and rural communities is lagging behind, leading to widespread poverty, unemployment and marginalization of people living in these areas. I was encouraged to hear that the National Strategy for Agricultural Development and Fisheries was approved in the summer of 2022 and that it foresees providing financial support to farmers who own or rent a particular amount of land and to fishers, following an application process managed by the Agricultural and Rural Development Agency. However, I am concerned that the scheme appears to be designed to provide support to medium sized and big farms, while leaving out small farmers, which according to information I received constitute 29% of all farms in the country. I urge the responsible central and municipal authorities to ensure that the scheme also benefit small farmers, and to engage in a widespread information campaign regarding the implementation of the Strategy and the application process, as well as to provide practical assistance free of charge to potential applicants, in particular in remote and rural areas where people do not have the necessary knowledge and facilities. I also appeal to the government and international donors to ensure the adequate funding of the scheme.

Further, while the support schemes are oriented towards boosting production, the main concerns of communities living in remote areas, which I was appraised of, relate to access to public services, such as adequate health care, education for their children, and social protection for the vulnerable parts of the communities. I was informed that the rural population has been decreasing at alarming rates, since people leave the rural areas to seek better living conditions in the cities and abroad. To address their concerns, strategies for the development of the economic life need to be supplemented by strategies addressing the fulfillment of social and economic rights of people in remote communities.

Some of the organizations I met raised concerns about different levels of inclusion of the urban and rural populations, and the low levels of outreach and participation opportunities at municipal level, in particular in remote rural areas. The reduction of the number of municipalities from over 300 to 61, following the administrative reform of 2015, resulted in many communities being far away from the local governing authorities and limited the opportunities for their

participation and representation in municipal consultation and planning processes. Since the population in remote areas is suffering from the highest level of poverty and exclusion, I call on municipal governments to increase their efforts to include these communities in decision making regarding issues that affect them. I also call on the national Government to work on raising the capacity of local governments to put in place and institutionalize participatory consultative mechanisms related to, for example, municipal budgets planning and of grass roots organizations to participate meaningfully in such processes.

According to information I received, women are heavily involved in labor-intensive agricultural activities: as of 2020, 41.4% of women worked in agriculture compared to 31.8% of men. However, only 8% of farms in Albania are managed by women. This problem appears to stem to a great extent from the tradition that agricultural land is inherited and owned by men, despite the inheritance laws prescribing equal rights to male and female heirs. To address this problem, I recommend accelerating the progress of ensuring the full enjoyment of property rights by women, including by developing or amending secondary legislation and administrative procedures as needed, as well as investing serious efforts in changing the gender stereotypes with regard to land ownership in the society.

Conclusion

Overall, my visit to Albania has been productive and fruitful. The above comments are preliminary in nature and are not comprehensive in scope. I will prepare a full and detailed report of the visit and a set of concrete and action-oriented recommendations in the report that will be presented at the 54th session of the UN Human Rights Council, in September 2023.