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Shadow Report 2020 Albania

Chapter 19 Social Policies and Employment



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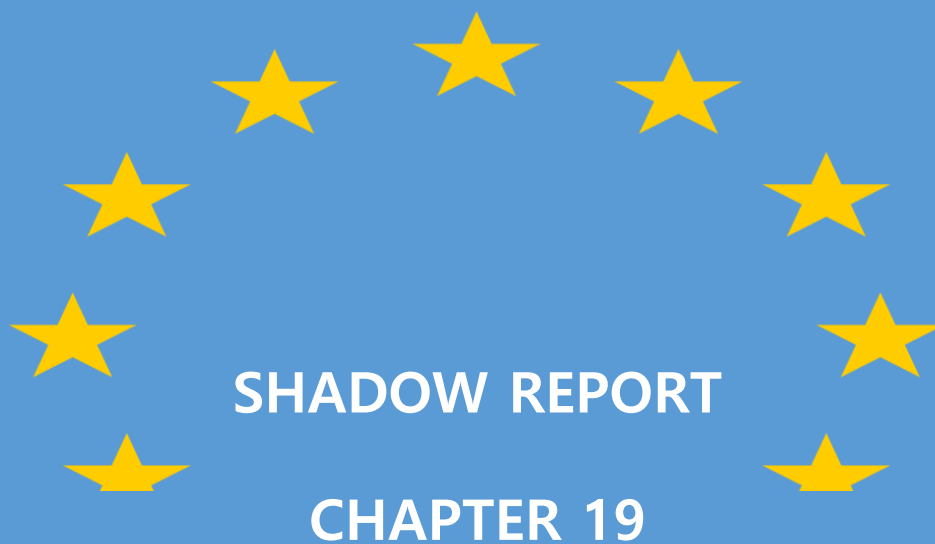
Shadow Report 2020 Albania – Chapter 19 Social Policies and Employment

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SHADOW REPORT

CHAPTER 19

SOCIAL POLICIES AND EMPLOYMENT

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I. Executive Summary

Albania's efforts towards EU accession have been significantly intensified and have resulted not only in the EU candidate status but also in the recommendation for the opening of accession negotiations. In light of the significant progress achieved and the conditions set unanimously by the Council in June 2018 having been met, the Commission recommended in its 2019 enlargement package that the Council open accession negotiations with Albania¹.

The objective of this alternative report is to provide an overview of the main achievements and challenges Albania has faced so far in the European Integration Processes regarding the negotiating Chapter 19 "Social policy and employment".

The aim is to provide an analysis of the situation of transposition of the EU acquis Directives on the areas covered from the abovementioned chapters and at the same time tend to evaluate the impact the introduction of such legal framework, investments and improved standards have had so far in the country.

Providing an extended description of the legal framework, level of approximation, impact on social life and policy improvements, based on the official reports, governmental priorities, field experiences, service provider's perspective and reliable statistics are of particular importance to properly evaluate if such legal improvements have had a real impact in meeting the standards and improving the lives of the citizens affected by those policies.

The obligation to harmonize Albanian law with EU derives from Article 70² of the Stabilization and Association Agreement. As a result, Albania has the obligation to technically harmonize its internal legislation with the EU acquis, as well as to ensure its proper implementation and enforceability. Within the European Partnership, social policies and employment remain short and medium-term priorities.

In this context, the approximation of the Albanian legislative and regulatory framework with the Acquis Communautaire should be intensified to its plain achievement.

First of all, this report should give: a) A general overview of the content covered from the chapter, its main principles, definitions, rights and obligations, structures and platforms, programs and standards; b) What is expected from a country on the edge of opening negotiations for membership, the level of approximation of the national legislation in force to the EU acquis covering social policies and employment-state of play in Albania; c) An in-depth analysis of the current situation in Albania, the level of aligning, level of participation in EU programs, institutional framework and practices on place as well as the level of implementation and enforcement of the set standards (good practices); d) Conclusions & Recommendations that can help to best approach the integration processes on the analyzed fields.

1 Update on the Republic of Albania, Commission working document, Brussels, 02.03.2020

2 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2009%3A107%3A0166%3A0502%3AEN%3APDF>

This report provides conclusions concerning the approximation, implementation, and enforcement of legal, structural, and financial mechanisms and suggestions of possible actions Albanian responsible institutions could undertake for further developments regarding the above-mentioned areas.

Moreover, the added value of this alternative report is the provision of a different perspective, based on CSO practice and data regarding child rights, social services, disability rights, etc.

II. Introduction (framework methodology)

This report has been compiled through the analysis of, primarily, three sets of data: EU & National Legal documents; Desk research - studies, analyses, reports, publications, Data provided from different stakeholders.

The Legal Documents included the Treaty of the Functioning of the European Union (TFEU), the Charter of Fundamental Rights of the European Union, Council Directives on health and security at work, Council Directives on employment and equal opportunities as well as Council Directives on migration. The study of these documents served to provide an understanding of the legal obligations and standards Albania has to fulfill on its path to membership.

On the other hand, the internal legal documents included the Stabilization and Association Agreement between the European Communities and their Member States, of the one part and the Republic of Albania on the other part, the National Plan for European Integration 2020-2022, the National Strategy for Development and Integration 2014-2020, the National Employment and Skills Strategy (NESS) 2014-2020 and its Action Plan, 2016-2020 Occupational, Safety and Health Policy Document and its Action Plan, National Social Protection Strategy 2015-2020 and its Action Plan, National Strategy on Migration Governance and its Action Plan, the Labour Code, the Law "On social assistance and services", Law "On the rights and protection of the child", Law "On protection from discrimination", the Law "On vocational education and training", the Law "On foreigners" as amended and other sectorial laws and bylaws.

Those pieces of legislation, strategies, action plans and financial tools adopted in the areas of social policies and employment were scrutinized to identify the current level of alignment with Union standards and to identify those gaps remaining to be filled.

Furthermore, the report followed the structure of the European Commission Progress Report findings and analysis comparing those remarks and recommendations in parallel with the reforms, actions, activities, field examples, and statistics provided from national stakeholders, other studies and reports produced from the United Nation, Council of Europe, IOM but as well as on the CSO practice and perception. The main source of data and statistics have been provided from the Albanian National Institute of Statistics (INSTAT) as well as responsible ministries and central institutions as the Ministry of Health and Social Protection, Ministry of Interior, Ministry of Finance and Economy, and the Ministry for Europe and Foreign Affairs, State Inspectorate of Labour and Social Services (SIS), National Employment Service (NES), Social Insurance Institute (SII), National Agency for Education, Vocational Training and Qualifications, State

Agency for the Rights and Protection of the Child, State Social Service (SSS), Compulsory Health Insurance Fund, Office of the Commissioner for Protection against Discrimination (CPD), Ombudsman Office.

Meetings were carried out with representatives of several of the above-mentioned institutions.

To conclude, this report provides an in-depth view of all the components constituting chapter 19, the current situation in Albania, and tries to offer an independent view of further actions.

III. Chapter Overview

Based on Article 153 of the Treaty on the Functioning of the European Union (TFEU), the Union supports and complements the activities of the Member States in the area of social policy.

The *acquis* in the social policy field includes minimum standards in areas such as Labour Law, equal treatment of women and men in employment and social security, as well as health and safety at work. Specific binding rules have also been developed concerning non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation (Article 19 of TFEU). The European Social Fund (ESF) is the main financial tool through which the EU supports the implementation of its Employment Strategy and contributes to social inclusion efforts (implementation rules are covered under Chapter 22 "Regional policy and coordination of structural instruments" which deals with all structural instruments).

The Member States participate in EU policy processes in the areas of employment policy, social inclusion, and social protection. The social partners from the Member States participate in social dialogue at the European level.

In the field of disability, the EU has adopted a strategy aimed at mainstreaming disability issues into relevant Union policies and at enhancing the integration of people with disabilities. International agreements related to employment, labour, and social issues, such as the relevant ILO Conventions or the UN Convention on the Rights of People with disabilities, need to be taken into consideration.

It should be noted that trade union rights are essentially covered in chapter 19. As regards anti-discrimination and equal opportunities, these issues are essentially covered by chapter 19 with a specific focus on employment aspects, whereas chapter 23 covers cultural and minority rights as well as violence against women.

One of the main conditions for accession to the European Union is the obligation to approximate the domestic legislation with EU *acquis*. A general obligation in this respect is contained in Article 70 of the EU-Albania Stabilization and Association Agreement.³

³ Article 70/Stabilization Association Agreement 1. The Parties recognize the importance of the approximation of Albania's existing legislation to that of the Community and its effective implementation. Albania shall endeavor to ensure that its existing laws and future

The pre-accession approximation requires not only technical compliance of the Albanian law book with EU legislation but also a proper implementation of the national rules.

Apart from the general approximation of the clauses of the law, the Stabilization Association Agreement (SAA) also provides specially designed provisions on working conditions and equal opportunities. Concerning Article 77 SAA, Albania needs to progressively align its legislation with that of the Union in the areas of working conditions, in particular on health and safety at work and equal opportunities.

The obligations on the social security and employment policies are based on Article 99 of the SAA "On the development and improvement of the social security system", Article 48 "On the coordination of Social Protection systems for the worker's community in the territory of Albania and Albanian workers employed in the EU Member States".

Articles 46, 47, 48, 77 and 99 of the SAA define cooperation between Albania and the European Union, aiming the modernization and restructuring of employment and vocational training services, the implementation of active and passive employment programs, and the gradual approximation of Albanian legislation and practices in the field of the labor market and vocational training with Union rules and standards. Moreover, Article 70 of the SAA, together with Article 99 on social cooperation is appropriate in this area.

IV. Current situation and progress

Both 2018 and 2019 European Commission Progress Reports for Albania envisages that Albania has some level of preparation.⁴

In the field of social policy and employment. Some progress was made on increasing labor market participation and on improving the quality and effectiveness of labor market institutions and services. While the same statement remains valid regarding the low rate of employment and participation in the labor market as well as the presence of an informal economy as a significant job provider.

EC 2019 Progress Report for Albania⁵, stated that even though Albania has continued to restructure its employment governance system, as stipulated in the new law on vocational education and training. The

legislation shall be gradually made compatible with the Community acquis. Albania shall ensure that existing and future legislation shall be properly implemented and enforced.

4 EC Progress Report for Albania, 2018 & EC Progress Report for Albania, 2019

5 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

employment rate⁶. and labor market participation⁷ remain low, and the informal economy is still a significant job provider.

During 2019 Albania has continued to restructure its employment governance system, as provided for in the new Law on “Vocational Education and Training (VET)”.

There is a large approximation in the field of social dialogue, employment policies, and non-discrimination in employment and social policy.

Regarding occupational health and safety, the occupational safety and health policy document 2016-2020 and its action plan are being implemented. During the years 2013-2017, Albania adopted laws approximating 19 EU directives related to the Framework Directive on Occupational Health and Safety.

Regarding social dialogue at the central level, the National Labour Council (NCC) was reorganized in April 2018.

With the contribution of the International Labour Office (ILO), in 2019 a national database on collective agreements and trade unions was created, which will be accessible by various actors, such as the Ministry of Finance and Economy, the State Labour Inspectorate, National Employment Service, Social Partners. The existence of accurate and reliable information on collective agreements and their collective coverage helps public authorities to design policy measures aimed at promoting and implementing best practices.

Regarding the situation of collective agreements, 12 collective agreements have been concluded at the central level, while there is no national "collective contract" for all branches, as until today there was no such organization of employers to have the authority to sign national-level collective agreements with trade unions.

Regarding employment policies, the National Strategy for Employment and Skills (NESS) 2014-2020, and its action plan, have been revised and their duration has been extended until 2022 (as approved by the DCM in October 2019). The Strategy Review was conducted following the Mid Term Evaluation Report covering the period 2014-2018. The report assessed that all four strategic priorities are still relevant. This strategy is in line with the vision and guidelines of the European Union, the European Employment Strategy 2020, and the country's integration requirements in the EU. Regarding the legal framework in the field of employment, it is fully compatible with EU requirements.

The main goal of the National Employment and Skills Strategy 2019-2022 and its action plan is to identify and design appropriate policies for employment and vocational training of the workforce, to create quality jobs and opportunities for employment and skills throughout the whole life cycle. The action plan focuses on increasing opportunities for decent work through efficient labor market policies, providing quality

⁶ The employment rate in Albania for 2018 marked a rate of 59.4% INSTAT

⁷ 68.3% INSTAT

education and training for young people and adults, promoting inclusion and social cohesion, and strengthening the labor market governance system. and qualifications. The strategy revised the indicators until 2022, according to a database, in close cooperation with INSTAT⁸

The Council of Ministers approved the establishment of the National Employment and Skills Agency in July 2019 (DCM 554/2019). The proposed structure of the new Agency envisages an increase in human resources at the central level.

38 employment offices are organized and operate with the new model of employment services. The performance of employment policies in the labor market is closely linked to the work of the staff, of the National Employment Service system, as well as to the good management of its annual budget. 329 office workers and management staff are trained in providing quality services. Monitoring the quality of services at multiple levels is done through the performance card. A three-year plan covering the period 2020-2022 is being drafted. Also, service protocols and tools will be developed, based on the three-tier employment service model.

There have been no developments within the European Social Fund.

In the sub-field on Social Inclusion and Persons with Disabilities, the policy framework and action plans of the Government of Albania aim at achieving social inclusion and accessibility for Persons with Disabilities, harmonization of the legal framework, establishment of appropriate monitoring mechanisms and social services accessible in coordination to stakeholders and stakeholders. The National Disability Action Plan is in line with the principles and obligations deriving from the Convention on the Rights of Persons with Disabilities.

The inclusion and quality education of children with disabilities remains a challenge of educational policies in the education system. Students with disabilities benefit from tuition quotas in public institutions of higher education.

In the framework of social protection, the implementation of the National Strategy for Social Protection 2015-2020 (NSSP) has led to the transformation of the economic assistance scheme (EC) into an active scheme that enables social reintegration; review of the disability assessment system; intervening and ensuring the reintegration of children into the family and community, providing special care for social and biological orphans, and ensuring the provision of integrated social and community welfare services. The NSSP also addresses the need to establish better links and integration between active employment and social inclusion policies and social protection policies. The action will contribute to all three objectives and will have a special focus on the third objective, related to local decentralization and the development of integrated social and community care services.

In terms of Anti-Discrimination and Equal Opportunities, the implementation of the National Strategy for Gender Equality 2016-2020 has led to the establishment and strengthening of structures at the central

⁸ National Institute of Statistics

and local level to achieve gender mainstreaming, implementation of general gender budgeting, capacity building of professionals in framework of protection of women's rights and non-gender discrimination, improvement of services for victims of domestic violence, as well as the establishment of new specialized services for victims of sexual violence. There is a significant increase in women's participation in political and public decision-making as well as structures dealing with peace and security issues.

For anti-discrimination in employment and social policies, legislative changes have been adopted regarding employment and the work environment for women, defining and reversing the burden of proof in cases of sexual harassment.

IV.1 Labor Law

On labor law, both the latest progress reports focus on the monitoring of the implementation of the Labor Code amendments, strengthening of data collection, and better instruments for processing disaggregated data, further strengthening of Labor Inspectorate capacity and performance. On the other hand, child labor remains a concern.

Regarding Labor Law, the last amendments to the Labor Code transposed 16 EU labor law Directives, covering the right to information and consultation of employees, working hours, collective redundancies, employment rights in case of a company transfer, employment in temporary agency and telework, but also EU directives on non-discrimination at work, equal rights between women and men in employment and social policy (leave of absence), and safety and health at work of pregnant workers who are closely related or who are breastfeeding. Also a "Law on Occupations in the Republic of Albania" was adopted in June 2016.

Although a large amount of the EU acquis in the field of labor law has already shifted to national law, current labor legislation is largely but not fully in line with relevant EU acquis. All Directives in the field of labor law have been the object of approximation, but many of them only partially, so they must be fully aligned with the EU acquis.

Even though the Labor Code has been amended and is being implemented, a monitoring system related to its implementation is not yet in place due to the lack of reliable systems of data collection and processing.

Concerning the level of enforcement and implementation of the labor law, in the entire territory of the Republic of Albania, the State Labor Inspectorate and Social Services have 100 labor inspectors. In Albania, 160.000 active entities exercise their activity, but according to the number of labor inspectors, only 10.000, or 6 % of all entities in a year can be inspected. To make more efficient work and to improve the labor relations and working conditions for the employees, the main objective remains the improvement of the capacities.

Related to the inspections carried out during 2019, only 16% of all inspections haven't identified violations of legal requirements of the labor law, while 84% of the inspections identified infractions. 51.6% of the

subjects were left with tasks to accomplish within a timeline and 32.4% received warnings, penalties, and work suspensions.

Related to the inspections carried out from January - march 2020, only 22% of all inspections haven't identified violations of legal requirements of the labor law, while 88% of the inspections identified infractions. 69% of the subjects were left with tasks to accomplish within a timeline and 19% received warnings, penalties, and work suspensions.

Concerning child labor, while for many years the interventions to prevent child labor have been directly linked with inter-institutional coordinated interventions to prevent and manage the cases of children in a street situation by intervening directly with community teams on providing immediate assistance, case management, and follow up, a more systematic approach has been introduced during 2019. A National Action Plan for the Protection of Children against Economic Exploitation (2019 – 2021), including children in a street situation, was presented at the meeting of the National Council for the Rights and Protection of the Child on September 3rd, 2019 and was approved by Decision of this Council, No. 704, dated 21.10.2019. This plan was implemented with the support of the OSCE and consulted with relevant stakeholders during 2018. The purpose of the draft plan is to guarantee the rights and protection of economically exploited children, including children in a street situation through prevention, service provision, and strengthening the enforcement of legislation, ensuring the protection of children victims of economic exploitation.

Regarding the inspections of the State Labor Inspectorate for 2019, 239 children were identified working compared to 329 in 2018. From preliminary data of the State Labor Inspectorate from January to May 2020, only 22 children have been envisaged from the inspections.

What remains an issue is the high level of unreported cases, the lack of reliable data, and as a consequence of effective mechanisms.

To conclude, many efforts on this regard have been made, many initiatives have been undertaken, especially local CSO's have largely contributed to reducing these phenomena but what should be emphasized is the need to strengthen the system of monitoring child labor and sustainable mechanisms to prevent, identify and address it.

IV.2 Health and Safety at Work

Regarding health and safety at work, the 2016-2020 occupational, safety, and health policy document and its action plan are under implementation. Between 2013 and 2017, Albania adopted laws transposing 19 EU directives linked to the Framework Directive on Health and Safety at Work. In 2018, Albania concentrated on implementation, but low financial and human capacities are a limitation on the way towards effective implementation of health and safety at work legislation. Reported accidents at work

almost doubled during 2017-2018, compared to one year before as well as fatalities at work. Statistical data on health and safety remains to be improved⁹.

The most important and challenging part is to set up a system of safety and health surveillance at work. A link has been made with all DFS countries in the country to designate a responsible person who will be the focal point for collecting data in connection with this survey. This system will be important in defining and measuring relevant indicators related to safety and health at work.

Regarding transposition of EU directives on occupational safety and health, Directive 92/29 /EEC of 31 March 1992 "On the Minimum safety and health requirements for improved medical treatment on board vessels", is transposed as a Decision of the Council of Ministers "On the approval of the regulation "For minimal health and safety requirements for medical treatment onboard vessels". The approval of this DCM aims to fulfill the engagement of Albania to the *acquis communautaire* and to improve the medical treatment of the people working to the boarding vessels.

DCM No. 555, dated 31.07.2019 "On the approval of the regulation "For Minimum Health and Safety Requirements for Workers with a contract of defined duration and Part-Time Work Contract", "Council Directive 91/383/EEC of 25 June 1991, supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship, or a temporary employment relationship, has entered into force.

Each of the 19 EU Directives has been fully transposed to the Albanian legislation while there are still two regulations that need to be adopted, which are directly linked to the Framework Directive:

For minimal requests for safety and health for employees with full-or part-time contracts.

For modulating work and break times.

It is notable a significant increase in the number of inspections in 2019 where 160 inspections have been performed compared to 125 in 2018 and 160 in 2019. On the other hand, while in 2017 were identified 112 employees injured at work this number increased to 153 in 2018 and 145 in 2019. Regarding the number of dead employees while working, in 2017, 14 dead employees were reported compared to 19 in 2018 and 32 in 2019.

Regarding the number of inspections for accidents at work¹⁰ from January to May 2020, 68 investigations were performed from which inspectors identified 58 injured and 12 dead employees while working.

9 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

10 Data reported from the State Labour Inspectorate

IV.3 Social Dialogue

Social dialogue at the European level complements and supports member states' national social dialogue and industrial relations through jointly involving European level workers' and employers' organizations in EU decision- and policy-making processes.

Social dialogue in Albania¹¹ remains weak in both the private and public sector. Regarding tripartite social dialogue, the mandate of the National Labor Council was renewed in April 2018. However, clear representativeness criteria are still under discussion and have not yet been set in law. There are no specific strategies or policy documents for social dialogue in place or planned in the medium term¹². In the medium to long term, the current system for the amicable settlement of labor disputes should be reformed to be more effective in addressing the needs of workers and employers, including increased confidence and independence of this mechanism.

The new NLC¹³ was informed and consulted on several topics of common interest for both workers and employers, such as the minimum wage increase for 2019, the state budget for 2019, the Status of Miners, Oil and Metal Workers, and other issues. Some new laws such as the employment promotion law and VET law have been in the consultation agenda of the NLC along with the proposals of the working group members on representative criteria for the NLC.

In the frame of minimizing and resolving labor disputes, mediation/conciliation procedures have been developed to resolve some disputes between employers and employees in the public and private sector, according to Articles 188-192 of the Labor Code, within deadlines.

In 2019, with the support and funding of the International Labor Office (ILO), a national database of collective agreements and trade unions was created, which will be accessible by various actors, such as the Ministry of Finance and Economy, the State Inspectorate of Labor, National Employment Service, Social Partners.

Concerning the situation of collective contracts, 12 collective agreements have been concluded at a central level, while there is no national "collective contract" for all branches as to date there is no such organization of employers to have the authority to sign the collective agreement national level with unions.

11 <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

12 National Plan for European Integration 2019-2021

13 Four meetings of the NLC working group were held so far. The National Labour Council met on June 12, 2020, to discuss the measures taken by the Government for financial support for employers and employees during the period caused by the COVID-19 pandemic.

IV.4 Employment Policy

Albania has initiated a process to modernize and streamline the development and dissemination of employment, education, and vocational training policies in a coordinated and demand-driven manner, responding to national priorities and objectives set out in the National Employment Strategy and Skills (NESS), covering the period 2019-2022.

Sector Budget Support (SBS)¹⁴ the overall objective was to contribute to a more inclusive and effective labor market by supporting the employment and skills development policy of the Albania Government as defined in the National Employment and Skills Strategy (NESS) 2014- 2020. EUR 6.65 million was disbursed to the Albanian national budget concerning the implementation of the IPA 2015 SRC for employment and skills for the year 2018, the final year of implementation. The assessment conducted has concluded that five out of ten indicators were fully compliant with the requirements set for payment for 2018, two indicators were partially met, and three indicators were not met. Consequently, out of an overall EUR 27.5 million for the Budget Support, EUR 23.5 million was disbursed, namely 85.45% of the total allocation¹⁵.

Priorities for Government action are defined in the National Employment and Skills Strategy 2019-2022 (NESS 2022) and the related Action Plan. The NESS 2022 was adopted by the Council of Ministers in October 2019. With the support of the UNDP Skills Development for Employment Programme, the Ministry of Finance and Economy carried out the Mid-Term Review of NESS 2020.

In 2019, the fourth Annual Monitoring Report 2018 on the implementation of the National Employment and Skills Strategy 2014-2020, was finalized. The results showed that progress is overall satisfactory. During 2018, out of 52 actions, 49 actions or 94% of the total actions have been initiated. Considering the reported information from public agencies involved in the implementation of the strategy, the average level of implementation for the initiated actions is advanced.

The recently adopted legislative framework for employment and VET aims to further develop employment promotion and vocational training policies, which will contribute to better jobs and equal opportunities.

Adoption of Law No. 15/2019 "On Promotion of Employment" in March 2019 completed the legal framework related to employment policies/programs and skills development and anticipated the establishment and functioning of the National Agency on Employment and Skills (NAES) responsible for implementing employment and skills policies. The National Agency for Employment and Skills was established through DCM no. 554, dated 31.07.2019. In practical terms, NAES will manage the

14 IPA 2015 SRC for employment and skills

15 <http://integrimi-ne-be.puneteshajshme.gov.al/wp-content/uploads/2020/05/IPA-II-Annual-Implementation-Report-2019-ALBANIA.pdf>

implementation of employment and skills policies and administer the Employment Offices at the regional and local levels, as well as the network of public VET providers (VET high schools, training centers). On the other hand, the responsibility of continuous teacher training has been granted to the National Agency for Education, Vocational Training and Qualifications. Human resources have been added to both agencies to carry out their activities.

The complementary technical assistance accompanying the SRC is forecast to commence in the third quarter of 2020. The overall objective of the TA is to strengthen the capacity of the Government and especially the MoFE and other stakeholders to implement the revised NESS strategy. It will also provide assessment, policy advice, capacity building to the Ministry of Finance and Economy, and other stakeholders involved with the implementation of the reforms process.

Regarding the Albanian Qualification Framework (AQF), considered as central to the reform of qualification, three by-laws have been recently adopted by the Council of Ministers. The task force on QF after its mandate renewal in January 2020 started to work on preparing the necessary steps for the referencing process. The EQF referencing report was foreseen to be presented in November 2020. Albania became part of the AdReN network, which aims to establish an area of automatic recognition in the Adriatic region and to increase academic mobility.

In response to the COVID-19 situation, several legal acts were adopted on the procedures and the financial assistance to aid employees and businesses during the period of the natural disaster. The above-mentioned acts allowed to double the number of unemployment benefits and economic assistance, including the facilitation of documentation and procedures for beneficiaries, unemployed jobseekers, who have been registered in the employment offices. As well it was determined the benefit of financial assistance for the self-employed and the unemployed who have lost their jobs due to this pandemic.

Two new employment promotion programs "On self-employment" and "On community work" are in the process of being drafted.

On vocational training, a total of 3077 unemployed people were trained during the three months of January-March 2020. Out of these, 2984 are unemployed job seekers, who have received this service free of charge, of whom 1492 have been trained in the basic skills course start smart and 1492 others in various vocational courses required in the job market. In addition to 8,818 unemployed jobseekers, during January-December 2019, who attended the vocational training courses, during January- March 2020, 1,492 more unemployed jobseekers attended the vocational training courses or about 2% of the total unemployed job seekers registered in the Employment Offices for this period.

During the second quarter of 2020¹⁶, the employment rate for the population aged from 15 to 64 is 59.6 %. In this quarter, compared to the same quarter of 2019, the total number of employed decreased by 3.6 %. Compared to the first quarter of 2020, this indicator decreased by 2.6 %. In the second quarter of

¹⁶ <http://www.instat.gov.al/en/themes/labour-market-and-education/employment-and-unemployment-from-lfs/#tab3>

2020, the official unemployment rate in Albania, for the population aged 15 years and over is 11.9 %. Compared to the second quarter of 2019, the official unemployment rate increased with 0.4 percentage points. Compared to the first quarter of 2020, the official unemployment rate increased with 0.5 percentage points. In the second quarter of 2020, the labor force participation rate for the population aged from 15 to 64 is 68.1 %. Compared to the second quarter of 2019, the labor force participation rate is 1.7 percentage points lower. Compared with the previous quarter this indicator decreased by 1.5 percentage points.

The women labor force participation rate is 60.7 %, whereas for men this indicator is 75.7 %. The men labor force participation rate is 15.0 percentage points higher than women. Compared to the same quarter of 2019, the women labor force participation rate decreased by 1.2 percentage points and for men decreased by 2.1 percentage points. Over the second quarter of 2020, the youth labor force participation rate (population aged from 15 to 29) is 50.5 %. For the population aged from 30 to 64, in the second quarter of 2020, the labor force participation rate is 77.2 %. In the second quarter of 2020, the official unemployment rate in Albania is 11.9 %. In annual terms, the official unemployment rate increased by 0.4 percentage points. Compared to the previous quarter, the official unemployment rate increased with 0.5 percentage points.

The official unemployment rate for males is 12.0 % while females are 11.9 %. Compared to the same quarter of 2019, the unemployment rate increased by 0.4 percentage points for males while females increased with 0.5 percentage points. The official youth unemployment rate is 21.4 %. In annual terms, the youth unemployment rate has an increasing trend. Compared to the second quarter of 2019, the youth unemployment rate in the second quarter of 2020 is 0.5 percentage points higher. Compared to the first quarter of 2020, the youth unemployment rate increased with 1.4 percentage points. The unemployment rate for the population aged 30 to 64 is 9.5 %. In annual terms, this indicator has increased with 0.7 percentage points. Compared to the previous quarter, the unemployment rate for this age group increased with 0.4 percentage points.

IV.5 Social Inclusion & Protection

Social inclusion and poverty reduction¹⁷ are objectives of the National Strategy for Development and Integration II 2015-2020. The reduction of poverty for specific vulnerable groups is addressed further through specific action plans and mainstreaming in national policies, according to the sectors. Albania has made several efforts to improve the situation of social inclusion and human rights records. Social protection schemes and cash payments remain important in supporting the people in need. Data of LSMS from INSTAT indicate that poverty has been reduced. There are also data on poverty projections based on GDP and consumption growth suggesting a slow decline in poverty in 2019.

¹⁷ For assessing the social situation in the country especially regarding poverty and inequality, INSTAT has conducted so far the full fourth wave of SILC (SILC 2019) in the period April-July 2019, using the CAPI method.

The Ministry of Health and Social Protection policies tackle the needs of all vulnerable categories, in the context of the priority for integration and social inclusion in society. Poverty reduction and social integration are crucial to eliminating inequality or discrimination due to social or economic causes. Policies for social inclusion and access to public services for all Albanian citizens are monitored in cooperation with INSTAT. Statistics on Income and Living Conditions Survey (EU-SILC) 2018 has recently provided data on poverty. The Strategy for Social Protection 2019-2023 also includes data and indicators for social protection. NAPs for vulnerable groups are part of the monitoring framework for the Policy Document on Social Inclusion.

Overall, structuring of cash and disability payments and integration with social services must address vulnerability and poverty, particularly in the remote areas. Cross-cutting strategies require improved cooperation between the central and local governments.

The Social Protection scheme has three main programs: (i) economic aid scheme; (ii) disability scheme; and (iii) social care services scheme. In 2019, Law No. 57/2019 "On Social Assistance in the Republic of Albania" was approved. It provides and has improved all the criteria, procedures, and documentation avoiding the bureaucratic procedures of benefiting from the social protection scheme. The economic aid scheme is being implemented all over the country from January 2018. To give more autonomy to the Local Government Units, an additional budget is transferred to the LGU-s (6% of the total social protection funds for economic aid) to cover poor households who are not benefiting by the unified scoring formula. The benefiting criteria are developed by the LGU-s themselves. There are currently 65,000 families benefiting in the scheme, including 3,308 families benefiting from the 6% fund delegated to municipalities. In line with the legislation on social services, the National Electronic Register of Social Care Services has been established and operates since 2018.

The State Social Service is the structure responsible for updating and maintaining it. The register is the electronic database of beneficiaries, providers, responsible institutions, type, and duration of social care services. It serves to build a functional case referral, tracking, monitoring, and evaluation mechanism; identifying cases, advising and developing individual care plans from the needs assessment and case referral unit, following the law on social care services; referral to specific social services at a local, regional or national level; facilitating communication, verification, and collaboration with other electronic registries unifying and computerizing case data and improving the quality of harmonized statistics generated by the system. Furthermore, Currently, the Government has approved a program to provide the opportunity for vocational training courses for individuals that are members of families in need. This program supports with cash (50% of the unemployment benefit) the individuals during the course attendance and even cover the costs of transport when the distance from home is up to 2 km.

The disability assessment system is in the reforming process, based on the international standards, shifting from the medical assessment model to a bio-psycho-social model. In this regard, DCM No. 380, dated 05.06.2019, "On the approval of the policy document 'Disability assessment reform in the social protection system and the action plan 2019-2024 for its implementation'" is approved. The new disability

assessment scheme, after piloting in two administrative units of the Municipality of Tirana, is in the process of implementing in all the region of Tirana. Six multidisciplinary evaluation commissions were established for the implementation of this reform for all the administrative units and municipalities of the region of Tirana. However, there is a need to increase the efforts in the creation of social and reintegration services for people with disabilities provided by the EC in its 2019 Progress Report for Albania.

According to the latest statistics from the State Social Service (SSS) for the period November-December 2019, the number of persons officially recognized as having a disability in Albania is 147,199 persons (5.2% of the country's population). From these, 75,016 are work invalids who benefit from both social insurance and social protection scheme payments and 72,183 are children and adults receiving disability payments and other benefits in the social protection system. 28% (19,769 persons) of the total number of people with disabilities, also, receive a payment to cover the service of the personal assistant who has previously been called the caregiver service.

In the framework of social care reform based on the law on Social Care Services, the secondary legislation has been adopted as following: To ensure the full functioning of the Social Fund, the Ministry of Health and Social Protection and the Ministry of Finance drafted the methodology of calculation of the funding of social care services, which was approved by DCM No 150/2019. This decision aims to establish criteria and rules for the implementation of financing procedures from the state budget of social care services at the local level, within the framework of the Social Fund including specialized services for disabled persons. To ensure the implementation of these above-mentioned DCMs, the MoHSP launched, on 15 March 2019, the Call for Proposals aiming to support projects in the field of community-based social services proposed by any municipality in Albania.

On deinstitutionalization, one step towards progress is the development of a roadmap for the reassessment and transformation of social care services, the development of measures to prevent the institutionalization of children aged 0-18, and children with disabilities in social care institutions, and the promotion of support for their family. This process was initiated by the MoHSP, as the lead institution in the De-I process, in close cooperation with UNICEF and Save the Children in February 2019. This process has been related to the assessment and development of individual care plans for 232 children institutionalized in nine public institutions. This process will be followed by drafting and approving the Action Plan of Children De-I 2020-2023.

The scope of this assessment process is to advance the process of Deinstitutionalization of children from the nine large scale residential care facilities across the country, facilitate their speedy reunification with biological families where possible, or placement in alternative to residential institutional care, such as kinship care or foster care. Deinstitutionalization of children from public residential social care institutions has increased by 40% compared to 2013. For 2019, 22 children returned to their biological family, and 18 children were adopted. The number of children in public housing has decreased by 58% compared to 2013, leading to the closure of an existing orphanage. In 2019, 218 children are in public residential social care institutions, compared to 306 children in 2013. The number of children in foster families has increased in 2019 by 20%, guaranteeing the growth of children in foster families instead of institutions. Currently, 348 children are in foster families, compared to 67 children in 2013.

The National Health Care Program provides residential health care, mainly for marginalized groups of Roma and Egyptians. Initiatives undertaken by the Ministry of Health and Social Protection have provided free dedicated services for Roma and Egyptian women for pap tests, free visits, and all the services they need. The purpose of this initiative is to increase access to services for marginalized women who aim to prevent disease through early screening. Awareness activities/training on HIV have been conducted in the Roma and Egyptian communities. The activities/training were intended to include information on HIV infection in this population group, including members of the Roma & Egyptian community. The role of these activities is important to facilitate communication with family members during home visits.

To determine the concrete procedures and actions of child protection structures, for the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by COVID-19, Instruction No. 253, dated 10.04.2020 "On the management of cases of children in need of protection, during the period of natural disaster due to the epidemic caused by Covid-19", of the Minister of Health and Social Protection was approved. Child Protection Structures supported, raised awareness, informed children and their families about the situation created by the COVID-19 epidemic, preventive measures, signs, and symptoms to identify the disease, referral routes to health facilities, numbers of emergency, and how to access the services provided, in the territory where they live. Periodic online weekly meetings between the State Agency for the Right and Protection of Child, civil society organizations, and child protection workers were held during the pandemic period of COVID-19 where technical and practical instructions were given to Child Protection Workers. Furthermore, the Ministry of Health and Social Protection approved several protocols to follow during the pandemics for public and nonpublic residential institutions for children, elders, victims of trafficking, violence, etc.

IV.6 Equality between Women & Men in Employment and Social Policy

Regarding equality between women and men in employment and social policy, several legislative improvements have been approved recently but the majority of those set standards remain to be fully implemented, monitored, and evaluated. Generally, the policy framework in the area of non-discrimination in employment and social policy is in line with EU requirements¹⁸.

The overall Gender-Equality Index¹⁹ for the Republic Albania reached 60.4 in 2017, indicating a substantial gender gap. This finding confirms the need for stakeholders, including government, private sector, civil society, and citizens to renew their commitment and efforts to achieve full gender equality.¹ Indeed, the Gender Equality Index for Albania is 7 points below the EU-28 average (67.4), except in the domain of power, where Albania has higher gender parity than the EU- 28. Albania ranks in the middle of all countries that report the Gender Equality Index, which includes all EU Member States and two EU candidate countries - North Macedonia and Serbia. The domain of power scores 60.9 and places the Republic Albania in 6th place vis-à-vis the rest of the countries reporting on the Gender Equality Index. The high score

¹⁸ National Plan for European Integration 2020-2022

¹⁹ http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf

results from the high representation of women in political and economic power. On the other hand, women's social power, that is, representation in bodies of research financing, media, and top sports organizations boards, is lagging the progress in political and economic power.

Education attainment in Albania shows a large gap with the EU-28 average for both men and women, while the gender gap favors boys in lower grades and then reverses in tertiary education, in favor of girls. Attainment for adults 25 years and older is close to two years below the average for the EU-28. Men have 0.5 years of higher attainment than women (10.25 against 9.75 years), although the situation is reversed for the younger cohort aged 20-39 (10.6 against 11 years on average). Indeed, the percentage of women with tertiary education is higher than for men²⁰. Enrolment in preschool education shows a wide gap between Albania, with 76.3 percent, and the EU-28, where 95.4 percent of children are enrolled in preschool. And while enrolment of boys and girls is virtually identical in the EU-28, in Albania boys have a higher enrollment.

The labour market shows disparities between women and men in Albania, which are greater than in the EU-28. Women have lower labour force participation rates and employment rates, and higher inactivity rates due to household responsibilities. Labour market indicators for Albania fall behind those of the EU-28. Youth in Albania has the lowest labour force participation rates and employment rates, and the highest unemployment rates compared to the rest of the population. The largest difference in labour market indicators between women and men is in the labour force participation rate, with a gap of 17.2 percent. The unemployment rate in Albania is about double that of the EU-28. Although men have a slightly higher unemployment rate than women in Albania, unemployment statistics mainly capture underemployment for women, since a large percentage are counted as employed in unpaid family labour. Lastly, the gender wage gap is 10.7 percent in Albania and 16.0 percent in the EU-28. It should be noted that the gender wage gap in Albania is calculated from wages declared at the tax office. As a result of informality, wages are often underreported, especially the higher wages, which pertain to men. Consequently, the gender wage gap is reduced. The gender wage gap calculated through survey data is around 15.2 percent.

Lastly, representations of women in decision-making have increased at the legislative and executive levels. Women represent 29.3 percent of the members of the parliament, with a total of 41 women members out of 140 members in total.

The promotion of gender equality is under the umbrella of various sectoral strategies in Albania. The National Strategy and Action Plan on Gender Equality (NSAPGE) 2016-2020 out of four strategic goals sets out one strategic goal on the economic empowerment of women and men intending to increase participation of women in the labour market and reduce the gender gaps in the labour market. The expected outcomes of this objective are greater access to women and men in employment promotion programs, as well as greater inclusion of women in science and innovation to foster economic empowerment. The implementation of the National Strategy on Employment and Skills 2014-2020 and its specific measures regarding gender equality as well as the implementation of the measures included in

²⁰ See <http://dataexplorer.wittgensteincentre.org/wcde-v2/>

the National Action Plan for Women Entrepreneurs 2014-2020 to foster greater entrepreneurial opportunities for women are also expected to improve women's participation in the labour market and help reduce the gender gap. The NSAPGE 2016-2020 also includes the economic empowerment of rural women in its objectives.

Although women's economic empowerment and reduction of the gender gaps in employment and labour market participation are key priorities in various policies, women's labour force participation, occupational segregation, unpaid family labour in the rural areas, the gender wage gap, and the position of youth and especially of young women in the labour market continue to remain a challenge in the Albanian labour market as evidenced by labour market indicators.

IV.7 Non-Discrimination

On non-discrimination in employment and social policy, legislative amendments have been adopted on the employment and workplace environment for women, defining and reversing the burden of proof in cases of sexual harassment²¹.

Concretely, The Labour Law is in line with the EU acquis. To ensure equal opportunities and anti-discrimination, amendments and additions the Labour Code have been made, respectively, in the following areas: it foresees additional causes for which discrimination in employment and vocational training is prohibited²², such as "sexual orientation" or "living with HIV/AIDS", as well as adapts the meaning of discrimination with the EU directives, with the Constitution of the Republic of Albania and with the law on protection from discrimination. It also provides that the burden of proof is left to the employer, to bind him to take all the necessary measures in respecting non-discrimination principles; guarantees non-discrimination in terms of rewarding to everyone regardless gender (males vs females)²³.

Law No. 10221, dated 4.2.2010 "On Protection from Discrimination" (LPD) is aligned with the four EU Directives, in the field of protection against discrimination. However, based on the recommendation addressed in the Progress Report 2018 of the European Commission and within the needs for improvement in the implementation of the practice of the law, the Ministry of Health and Social Protection coordinates and monitors policies for social inclusion across all categories of People with Disabilities in line with the principles of UN Convention on the Rights of Persons with Disabilities. Also, the Commissioner for Protection from Discrimination²⁴ is in the process of amending the Law No. 10221/2010. Therefore, CPD organized in December 2018 a roundtable discussion with activists and civil society organizations to discuss recommendations and suggestions for the amendments.

All the legal recommendations were identified, including all proposals from civil society organizations. From 1 April 2020 – 9 June 2020, the proposed amendments for Law No. 10221, dated 04.02.2010 "On

²¹ <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

²² Article 9 of the Labour Code

²³ Article 115 of Albanian Labour Code (Equality between genders in terms of rewards)

²⁴ CPD

Protection from Discrimination" have been consulted with the stakeholders and discussed in the Parliamentary Commissions.

The Strategic Plan 2018 – 2021 of the Commissioner for Protection from Discrimination, which was drafted with the financial support and expertise provided in the framework of the Joint EU/CoE Programme "On enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination", is approved and entered in force. The Action Plan of the Commissioner for Protection from Discrimination foresees objectives that extend the field of employment as follows:

- To open up and foster new relationships with various actors and stakeholders from the public and private institutions, international and national CSOs, academia, and mass media.
- To actively promote the Law on Anti-discrimination and the distinct role of CPD based on success stories.

During the period from January–December 2019, the CPD participated as a litigant party in 86 judicial proceedings.

During 2019, the CPD has taken 174 decisions out of which has found discriminatory behavior in 55 cases, out of which 47 decisions against public entities and 8 decisions against private entities. The grounds of claimed discrimination were mainly political beliefs, disability, race, health status, social situation, age, sexual orientation, and gender identity. Out of 55 cases that were found discrimination, 11 cases were applied by the subjects against whom the discriminatory behavior was found and in 33 cases the subjects addressed to the court to appeal the decision of the CPD, and in 1 case discrimination was found but no recommendation was given. Also, during this reporting period, 10 sanctions were imposed for a violation of the provisions of Law No. 10221 of 4.02.2010 "On protection from discrimination" (10 sanctions for non-implementing the CPD decision and 3 sanctions for not giving the required information by CPD).

V. Recommendations

Generally, the policy and legal structures are partially in line with the EU acquis.

The Government of Albania should develop a social and employment policy, which is in line with EU requirements and best practices, investing in human capital and social cohesion, as one of the main pillars of the primary strategic vision of becoming a member of the European Union.

Albania's main challenges in terms of employment and social policies include:

- Adoption of the necessary secondary legislation and restructuring of employment and VET governance, after the adoption of the law on employment promotion;
- Intensifying efforts to implement the social protection strategy 2015-2020, with a special focus on vulnerable groups, strengthening the skills and resources of local government to assess the needs of social care in their territory;
- Establishing clear criteria for representation for membership in the National Labour Council and their approval by law.

Priorities in the field of social protection are:

- Postponement of the deadline for implementation of the National Social Protection Strategy for 2019-2022 and its Action Plan;
- Transformation of the economic assistance scheme into an active scheme that enables social reintegration;
- Review of the disability assessment system;
- Intervene and ensure the reintegration of children into the family and community, providing special care for children without parental care, and ensuring the provision of integrated social and community welfare services;
- Establish links and better integration between active employment and social inclusion policies and social protection policies.

Regarding gender equality, Albania should focus on:

- Further strengthening the national special gender machinery and ensure adequate funding, including strengthening the capacity of Gender Equality Officers at a national and local level;
- Review of the National Strategy for Gender Equality 2016-2020 and drafting of the new Strategy for the years 2021-2025.

Regarding the LGBTI community, Albania should improve capacity building of health personnel to address LGBTI issues, raise awareness of the public, professionals in the field, gender officials at a central and local level as well as review the LGBTI Plan 2016-2020 and assessment of the needs for drafting a new plan for the period 2021-2025.

Regarding the social inclusion of people with disabilities, efforts must focus on drafting the DCM "On the personal assistant", based on Law no. 93/2014 "On the inclusion and accessibility of persons with disabilities"; Reviewing of the National Plan for Persons with Disabilities during 2020, taking into account the recommendations arising from the mid-term evaluation as well as reorganizing the National Council as an advisory body for Persons with Disabilities, which ensures the inclusion of persons with disabilities in all areas.

In the framework of Employment policy, the country should focus on further promoting opportunities for decent work, through fruitful labor market policies, providing quality vocational education and training for young people and adults, promoting social inclusion and territorial cohesion, and strengthening labor market governance and qualification systems.

In the field of labor legislation, Albania must improve its implementation in the public and private sectors.

The most revealing figures are those of the increased unemployment level due to COVID-19 pandemics, which is related not only to the overall global climate but also to the deficiencies of the system to respond to crises as a result of the poor social policy performances. Albania should respond to this situation not only by implementing supporting schemes of short term impact but by creating long term solutions to tackle unemployment.

Moreover, despite the considerable progress in aligning the legal framework Albania still has issues to track poverty, to provide systematic and integrated social services for vulnerable groups, to fight child labor, to create functional schemes of offering standardized social services for children without parental care out of residential care, family empowerment, still has difficulties to link the labor market with skills leading to a high rate of unemployment among young people.

Informing, consulting, communicating, and involving civil society, stakeholders, academia, and local government in the EU accession negotiation process and the Stabilization and Association Process is carried out through the European Integration Partnership Platform. Participation of civil society and stakeholders in the European Union Accession Negotiation Process to monitor public policies throughout the negotiation process, through the European Integration Partnership Platform, as well as providing expertise in various areas of the European Union acquis, is open to them according to their respective area of competence. Therefore, the Partnership Platform for European Integration conducts the process of informing and consulting on the draft negotiating position of the Republic of Albania on the relevant chapter of the acquis, the programming, and monitoring of European Union assistance, the drafting of the National Plan for European Integration or other plans in the framework of the European integration processes, etc. Despite the progress made on this regard it is crucial to emphasize that much attention should be paid to strengthen the capacities of local CSOs which are key to assess and address the real needs, to identify those target groups at most vulnerable situations but which can help at the other hand to design policies from a user perspective. They are still far from the EU investments in the country and the assistance provided so far because they lack the capacity to apply for EU funds. Specific training programs must be drafted to improve and increase the capacities of NGOs to understand IPA funds, draft successful applications, and build constructive cooperation with the most relevant stakeholders. We strongly recommend continually supporting civil society to create a genuine partnership between authorities and civil society in the democratic stabilization and the economic and social development of the country.

*Note: Data on Regional Cooperation is difficult to find and access as far as all the reports and data produced from stakeholders are country-based.

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