



MARY WARD
LORETO
FOUNDATION

SCOPING RESEARCH STUDY

UNVEILING THE SILENCE

Labor Exploitation of Foreign migrants in Albania

A blueprint for policy advocacy and stakeholder engagement

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Terminology

Foreigner is any person, with or without citizenship, who, according to the Albanian legislation, is not an Albanian citizen.

Residence Permit is a document issued by the competent authorities which authorizes and permits a foreigner to stay in the Republic of Albania for more than 90 days within 180 days.

Work permit is the authorization issued by the responsible state authority to a foreigner, for business purposes, to be employed, self-employed or for professional training.

Family reunification is the entry and stay in the Republic of Albania of family members of an Albanian citizen, who do not have Albanian citizenship or a foreigner or a refugee resident in the Republic of Albania, with the purpose of maintaining the family, regardless of whether the family relationship is established before or after the entry of a foreigner into the Republic of Albania, in cases of family reunification of the foreigner's family.

Labor exploitation is explicitly recognized as a form of human trafficking under the Albanian Penal Code, encompassing practices such as forced labor, servitude, withholding of wages, inhumane working conditions and other forms of abuse

Discrimination: This occurs when an employee is treated unfairly based on factors such as gender, race, nationality, religion, or other protected characteristics. It violates anti-discrimination laws.

Harassment (Mobbing): This refers to persistent bullying, mistreatment, or hostile behavior by an employer or colleagues, creating a toxic work environment. Mobbing, or workplace bullying, often leads to emotional or psychological harm.

Defamation or False Accusations: Making false accusations about an employee, especially if it harms their reputation or career, can be considered defamation and may violate the worker's rights under labor laws, especially if it leads to unfair disciplinary actions or dismissal.

Retaliation: This occurs when an employer punishes an employee for reporting concerns, filing complaints, or speaking up about unfair treatment, harassment, or violations of labor laws. It violates labor laws that protect employees from retaliation, such as whistleblower protection laws.

Chapter 1

Introduction and Context Overview

CHAPTER I. INTRODUCTION AND CONTEXT OVERVIEW

Introduction

Albania has long been recognized as a country of emigration, with approximately one-third of its population residing abroad. Over time, the country has experienced a notable shift in both inward and outward migration patterns. Historically, economic challenges and political transitions have driven substantial numbers of Albanians to seek opportunities abroad. Due to high emigration rates, it has always been perceived as origin country for irregular migrants and asylum seekers. However, in recent years, alongside the global mobility trends, Albania has also witnessed a diversification of migration patterns, encompassing both emigration and increasing tendency for immigration.

Since 2015, the country has become a transit path for irregular migrants and refugees traveling through the western Balkan transitory route, and lately a destination country for foreign labor migrants. Integration into regional and international markets has positioned Albania as an attractive destination for foreign workers seeking better employment opportunities. Albania's strategic geographical location, coupled with ongoing labor shortages in key sectors such as agrotourism and industry, has recently made the country an appealing destination for foreign labor migrants. These labor gaps, driven by structural mismatches in the domestic workforce and emigration of skilled and unskilled workers, have created a demand for foreign labor to sustain economic growth. Migrants are stepping in to fill these vacancies, particularly in sectors such as construction, agriculture, and services, where local labor supply remains insufficient. This trend underscores the need for targeted labor market policies to effectively integrate migrant workers, address skill shortages, and ensure sustainable economic development while upholding labor standards and rights.

Recent labor migration trends show an increase of foreign employees in the labour market through years. As of the end of 2023, Albania recorded a total of 21,460 foreigners holding residence permits, reflecting an 18.2% increase compared to 2022. The demographic breakdown shows that the primary purpose for residence permits in 2023 was employment. Between 2018 and 2022, a total of 74,350 for-

eigners applied for residence permits in Albania. The primary reason for these residence permits is employment. While these shifts reflect Albania's evolving role in the global labor market and a turning point into the migratory movements, they present both opportunities for growth and challenges in ensuring fair labor practices, integration, and the protection of migrant workers' rights. These data trigger the need for promoting sensitive policies that ensure protection against any form of discrimination in the labor market, while the same time guaranteeing the fundamental rights and freedoms of foreigners in Albania. International reports continue to rank Albania as a country with a fragile democracy, struggling with enduring challenges in areas such as combating corruption, addressing organized crime, and tackling human trafficking.

In terms of organized crime, the U.S. Department of State's Trafficking in Persons Report (2023) continues to cite Albania as a significant source and transit country for human trafficking, where criminal networks exploit gaps in law enforcement and victim protection systems. In Albania, labor exploitation is explicitly recognized as a form of human trafficking under the Albanian Penal Code, encompassing practices such as forced labor, servitude, withholding of wages, inhumane working conditions and other forms of abuse. This phenomenon is particularly pressing due to the vulnerability of certain populations, including migrant workers and individuals from economically disadvantaged regions. Women, particularly foreign migrant workers, are disproportionately vulnerable to labor exploitation due to intersecting factors such as gender inequality, precarious migration status, and limited access to legal protections. Recognizing this heightened risk, it is essential to understand the dynamics that contribute to their exploitation, including the push factors (e.g., poverty, lack of opportunities in home countries) and pull factors (e.g., demand for low-cost labor in sectors with limited oversight).

To address this phenomenon in a comprehensive way, this scoping study has been conducted to identify the various forms of labor exploitation impacting foreign labor migrants, with a specific emphasis on the Filipino community in Albania. More particularly, this study seeks to analyze the structural factors underlying these vulnerabilities and provide evidence-based insights to inform policies focused on prevention, protection, and remediation.

Methodology

The research methodology employed in this study utilized a mix methodological approach to gather comprehensive insights from labor migrants and experts. The methodological approach included: social gatherings with foreign labor migrants and CSOs representatives, expert interviews and one questionnaire for foreign labor migrants. This mixed-method approach, combining focus groups and surveys, ensured a robust and nuanced understanding of the issues, enhancing the accuracy and relevance of the findings while prioritizing the voices of those directly affected by the research topic.

Social gathering

Empirical data were collected through four social gatherings (SG): three SG involved a total of 67 foreign labor migrants and one SG with 13 representatives from Civil Society Organizations (CSOs). The methodological instrument for foreign labor migrants was designed to capture the experiences of foreign labor migrants by gathering firsthand accounts from the migrants themselves. It aimed to understand their individual perspectives on recruitment, working conditions, rights violations, and experiences of treatment and abuse within the workplace. The focus was on their lived realities and personal challenges, highlighting specific issues related to job expectations, discrimination, harassment, or legal abuses. The instrument explored the recruitment process, focusing on transparency and any discrepancies between job descriptions and actual work. It examined issues such as contract terms, safety, and respect upon arrival, and investigated unfair treatment, harassment, discrimination, threats, and violence in the workplace. Additionally, it addressed worker rights abuses, safety concerns, salary issues, and deception about life in Albania. The instrument sought to uncover challenges such as domestic servitude, debt bondage, forced labor, and the withholding of legal documentation, with the goal of identifying the key abuses and difficulties faced by foreign labor migrants.

Capturing expert views from frontliners and professionals who had worked in the field for several years, as well as from CSOs offering services to labor migrants, provided a broader, institutional perspective. Experts had a deep understanding of the systems, policies, and structural factors impacting labor migrants, as they worked directly with these populations on a daily basis. Their insights focused on systemic issues such as gaps in legal protections,

challenges in enforcement, the effectiveness of migrant support services, and the overall impact of migration policies. Expert views offered an understanding of how these challenges were being addressed or overlooked within the larger framework of migrant support services. They also provided context on trends, the role of government and NGOs, and how the landscape for labor migrants was evolving. Their views contributed to a more holistic understanding of the field, highlighting both the successes and limitations of existing support systems for labor migrants in Albania.

Questionnaires

In addition to the focus groups, anonymized questionnaires were distributed to approximately 22 representatives of the Filipino community, enabling the research to incorporate both direct personal insights and broader community viewpoints on several aspects of work, including issues with labor exploitation

Expert interviews

Finally, the methodology included five expert interviews: two community leaders, two lawyers, and one CSO frontliner specializing in migrant services. These interviews offered diverse perspectives to better gain more insight on the loopholes, struggles, challenges faced by the foreign workers in Albania and institutional bottlenecks. These interviews served to fine tune and triangulate the findings from the social group on migrant-related issues. Given the potential risk commonly identified in our country—due to the closure of institutions—that pertains to sensitive issues such as smuggling, exploitation, and trafficking, specific mitigation measures were implemented. These measures were developed by the expert in collaboration with the MWL staff.

Official letters were shared with the identified institutions/public authorities, aiming on introducing to them the initiative undertaken, purpose of the analysis of the statistical data and analytic data which will be gathered, as well requesting to them a contact person engaged throughout the initiative;

In person meetings were organized with the institutional' representatives and interested stakeholders; If the institutions/public actors did not react to the official cooperation letter/s addressed, official request for public information were addressed to them, in accordance with the Law no. 119/2014 "On the Right of Information".

Anonymity and confidentiality of data
To ensure confidentiality and anonymity due

to the sensitive nature of the data, the methodology employed several safeguards. First, all interviews and data collection from both labor migrants and experts were conducted with informed consent, ensuring participants understood their rights to privacy and confidentiality. Personal identifiers were removed or anonymized in the reporting process, and data was securely stored to prevent unauthorized access. For migrant participants, especially those sharing potentially sensitive experiences such as abuse or exploitation, specific precautions were taken to ensure that their identities were protected and that any potentially harmful information was not traceable back to them. For experts, the methodology ensured that their professional insights were captured without disclosing their personal identities or the specific organizations they represent. This was particularly important in protecting both the integrity of the data and the safety of the participants, given the potentially controversial nature of the issues discussed, such as gaps in legal protections or challenges with enforcement. By maintaining strict confidentiality and anonymity, the methodology allowed for open discussions, enabling participants to share their experiences and perspectives without fear of retaliation or exposure, which was crucial for gathering accurate and meaningful data on the sensitive issues faced by labor migrants in Albania.

Limitations:

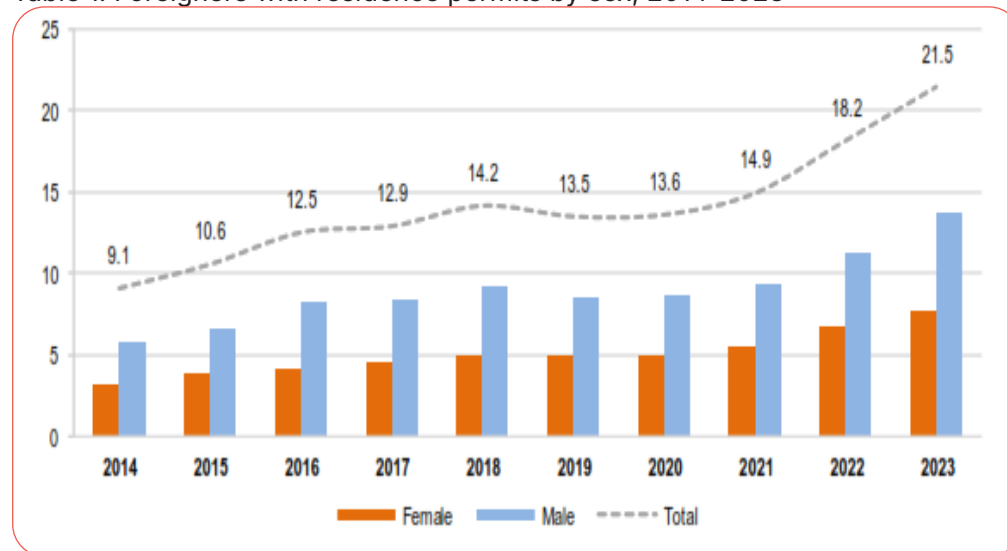
The empirical data collected from respondents during the specified timeframe 2023-2024 should be interpreted with contextual awareness, as it does not offer a complete depiction at a national level. This data is based on a convenience sample of migrants from foreign migrants, with special focus on Filipino community in the survey locations during the timeframe indicated and can therefore not be generalized to the broader population of foreign labor migrants in Albania. Instead, it provides a focused analysis of the labor migrants within the specific locations and during the study period, serving as a milestone study for targeted policy interventions and strategic planning regarding the labor conditions of foreign workers in Albania. Additionally, due to the sensitive nature of the issues discussed, including exploitation, trafficking, and labor conditions, there are inherent challenges related to data collection. Furthermore, gender considerations must be acknowledged, as male and female migrants may experience different vulnerabilities and challenges within the labor market, and these differences may not have been fully captured in the study.

1. CONTEXT OVERVIEW

1.1. An overview of labor migrants in Albania

In the past decade, Albania has experienced mixed migration flows and has increasingly become a destination for foreigners, not only for tourism but also for labor migration. The number of foreigners holding residence permits in Albania has risen in recent years. As of the end of 2023, Albania recorded a total of 21,460 foreigners holding residence permits, reflecting an 18.2% increase compared to 2022. The demographic breakdown shows that 63.8% of these residents are male, while females account for 36.2%. In 2023, there were 12,430 applications for residence permits, marking a 22.7% rise from the previous year. The largest age group among foreigners with residence permits is those aged 30 to 39, accounting for 22.5% of the total resident foreign population.

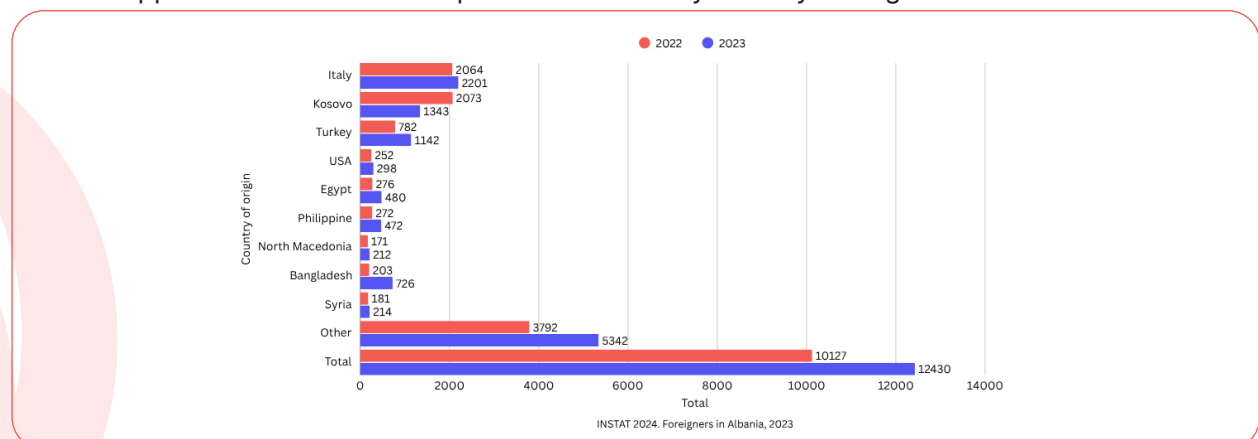
Table 1. Foreigners with residence permits by sex, 2014-2023



INSTAT 2024. Foreigners in Albania, 2023

The number of applications for residence permits in Albania, in 2023 was 12,430, by marking an increase by 22.7 % compared to 2022. As for the country of origin, the largest groups of resident foreigners come from Kosovo, Italy, and Turkey, with 3,712, 3,375, and 1,693 individuals, respectively. In 2023, the total number of foreigners with residence permits in Albania reached 21,460, with Europeans making up 15,223 (comprising 70.9% of the foreign population), Asians totaling 3,784, and residents from America, Africa, and Oceania comprising 2,453. The primary purpose for residence permits in 2023 was employment, Other reasons were: family reunification for 22.2%, other reasons for 13.3%, humanitarian purposes for 12.4%, and educational reasons for 3.7%.

Table 2. Applications for residence permit in Albania by country of origin 2022 - 2023

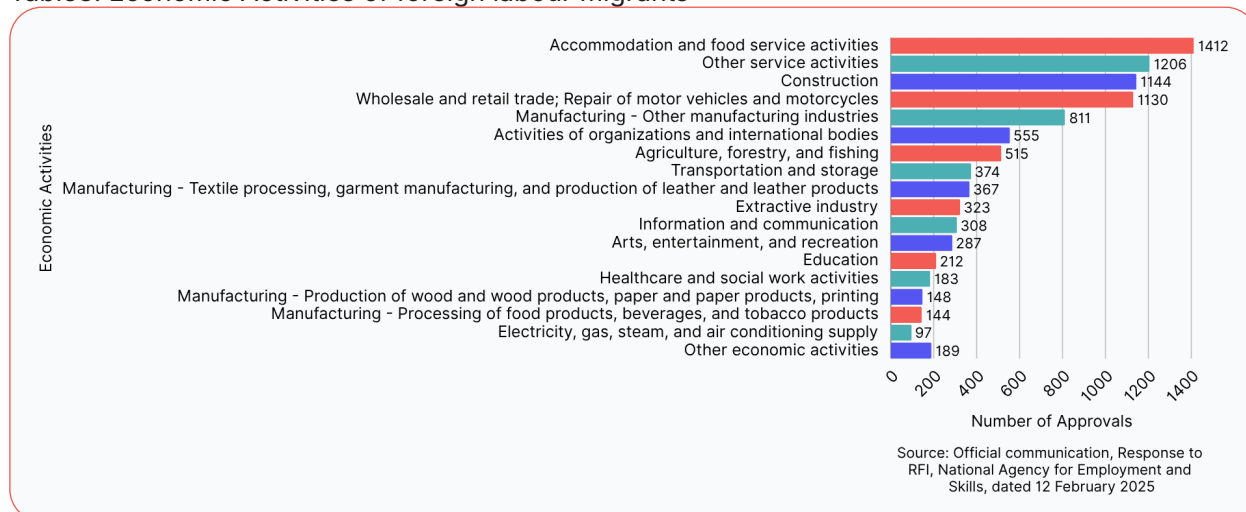


INSTAT 2024. Foreigners in Albania, 2023

Sectors of employment: A significant challenge faced by private employers in Albania, particularly in the agriculture sector, is the shortage of seasonal workers, largely driven by migration trends. However, the actual number of seasonal workers in the country may be higher than reported, given the substantial levels of informality in labor practices. This informality extends beyond the sectors highlighted in this report, indicating that many workers remain unregistered, complicating efforts to accurately assess the seasonal workforce and address labor market needs effectively.

During the period January - October 2024, a total of 9,405 foreign nationals received work permit. The economic sectors with the highest number of employment approval requests are:

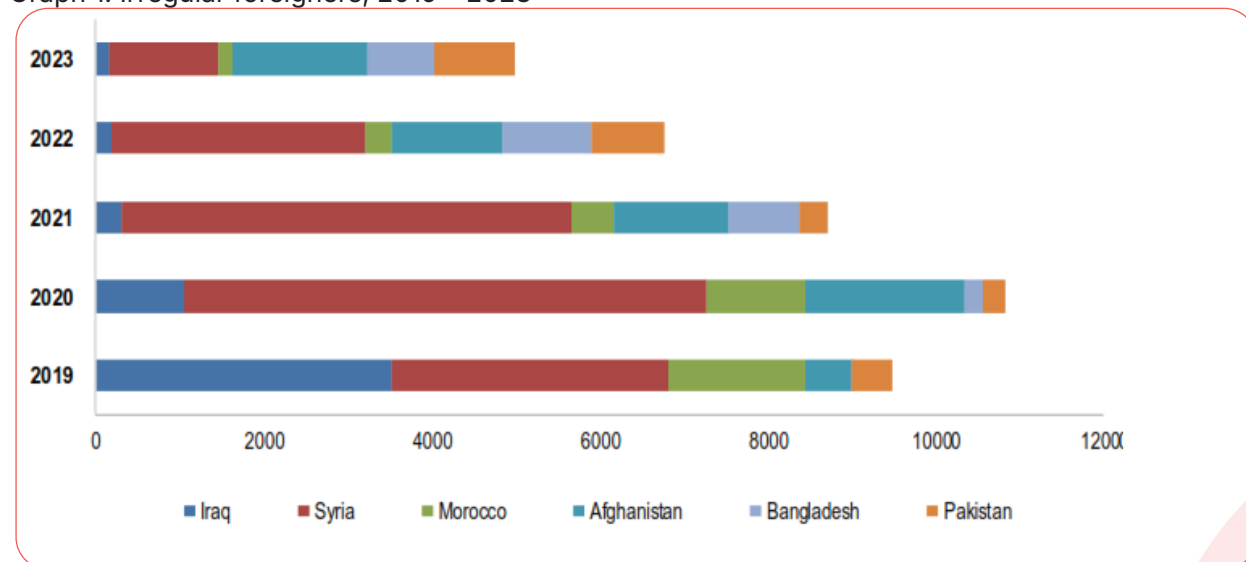
Table3. Economic Activities of foreign labour migrants



Source: Official communication, Response to RFI, National Agency for Employment and Skills, dated 12 February 2025

As concerning irregular migrants, 6,630 irregular foreigners were identified within Albania in 2023, with approximately 44.0% originating from Afghanistan and Syria.

Graph 1. Irregular foreigners, 2019 – 2023



Source: Department for Border and Migration, General Directorate of State Police, INSTAT calculations

I.2. Modern Slavery in Albania: Trends in labor exploitation and multiple vulnerabilities of migrants

Labor exploitation is widely recognized as a violation of fundamental human rights and is consequently addressed within both national and international legal frameworks. This underscores the imperative for the implementation of rigorous measures to effectively prevent and combat such practices. Labor Code provides that forced labor in all its forms is prohibited and that the forced or compulsory work is any work or service that is required of an individual against his will, threatening any type of punishment”.

The rights of migrant workers are safeguarded by a comprehensive legal framework and various sublegal acts. Regardless the compressive legal framework, Albania is still considered as a country of origin, transit, and destination for victims and potential victims of trafficking. The predominant forms of trafficking in the country include trafficking for sexual exploitation, which involves forced prostitution, and trafficking for begging and forced labor. Key drivers of trafficking in Albania include poverty, unemployment, and social instability, which increase individuals’ susceptibility to exploitation by trafficking networks. Females, especially women and girls, are the most at risk of victimization, facing high rates of exploitation for prostitution and other forms of trafficking. Addressing the root causes and systemic vulnerabilities is critical to combatting trafficking and protecting at-risk populations in Albania.

Despite the regulatory and institutional framework, between 2018 and 2023, official data indicates that Albania ranked among the Western Balkans countries with the highest number of labor exploitation victims. In Albania, the surge in summer tourism creates a labor shortage, driving demand for unskilled workers. The 2023 Global Slavery Index estimates that, in 2021, approximately 11.8 out of every 1,000 people in Albania were subjected to modern slavery. This translates to around 34,000 individuals experiencing forced labor or forced marriage during that year. Albania ranks 15th globally and 7th within Europe and Central Asia in terms of the prevalence of modern slavery. The Albanian government scored 62 out of 100 in its response to modern slavery, ranking above the regional average. Among the five response areas assessed, the government has made the most progress in addressing risk factors for modern slavery, while taking the

least action to mitigate risks within government and business supply chains. A key priority recommendation for the Albanian government is to criminalize forced labor in alignment with international conventions.

GRETA as well, the Council of Europe’s expert group on combating human trafficking, has urged all countries in the region to enhance efforts in identifying victims of labor exploitation. This includes implementing comprehensive training programs for labor inspectors and other professionals to strengthen their ability to detect victims and provide a more accurate understanding of the issue. For the reporting period 2019-2023, a total of 625 VoT/PVoT have been identified. Below is a table with data regarding two forms of exploitation.

Table 4. Forms of exploitation

Sexual exploitation



2019	2020	2021	2022	2023	Total
65	48	59	60	80	312

Forced Labour



2019	2020	2021	2022	2023	Total
4	3	16	5	3	36

Source: GRETA, 2024

I.3. Literature review: Exploring vulnerabilities of (labor) migrants in Albania

To date, there is a limited body of scholarly research specifically addressing the labor market exploitation of foreign workers, particularly in the context of Albania. While much of the existing literature on migration tends to focus on broader patterns of immigration and emigration in Albania, with few studies exploring foreign workers in agrotourism sector (Bejko et. al., n.d) and labor exploitation of foreign migrants(Đorđević, & Petrović,2024). The IOM report on the Displacement Tracking Matrix (DTM) and Flow Monitoring Surveys (FMS), which focuses on migrants, refugees, and asylum seekers traveling along mixed migration routes, provides valuable insights into the vulnerabilities faced by specific migrant groups. It highlights key risk factors and challenges encountered throughout their

journeys. During the journey, 20 per cent of the respondents reported at least one problem, ranging from robbery, financial problems, theft of documents, health problems as well as a lack of food and shelter. More than one-tenth (10%) of the respondents noted that they had experienced some form of physical violence on their journeys. The reported experiences of violence and abuse took place mostly in Türkiye, Albania, and Greece. Forms of migrants' vulnerability and abuse, violence and exploitation include: Worked or performed other activities without receiving the expected payment; perform work or other activities against their will; approached by someone offering a marriage; kept at a certain location against their will; experienced any form of physical violence; forced to travel or to move; lied to, tricked, manipulated, indebted, given false promises, or otherwise deceived in order to get to travel/move; lack of access to travel documents during their journey.

The complex issues surrounding labor exploitation, working conditions, and legal protections for foreign workers have yet to be thoroughly examined. The absence of studies and assessment reports on the Filipino community in Albania significantly hampers efforts to prevent exploitation, human trafficking, and irregular employment. Without understanding the specific challenges and vulnerabilities faced by Filipino workers, authorities and NGOs struggle to create effective, targeted interventions and policies. Thus, comprehensive studies and assessments are crucial for developing evidence-based strategies to combat exploitation and ensure fair treatment of Filipino workers in Albania.

Chapter 2

International standards on labor migration

CHAPTER II.

International standards on labor migration

International standards on gender responsive framework on labor migration The international community has established several standards and recommendations to ensure that labor migration policies are responsive to gender considerations and protect the rights of migrant workers. This section explores the foundational international and regional legal frameworks that shape responsive approaches to labor migration. By examining international instruments, we can better understand how these standards address the specific needs of migrant women and men and promote equitable labor migration practices. These frameworks not only outline the rights and protections afforded to migrants but also provide guidance on implementing gender-sensitive policies to enhance their well-being and safeguard their human rights throughout the migration process.

The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families do not distinguish between sex or marital status (Art. 1). It sets out the human rights of all migrant workers irrespective of their legal status, while Part IV prescribes the rights that are applicable only to those who have regular status. Part VI contains provisions that could be of relevance to migrant women, especially in relation to trafficking. States Parties are requested to regulate recruitment agencies for employment in another State (Art. 66) and provide information to migrant workers in all stages of the migration process (Art. 65).

ILO Convention 181 in Article 11 defines the essential elements of a mediation contract, which should provide for equality of rights for agency workers: (a) freedom of association; (b) collective bargaining; (c) minimum wages; (d) working time and other working conditions; (e) statutory social security benefits; (f) access to training; (g) occupational safety and health; (h) compensation in case of occupational accidents or diseases; (i) compensation in case of insolvency and protection of workers claims; (j) maternity protection and benefits, and parental protection and benefits.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly approximately 35 years ago, stands as a pivotal international instrument for advancing women's

rights¹. Although CEDAW does not specifically target refugee or migrant women, it applies universally to all women, reinforcing fundamental human rights. The Convention is a dynamic legal document that evolves with international human rights trends and addresses the rights of migrant women through General Recommendation No. 32 (2014) on gender dimensions related to refugee status, asylum, nationality, and statelessness, as well as General Recommendation No. 26 (2008) on migrant women workers². Article 3 of CEDAW mandates State Parties to implement all appropriate measures, including legislative actions, to ensure that women can exercise and enjoy their human rights and fundamental freedoms on an equal basis with men. Article 11 addresses the elimination of discrimination in employment, Article 12 concerns equal rights to health care services, including family planning, and Article 15 guarantees both men and women equal rights regarding freedom of movement and choice of residence.

General Recommendation No. 26 on Migrant Workers provides a comprehensive framework for developing gender-sensitive migration policies that are grounded in human rights principles. Specifically, the paragraph 23, emphasizes that CEDAW and General Recommendation No. 26 should guide the creation of policies that promote gender equality and non-discrimination throughout all stages of migration. This approach is intended to facilitate migrant women workers' access to safe employment abroad and ensure their rights are protected³. This recommendation offers detailed guidance for State Parties on how to uphold, protect, and realize the human rights of migrant women workers. It includes recommendations for countries of origin, transit, and destination, addressing independent migrant women workers, those who join family members who are also workers, and undocumented migrant women workers.

Equal Remuneration Convention, 1951 (No. 100) This convention requires ratifying countries to ensure the application to all workers of the principle of equal remuneration for men and women for work of equal value.

¹ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted and opened for signature, ratification, and accession by General Assembly resolution 34/180 on December 18, 1979, and entered into force on September 3, 1981, in accordance with Article 27(1).

² General Recommendation No. 26 on Migrant Women Workers (2008), CEDAW/C/2009/WP.1/R.

³ General Recommendation No. 26 on Migrant Women Workers (2008), CEDAW/C/2009/WP.1/R.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

This convention requires ratifying countries to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in these fields.

Both conventions are fundamental conventions. Following the adoption of the ILO Declaration on Fundamental Principles and Rights at Work, member states must promote the principles of these conventions whether they have ratified them or not.

More recently, the ILO has adopted two instruments to address growing concerns on violence and harassment at work, including gender-based violence and harassment. These instruments are The Violence and Harassment Convention, 2019 (No. 190) and the accompanying Violence and Harassment Recommendation (No. 206). The recommendation includes a specific reference to migrant workers: "Members should take legislative or other measures to protect migrant workers, particularly women migrant workers, regardless of migrant status, in origin, transit and destination countries as appropriate from violence and harassment in the world of work."

One additional labour standard which is important to consider when looking at gender and labour migration is the Domestic Workers Convention, 2011 (No. 189). The convention recalls in its preamble that "domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights."

At the European level, the Istanbul Convention introduces specific measures for protecting migrant women: It allows for autonomous residence permits for migrant women trapped in abusive relationships if their residency status is dependent on an abusive spouse or partner. It mandates that State Parties recognize gender-based violence as a form of persecution under the 1951 Refugee Convention (Article 60, paragraph 1).

It requires that asylum grounds listed in the 1951 Refugee Convention be interpreted with gender sensitivity (Article 60, paragraph 2).

It obliges the establishment of gender-sensitive procedures, guidelines, and support services in the asylum process (Article 60, paragraph 3). It prohibits the return of victims of violence against women to places where their lives are at risk or where they may face torture or inhumane treatment⁴.

The Beijing Platform for Action from the Fourth World Conference on Women (1995) outlines a rights-based, three-dimensional approach for evaluating safe and rights-respecting migration for employment purposes. This approach considers: Women's rights to legal migration opportunities, including access to safe and legal employment and protection from exploitation and violence; Rights during the migration process, such as safe recruitment, travel, fair compensation, decent working conditions, housing, and living conditions, as well as rights related to family life, legal services, decision-making, health care, and information, Rights achieved through migration, promoting outcomes such as increased autonomy and bargaining power, control over earnings, and enhanced decision-making within the family in the country of origin⁵. These frameworks collectively contribute to the formulation of policies and practices aimed at addressing the unique challenges faced by migrant women, ensuring their rights and well-being within the global migration context.

The ILO Conventions on Migrant Workers (C. 97, C. 143), the LO Declaration on Fundamental Principles and Rights at Work and the ILO non-binding Multilateral Framework on Labour Migration are important sources of protection for migrant women. These rights relate to, inter alia, remuneration, membership of trade unions, collective bargaining, social security, legal proceedings and equal opportunity for and treatment of migrant workers with that of national workers. However, these conventions were adopted when women mostly migrated in the context of family reunification, whereas today women are increasingly migrating independently. The Multilateral Framework on Labour Migration promotes the protection of female migrant workers by calling for gender-sensitive policies, sex-disaggregated data, the provision of opportunities for decent work for all women of working age, bilateral and multilateral agree-

⁴ Council of Europe Treaty Series - No. 210 Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

⁵ United Nations. (1995, October 27). Beijing declaration and platform for action. Fourth World Conference on Women. <https://www.un.org/womenwatch/daw/beijing/platform/>

ments addressing gender specific trends, and measures to address trafficking, and assist and protect victims, among others

The European Convention on Human Rights (1950) has been ratified by all member states of the Council of Europe. In the migration context, its articles that are commonly relied on by applicants are: Article 3 (Prohibition of torture, inhuman or degrading treatment or punishment), Article 4 (Prohibition of slavery and forced or compulsory labour), Article 8 (Right to private and family life), Article 9 (Right to freedom of religion) and Article 14 (Enjoyment of the rights and freedom of the Convention without discrimination). Migrant women do not have a privileged position over any other group.

The human rights and fundamental freedoms of all persons are set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These rights include the right not to be held in slavery or servitude; the right to marry and to found a family; and the right to work, to free choice of employment and to just and favourable conditions of work.

SDG indicator 10.7.2 is important for monitoring progress in meeting migration related targets of the 2030 Agenda- SDG indicator 10.7.2, Number of countries with migration policies to facilitate orderly, safe, regular and responsible migration and mobility of people, provides the evidence base, together with other indicators, for monitoring progress in achieving SDG target 10.7

Equality of treatment for all categories of workers, including migrant workers, is enshrined in Objective 6 of the Global Compact for Safe, Orderly and Regular Migration

IOM has established a voluntary, multi-stakeholder initiative to promote ethical recruitment: The International Recruitment Integrity System (IRIS). As part of certification, labour recruiters undergo an online self-assessment and, if it is positive, submit an application. This is followed by a desk review of recruiters' practice through reference to documents (policies, advertisements or contracts), which need to be submitted upon request. Next, a dedicated auditor performs an "on site" verification of how the policies are implemented by carrying out interviews with the recruiter, corporate partners and works.

Table 5. International Convention

International Convention and Protocols	
Ratified	Not Ratified
Fundamental Convention C029 - Forced Labour Convention, 1930 (No. 29) C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) C100 - Equal Remuneration Convention, 1951 (No. 100) C105 - Abolition of Forced Labour Convention, 1957 (No. 105) C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) C138 - Minimum Age Convention, 1973 (No. 138) (Minimum age specified: 16 years) C155 - Occupational Safety and Health Convention, 1981 (No. 155) C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	Fundamental Instrument P029 - Protocol of 2014 to the Forced Labour Convention, 1930 Technical Instrument C012 - Workmen's Compensation (Agriculture) Convention, 1921 (No. 12) C014 - Weekly Rest (Industry) Convention, 1921 (No. 14) C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94) C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) C110 - Plantations Convention, 1958 (No. 110) C115 - Radiation Protection Convention, 1960 (No. 115) C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118) C120 - Hygiene (Commerce and Offices) Convention, 1964 (No. 120) C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) C124 - Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124) C128 - Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) C130 - Medical Care and Sickness Benefits Convention, 1969 (No. 130) C137 - Dock Work Convention, 1973 (No. 137) C139 - Occupational Cancer Convention, 1974 (No. 139) C140 - Paid Educational Leave Convention, 1974 (No. 140) C142 - Human Resources Development Convention, 1975 (No. 142) C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Governance (Priority) Convention C081 - Labour Inspection Convention, 1947 (No. 81) C122 - Employment Policy Convention, 1964 (No. 122) C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129) C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	
Technical Convention C004 - Night Work (Women) Convention, 1919 (No. 4) C005 - Minimum Age (Industry) Convention, 1919 (No. 5) C006 - Night Work of Young Persons (Industry) Convention, 1919 (No. 6)	

Table 5. International Convention (continuing)

International Convention and Protocols	
Ratified	Not Ratified
C010 - Minimum Age (Agriculture) Convention, 1921 (No. 10) C011 - Right of Association (Agriculture) Convention, 1921 (No. 11) C016 - Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16) C021 - Inspection of Emigrants Convention, 1926 (No. 21) C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) C052 - Holidays with Pay Convention, 1936 (No. 52) C058 - Minimum Age (Sea) Convention (Revised), 1936 (No. 58) C059 - Minimum Age (Industry) Convention (Revised), 1937 (No. 59) C077 - Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) C078 - Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78) C088 - Employment Service Convention, 1948 (No. 88) C095 - Protection of Wages Convention, 1949 (No. 95) C097 - Migration for Employment Convention (Revised), 1949 (No. 97) C102 - Social Security (Minimum Standards) Convention, 1952 (No. 102) C112 - Minimum Age (Fishermen) Convention, 1959 (No. 112) C131 - Minimum Wage Fixing Convention, 1970 (No. 131) C135 - Workers' Representatives Convention, 1971 (No. 135) C141 - Rural Workers' Organisations Convention, 1975 (No. 141) C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) P147 - Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 C150 - Labour Administration Convention, 1978 (No. 150) C151 - Labour Relations (Public Service) Convention, 1978 (No. 151) C154 - Collective Bargaining Convention, 1981 (No. 154) C156 - Workers with Family Responsibilities Convention, 1981 (No. 156) C167 - Safety and Health in Construction Convention, 1988 (No. 167) C168 - Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) C171 - Night Work Convention, 1990 (No. 171) C173 - Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) C174 - Prevention of Major Industrial Accidents Convention, 1993 (No. 174) C175 - Part-Time Work Convention, 1994 (No. 175) C176 - Safety and Health in Mines Convention, 1995 (No. 176) C177 - Home Work Convention, 1996 (No. 177) C178 - Labour Inspection (Seafarers) Convention, 1996 (No. 178) C181 - Private Employment Agencies Convention, 1997 (No. 181) C183 - Maternity Protection Convention, 2000 (No. 183) (Period of maternity leave: 365 calendar days) C185 - Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185) MLC, 2006 - Maritime Labour Convention, 2006 (MLC, 2006) C190 - Violence and Harassment Convention, 2019 (No. 190)	C149 - Nursing Personnel Convention, 1977 (No. 149) C152 - Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) C157 - Maintenance of Social Security Rights Convention, 1982 (No. 157) C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) C160 - Labour Statistics Convention, 1985 (No. 160) C161 - Occupational Health Services Convention, 1985 (No. 161) C162 - Asbestos Convention, 1986 (No. 162) C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) C170 - Chemicals Convention, 1990 (No. 170) C172 - Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172) C184 - Safety and Health in Agriculture Convention, 2001 (No. 184) C188 - Work in Fishing Convention, 2007 (No. 188) C189 - Domestic Workers Convention, 2011 (No. 189) C191 - Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191) P081 - Protocol of 1995 to the Labour Inspection Convention, 1947 P089 - Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 P110 - Protocol of 1982 to the Plantations Convention, 1958

Chapter 3

Legal and Institutional framework on labor migration

CHAPTER III. LEGAL AND INSTITUTIONAL FRAMEWORK ON LABOR MI- GRATION

III.1. Legal framework

Constitution of the Republic of Albania. Ap-
proved by Law No. 8417, dated November 28,
1998, amended

The right to employment is provided for in
Article 49(1) of the Constitution which defines
that "Everyone has the right to earn a means
of living by lawful work that he/she has cho-
sen or accepted himself. Each person is free
to choose his profession and place of work as
well as the manner of achieving professional or
other qualifications or training".

**Law No. 7961/1995 "Labor Code the Republic
of Albania", amended**

The Labor Code of the Republic of Albania
guarantees non-discrimination of local and for-
eign workers, in its article 9. The Labour Code
provides for the contractual regulation of the
employment relationships between the employ-
er and the employee by means of an individual
or a collective labour agreement.

Law No. 79/2021, "On Foreigners," governs the
framework for the entry, stay, employment, and
exit of foreign nationals to and from the Repub-
lic of Albania. The law outlines the roles and
responsibilities of state authorities, as well as
other public and private entities, both domestic
and international. Its provisions align with key
principles, including the best interest of the
child, the right to family life, the prohibition of
refoulement, the guarantee of fair and transpar-
ent procedures, and the principle of non-dis-
crimination. These principles guide activities
and procedures related to foreign nationals
seeking entry, residing in, or departing from
Albania.

**Law no. 139/2015 "On Local Self-Government",
as amended**

Law Nr. 38/2019 "For some additions and
changes in Law Nr. 139/2015 "On local
Self-Governance" Article 29/1: The functions of
the municipalities in the field of diaspora and
migration. The municipalities are responsible
for performing the following
functions: - the creation of a special structure
for the diaspora and migration, for the
administration of services at the local level, as
part of the administration of
the local self-governance unit.

- To promote, organize in and out Albania
the communication and increase the relations
with the diaspora and the Albanian emigrants
- To give support and information on how
to get Albanian citizenship
- Provide information in the field of invest-
ment for the interested citizens from the emi-
grants and the diaspora, in cooperation with the
other institutions
- Coordinate and cooperate with the line
ministries such as the Ministry for Europe and
Foreign Affairs, the Ministry of Interior to guar-
antee the information in the field of diaspora
and migration.

**The legal and institutional framework that reg-
ulates, directly or indirectly, the fight against
human trafficking:**

- Law no. 7905, dated 21.3.1995, "Criminal
Procedure Code of the Republic of Albania",
◦ amended" (article 110/a "Trafficking
of adults", article 128/b "Trafficking
of minors", article 298 "Assistance for
illegal crossing of borders", article 124/b
"Mistreatment of minors")
- Law no. 10/2021, "On asylum in the Repub-
lic of Albania";
- Law no. 9669, dated 18.12.2006, "On mea-
sures against violence in family relation-
ships", amended;
- Law no. 108/2014, "On the State Police",
amended;
- Law no. 23/2015, "For the foreign service of
the Republic of Albania";
- Law no. 10173, dated 22.10.2009, "On the
protection of witnesses and associates of
justice", amended;
- Law No. 9970/2008 "On Gender Equality in
Society"
- Law no. 113/2020 "On Citizenship"
- Law no. 15/2019 "On Employment Promo-
tion"
- Law no. 9917, dated 19.5.2008, "On the pre-
vention of money laundering and financing
of terrorism", amended;
- Law no. 10192, dated 3.12.2009, "On pre-
venting and combating organized crime and
corruption through preventive measures
against wealth", amended;
- Law no. 111/2017, "On legal aid guaranteed
by the state";
- Law no. 98/2017, "On court fees in RA";
- Law no. 37/2017, "Code of Criminal Justice
for Minors";
- Law no. 121/2016, "On social care services
in the Republic of Albania";
- Law no. 18/2017, "On the rights and protec-
tion of the child";
- Law no. 10 383, dated 24.2.2011 "On man-

datory health care insurance in the Republic of Albania", amended;

- Law no. 9634 "On Labor Inspection in Albania" (as amended)
- Law No. 7703, dated 11.05.1993 "On Social Security in the Republic of Albania", as amended
- Law 57/2019 on Social Assistance
- Law no. 10081, dated 23.2.2009, "On licenses, authorizations and permits in the Republic of Albania"
- DCM No. 77, dated 28.1.2015 'On mandatory contributions and benefits from the social insurance and health care insurance system' as amended, regulates and defines the mandatory contributions for each type and schemes of the contributions that employers are obliged to pay for their employees.
- DCM no. 858, dated 29.12.2021, "On determining the criteria, procedures and documentation for the entry, stay and treatment of foreigners in the Republic of Albania"
- Instruction No. 286 dated 21.05.2018 on some specific rules for temporary employees who are employed by employment agencies regulating the recruitment procedures followed by private recruitment agencies, and their obligations to periodically report to the responsible government authority for employment.
- CoMD no. 101, dated 23.2.2018 "On the manner of organization and functioning of private employment agencies"
- Law No. 13/2022 on the ratification of Convention 190 "Convention on violence and harassment," of the International Labour Organization, 1986
- Law no. 44/2012 "On mental health", amended;
- Decision of the Council of Ministers no. 1140, dated 24.12.2020, "On the approval of the Strategy against Organized Crime and Serious Crime 2021-2025 and the Action Plan 2023"

Strategic documents

- National Strategy of Migration 2024-2030 and its Action Plan
- National Strategy for Development and Integration 2030 (NSDI)
- National Strategy of Employment and Skills 2023-2030
- National Strategy for Gender Equality 2021-2030
- Intersectoral Strategy for Integrated Border Management 2021-2027
- Intersectoral Strategy for Decentralization and Local Governance 2023-2030
- Local Plans of Municipalities for Migration and the Diaspora

III.2. Institutional framework on labor migration

Ministry of Interior / Migration and Anti-Trafficking Department Policy

The Directorate of Anti-Trafficking and Migration Policies serves as the primary body responsible for developing, coordinating, and monitoring actions and policies to combat human trafficking. It oversees anti-trafficking efforts at the national, regional, and international levels.

Department for Border and Migration (with the Local Directorate for Border and Migration: Is responsible for the treatment of the foreigners, with 6 Local Directorate for the border and migration (Tiranë, Durrës, Korçë, Vlorë, Gjirokastër, Shkodër and Kukës). According to Law No. 79/2021, "On Foreigners," migrant workers are permitted to work within the country's territory if they possess a unique permit, unless otherwise specified. The application for this permit is submitted online and reviewed by the border and migration directorates in the region where the activity will take place. The border and migration authorities issue the unique permit after obtaining approval from the National Agency for Employment and Skills, except in cases where this law, an intergovernmental agreement, or a decision by the Council of Ministers provides otherwise.

Ministry of Economy Culture and Innovation (MEKI)

Responsible Institution for guaranteeing the right for decent job, vocational education and training and responsible for employment reason migration.

National Agency for Employment and Skills is an autonomous public service, with the status of a central state administration. It operates through the Regional and Local Employment Offices and the Regional Vocational Training Directorates. NAES operates through Regional Directorates and Local Employment Offices (36 Employment Offices (12 Regional Directions of the National Employment Service and 24 National Offices of the National Employment Service). The National Agency for Employment and Skills is responsible to offer public employment service, including vocational training for foreigners and returned migrants. Through the Department of Labor Market Services (Sector of EURES Coordination and Migration) in the online website offer information on emigration to the 27 EU countries grants employment approval after verifying that both the foreign

worker and their employer meet the required legal criteria. One such criterion is that foreign employees must not be employed under conditions less favorable than those offered to Albanian employees in similar positions. This includes ensuring that salaries, working hours, and other employment conditions comply with Albanian standards and labor legislation, as stipulated in Articles 56 and 74 of Law No. 79/2021, "On Foreigners". Prior to granting employment approval, the National Agency for Employment and Skills ensures that the proposed employment and working conditions comply with national labor legislation. This includes verifying adherence to non-discrimination principles, ensuring foreign workers are afforded the same rights and conditions as Albanian citizens, as stipulated in Article 74 of the Law on Foreigners and Article 9 of the Labor Code. At the counters of the Employment Offices and NAES, information brochures and leaflets are available and distributed to job seekers (including migrant workers), acquainting them with their rights and obligations.

State Minister for the Local Government coordinate the job for the design of the policies and the preparation of the legal and sub legal framework related to the activities of the local government. Follow the design and the application of the decentralization policy process; Coordinate the job with the international partners and organizations that support the development of the local authorities

Ministry of Health and Social Protection is responsible for the social and health services for the foreigners with residence permits, for the unaccompanied children, and the other vulnerable foreigners that are in need for services

Ministry of Finance and Economy as the line ministry responsible for all labor regulations in Albania, and the provider of the adequate policies in this regard.

General Tax Directorate is the specialized state authority, under the Ministry of Finance and Economy for the creation, provision, and collection of tax revenues and social and health insurance contributions in the Republic of Albania. The institution is organized at the central level with the General Directorate of Taxation, responsible for drafting, monitoring, and implementing effective operational strategies and policies in carrying out the mission of the institution.

The Tax Administration is primarily responsible

for collecting data relevant for the registration and deregistration of employees, and they are also responsible for the electronic distribution of information to all relevant institutions. In the communication relations with the institution of Social Insurance, the General Directorate of Taxation has signed a Cooperation Agreement where part of it is the "Electronic Communication Protocol" for sending the payroll data every month to each taxpayer. E-filing portal of the General Tax Authority, which makes it possible for every registered private stakeholder (below mentioned as a taxpayer - equipped with business identification number NIPT) to register the employees and then pay accordingly their contributions. Neither of the abovementioned portals has any record-breaking areas regarding seasonal employment. COPLAN State Inspectorate for Labor and Social Services, through their local/regional offices, have several inspections regarding employment (though they are more oriented at safety at work issues). This Inspectorate, performs its duties based on a provided datasheet for registered businesses/taxpayers from the General Tax Authority.

National Business Center, because one of the main missions of this institute is to carry out the registration of the businesses defined in the law that regulates the registration of a business, for the purpose of fiscal registration, social and health insurance, as well as inspection of labor relations; COPLAN

The operation of private employment agencies is governed by the rules set forth in the Council of Ministers Decision no. 101, dated 23.02.2018, "On the organization and operation of Private Employment Agencies," and Decision no. 286, dated 21.05.2018, "On special rules for temporary employees employed by temporary employment agencies," as amended. According to these legal provisions, private employment mediation can only be conducted by licensed private employment agencies that meet the requirements set by relevant licensing legislation. The activities of private employment agencies are regulated by a legal framework that includes international conventions on migration and employment, as well as national laws and regulations concerning employment and licensing. To operate, an agency must hold a category X.2.A license, "Mediation in the Labor Market," in accordance with the applicable legislation. Regarding foreign workers sent by a company or temporary work agency to perform work outside the territory of the Republic of Albania, Article 3/1 of the Labor Code,

"Temporary Employment of Foreign Workers in Albania," outlines the conditions and rules for such employment in line with European Union standards. (GRETA, 2024)

Commissioner for Protection from Discrimination

The Commissioner for Protection from Discrimination in Albania is responsible for addressing issues related to discrimination, including those faced by foreigners. The Commissioner ensures the protection of individuals from discrimination based on various grounds, such as race, ethnicity, nationality, gender, religion, disability, and others, in both public and private sectors. Foreigners residing or present in Albania, including migrants, refugees, and asylum seekers, are entitled to the same protections against discrimination as Albanian citizens. The Commissioner can investigate complaints, promote awareness, and recommend measures to prevent discrimination and promote equal treatment.

Chapter 4

GAP Analysis

CHAPTER IV. GAP ANALYSIS

Gap analysis includes identifying and describing the gap by assessing the actual situation, recognizing key challenges, evaluating their impact on migration governance, and proposing potential solutions to enhance policy effectiveness, institutional coordination, and migrant support systems.

Table 6. Gap Analysis

Gap Description	Actual Situation	Challenge Identified	Impact on Migration Governance	Potential Solutions
Partial ratification of International convention and protocols on labor rights	Albania has ratified 55 Conventions and 2 Protocols- 10 fundamental conventions, 4 priority governance conventions; 41 technical conventions	More than 10 technical conventions have not yet been ratified	Non-ratification of these ILO conventions poses significant risks to workers' rights, occupational safety, social security, and overall labor standards. Without these protections, employees—particularly in vulnerable sectors such as agriculture, plantations, radiation-exposed industries, and public contract work—may face exploitation, inadequate compensation, and unsafe working conditions.	Policymakers should prioritize reviewing and adopting these conventions to align national labor laws with international standards.
Incomplete Legal framework	New amendments are made to the following legal acts on Licensing, monitoring, and control of private employment agencies: Council of Ministers Decision No. 538/2009 "On Licenses and Permits treated by or through the National Licensing Center (QKL) and some other sub-legal adjustments" (as amended). • Council of Ministers Decision No. 101, dated 23.2.2018 "On the organization and functioning of private employment agencies" (as amended DCM nO.703, date 13.11.2024) • Instruction No. 757, dated 30.09.2024 "On the procedures for reviewing, evaluating, and approving licensing requests for subjects conducting intermediary activities in the labor market and their monitoring" (as amended). Law 9634/2006 "On Labour Inspection" as amended, Article 13 "Powers of the Labour Inspector"	On health and safety at work, legislation is partially aligned with the EU acquis. Albania has not yet adopted the strategy for occupational health and safety, in line with the EU strategic framework on health and safety at work 2021-2027. The full alignment with EU legislation remains is not yet completed and especially with the 'Employment Equality Directive' 2000/78/EC Sub regulatory acts need to be issued	Non alignment with EU acquis on occupational health and safety strategy limits preventive measures, workplace safety standards, and employer compliance, increasing risks for workers. Incomplete alignment on Employment Equality Directive may lead to gaps in anti-discrimination protections, affecting equal opportunities in employment Failing to issue required sub-regulatory acts on time can lead to legal uncertainty, inconsistent enforcement, operational inefficiencies, and potential legal and financial risks for both businesses and regulatory authorities.	Promptly issue and regularly update the necessary legislation and sub-regulatory acts to ensure clear, consistent, and efficient implementation of labor rights

Gap Description	Actual Situation	Challenge Identified	Impact on Migration Governance	Potential Solutions
Inefficient Inspections	The State Labour Inspectorate (ISHPSHSH) conducts inspections based on risk assessments, thematic inspections mandated by the Ministry responsible for employment issues ("Minister's Order"), as well as inspections in response to complaints or requests submitted. To check the implementation of labor legislation provisions in residential premises, the Labour Inspector is authorized to enter if there are sufficient indicators or legal reasons to presume this	- Low number of inspections: From 2022 to 2024, a total of 8 complaints have been addressed. - The absence of a standardized register, as a legal obligation for Private Employment Agencies for job-seeking candidates, complicates the control by ISHPSHSH, making it difficult to carry out detailed verifications and draw conclusions on whether the recruitment process complies with all legal provisions. - Inspection in residential premises are not part of random check of unannounced inspection. Inspectors are authorized to enter residential premises only when indicated	The lack of standardized registers and limitations on inspection powers hinder the ability to effectively oversee private employment agencies and ensure compliance with labor laws, which could lead to non-compliant practices, exploitation, and decreased accountability in the sector.	Establish a standardized register for Private Employment Agencies and expand inspection powers to include random, unannounced checks, ensuring comprehensive oversight and compliance with legal provisions.
Weak interinstitutional coordination	The Memorandum of Understanding between the Ministry of Interior, the General Directorate of Taxes, and the State Police focuses on enhancing preventive measures to identify and protect victims of forced labor and trafficking proactively.	Weak inter-agency cooperation between responsible institutions on labor rights There are not yet measures implemented within the framework of the memorandum of understanding that Labor Inspectorate has with the General Directorate of Taxes and the Ministry of Interior regarding foreign workers for employment purposes as the MOU is still pending.	The lack of implemented measures under the pending MoU hampers effective oversight, regulation, and enforcement of labor standards.	Ensure timely implementation and periodic reporting on the MoU following GRETA's 2024 recommendations, aim to strengthen Albania's institutional capacity to combat labor exploitation and human trafficking.
Low level of information and awareness	DCM No. 101, dated 23.02.2018, "On the Manner of Organization and Functioning of Private Employment Agencies," DCM No. 286, dated 21.05.2018, "On Certain Special Rules for Temporary Employees Hired by Temporary Employment Agencies" provides information regarding self-declarations of entities	Insufficient awareness and information on the self-declaration process of entities	Insufficient awareness and information on the self-declaration process can lead to non-compliance with legal obligations, increased risk of fines, regulatory gaps, operational delays, weaker labor rights enforcement, and reduced trust in the regulatory system.	Enhance communication through official channels, provide training and workshops, simplify self-declaration procedures, and foster collaboration between businesses, regulators, and labor organizations to ensure compliance.
Insufficient human resources and technical capacities	State Labour Inspectorate operates based on Law 9634/2006 "On Labour Inspection" as amended. While foreign workers in Albania have the same rights as Albanian citizens and are treated equally, their vulnerable position requires greater attention and safeguards to ensure their rights are fully protected, preventing exploitation and ensuring they receive the same level of support and fair treatment. 5.5% of declared economic activities were covered by inspection visits during 2023. Understaffing resulted in total inspections decreasing by 2.1% compared to 2022. The capacity of the social services inspectorate remains very limited. In 2023, 108 inspections were carried out, compared to 135 in 2022	Insufficient human and technical resources for labor inspections particularly in vulnerable sectors such as agriculture, plantations, industries, where foreign workers—may face exploitation, inadequate compensation, and unsafe working conditions. Inadequate monitoring and evaluation mechanisms Institutional capacities and inspections processes remain weak.	Foreign workers may remain unprotected, facing exploitation, unsafe working conditions, and inadequate compensation. Additionally, the lack of effective monitoring and evaluation mechanisms can lead to increased violations of labor rights	- Invest in capacity-building programs - Increase budget allocations for labor inspection of foreign workers - Establish monitoring and evaluation frameworks to assess effectiveness.

Gap Description	Actual Situation	Challenge Identified	Impact on Migration Governance	Potential Solutions
Gender mainstreaming	No gender mainstreaming focus in most of the programmes addressing foreign labor migrants	There is no any tailored made dedicated programme or mechanism targeting female foreign workers who might be vulnerable to forced labor or victim of trafficking There is no dedicated brochure or guideline providing gender-sensitive information for labor migrants, either before their departure or upon arrival in Albania	Labor migration policies and programs are not responsive to gender considerations and protect the rights of migrant workers Lack of alternative income sources and difficulty in finding employment, especially for women due to gender discrimination in the labor market	Encourage gender-mainstreaming in labour migration policy Develop gender-sensitive indicators and data collection mechanisms, with some measures featuring gender-disaggregated indicators related to migrant women Provide gender-sensitive information for labor migrants

References for the GAP Assessment⁶

⁶ *References; Official communication, Response to RFI, State Labour and Social Services Inspectorate, January 31, 2025 European Commission. (2024). Albania report 2024. Retrieved from https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf
International Labour Organization (ILO). (2025). Report III(A)-2025: General Survey on the conventions and recommendations. Retrieved from https://www.ilo.org/sites/default/files/2025-02/Report%20III%28A%29-2025-%5BNORMES-241219-002%5D-EN_0.pdf*

Chapter 5

Findings and Analysis

CHAPTER V. FINDINGS AND ANALYSIS

V.1. Recruitment process and employment pathways of foreign labour migrants

V.1.1. Pathways to Albania and patterns of employment

The decision to migrate to Albania for foreign migrant workers has largely been shaped by the challenging socio-economic conditions in their home country. Despite its own economic challenges Albania offered a viable solution in response to the economic constraints in the origin country. As revealed by a frontline worker, many Filipinos face significant financial challenges due to lower living costs in the Philippines compared to Albania, often leading them to migrate in search of better opportunities for themselves and their families:

The standard living costs in Philippines are lower than in Albania. Despite their hard working attributes, many of them, do not gain enough to provide for their families and children. Also, in order to fulfil the family needs many times the children do sporadic jobs. Therefore, many Filipinos decide to migrate, to grant more incomes for their families. Single mothers also, migrate due to the impossibility to secure a decent living standards for their children.

Interview with a frontliner from CSO working on migrant's services, 04 March 2025

The Filipino community in Albania is primarily engaged in specific labor market sectors, with specific gendered patterns of employment. Female members are predominantly employed in domestic sectors, specifically as nannies or housekeepers. These positions are often characterized by informal, low-wages, and reflect broader global migration trends where women are positioned in their nurturing roles as caregivers and domestic service sectors. On the other hand, male members of the Filipino community are mostly employed in factory settings, particularly in industries such as printing and mechanical manufacturing. Empirical evidences from the interview reveal that division of labor among Filipino workers reveals distinct gender roles, with women primarily working in domestic sectors, while men are employed in industrial and manual labor jobs:

Filipino women work mostly in the domestic sectors, such as nannies or housekeepers. Also women work as cleaners in hotels and

restaurants, and massage services. Men work in industrial factories, agriculture, construction, food delivery, bars and restaurants, and cleaning services. Despite genders, based also on their working conditions, they move from one job to another for better standards of treatment at workplace as standard of earning. Seasonal work is common also for both genders. Interview with a frontliner from CSO working on migrant's services, 04 March 2025

Overall, this division of labor indicates that gender, alongside factors such as skillsets and migration networks, plays a significant role in shaping the employment experiences of the Filipino community in Albania.

V.1.2. Recruitment and travel itinerary

Foreign migrant workers rely on a series of formal and informal channels to travel to Albania, including recruitment agencies and, in some instances, more illicit pathways such as smuggling networks. The majority of Filipino migrants to Albania enter the country through legal channels, via labor contract in sectors such as domestic work, agriculture, or manufacturing. This process is generally facilitated by private recruitment agencies, which play a pivotal role in connecting potential workers with employers in Albania. These agencies oversee the application process, ensuring the acquisition of legal documents such as visas and work permits, in accordance with its immigration laws.

The recruitment process often involves multiple routes. Some migrants arrive in the country from European countries, while others travel directly from the Philippines to Albania. A significant number, however, follow an indirect route, traveling through countries such as Oman or Pakistan. These routes are chosen since countries like Dubai, Hong Kong, Macao, and Singapore, offer lower travel costs, despite the complexity of the journey. A major concern for some Filipino migrants is the uncertainty regarding the documentation of their departure from the Philippines. Although they may be officially documented as leaving through transit countries like Oman or Pakistan, many remain undocumented regarding their initial departure. This uncertainty arises because, in case of deportation from Albania, migrants might face significant legal and logistical challenges. They fear being stranded in a foreign country without proper documentation, leaving them in a vulnerable position at a "crossroads."

Filipinos come through recruitment agencies between Albanian agencies and Philippines.

Some Filipinos who already work in other countries, access recruitment agencies in those countries. The risk to it is the lack of records of Filipinos coming to Albania by Filipino institutions. Also, Filipinos in Albania who have been residents for many years, serve as mediators between the recruitment agency and individuals from Philippines. Interview with a frontliner from CSO working on migrant's services, 04 March 2025

They don't have record in embassy. They are coming illegal if they come in Albania from other countries. There is no record from the embassy. They can complain and the leader can help them, but the embassy of Filipino in Rome can not take any actions. They told the community to go back in Filipino. The recruitment agency want to hire the cross country, in order to abuse and it is I easy to come in Albania. Interview with Community Leader, 08 March 2025

a) Recruitment through social networks

In some cases, Filipino workers already settled in Albania take part in the recruitment process, acting as intermediaries and assisting other migrants in relocating to the country. Once settled in Albania, they often leverage their knowledge of the migration process and local labor markets to connect prospective migrants with employers, usually in exchange for higher wages or other financial incentives. The following account from a foreign labor migrant highlights the informal recruitment process and the role of personal connections in securing employment opportunities abroad:

While working in another country, my employer's younger brother asked if I wanted to work as a nanny because his neighbour was looking for a Filipino worker. My friend gave my number to the agency, which then contacted me via WhatsApp. I introduced myself and my work experience through a video presentation, demonstrating how I care for a baby. The agency then shared my contact with my future sponsor, and we spoke via video call to finalize the arrangement. My sponsor agreed to pay the agency to process my paperwork, sign a contract with them. Participant No.5 Social Gathering with Foreign Labor Migrants May 24, 2024

The development of strong social networks plays a critical role in the growth of these informal recruitment systems. These networks are built on trust, familiarity, and shared experiences, which can make them appealing to prospective migrants who may be uncertain about official or legal pathways.

b) **Smuggling networks through traffickers**
Smuggling networks and human traffickers play a key role in shaping the migration routes of vulnerable migrants seeking better opportunities in Albania. A primary tactic used by traffickers is to lure vulnerable migrants by representing Albania as part of the European Union, or portraying its economic opportunities in an overly favourable light. This misleading information encourages Filipino workers to migrate without a proper understanding the country's legal and socio-economic realities.

The Filipinos who are stranded without documents become more vulnerable to trafficking and exploitation. Traffickers use their illegal status as a weakness to attack. They keep Filipino migrants under threats to report them to the police and as a consequence to deport them back to their country. Also, the traffickers ask the migrants to submit to abusive work conditions or any requirements they might have, under the threat that they will be deported. In such conditions, they feel constrained. Also, when the permanent residence expires, they leave their workplace and find another employer. They are often obligated to work in the informal labor market without rights and no access to legal support. Filipinos have as well reported cases when they have been smuggled to Kosovo. They have been hidden in the car while passing the border police check, and forced to work in Kosovo while being illegal. Interview with a frontliner from CSO working on migrant's services, 04 March 2025

In order to renew their visa the agency put pressure to the community to go in Kosovo. They under pressure if they are left without residence permit, so they are obliged to travel to Kosovo if the recruitment agency finds them another employer for them. Interview with Community Leader, 08 March 2025

Lack of information about the status of the country is particularly tricky, as it leads migrants believe they are traveling to an EU member state, where they would have access to lots of benefits, better working conditions, social services, and legal protections. This dynamic adds another layer of complexity to the existing challenges, as it creates a cycle where both the workers and the recruiters benefit financially, albeit at the expense of the new migrants. Filipinos often face significant risks, particularly when they lack proper documentation:

Smuggling can occur when Filipinos do not have residency permits, and the agency or employer sends them to Kosovo. Trafficking

and exploitation happen during or after the employment relationship, when they become illegal, such as when one employer sells them to another. Interview with a frontliner from CSO working on migrant's services, 04 March 2025

Filipinos face smuggling and exploitation, particularly when recruitment agencies and employers in Kosovo pressure workers into accepting unfavorable conditions under threats of deportation.

Filipinos address the issue of smuggling of Filipino workers, especially to Kosovo. The smuggling is conducted by the recruitment agency and sometimes in collaboration with the employers. One Filipina claimed that she has been sent to Kosovo by her Albanian employer who handed her to another employer in Kosovo. The arrangement was conducted between employers, and she was pressured to accept this decision under the threat she would be deported back to Philippines as her residence permit had expired. She has been transported with the employer's car, and she was hidden under the backseat to avoid being detected by the police at the border. Her passport was taken from her by the Albanian employer and was handed to the next employer who gave it back to her a few weeks later. Participant No.5, Social Gathering with CSOs, February 18, 2025

Filipinos claim that such scenarios happen randomly, even within Albania. Scenarios when the Filipino workers have been transported from one city of Albania to another, have been addressed as well. They have been asked to enter in the car without being given any explanation and were handed over to the new employers that the previous ones had arranged. Participant No.4, Social Gathering with CSOs, February 18, 2025

Also, there are cases when smugglers help Filipinos who want to work in Kosovo, to pass the border.

When the employers choose to terminate the contract with the Filipino workers and they want to be pay back for the cost that that paid for the arrangement of their recruiting process, they either ask the workers to pay them back or they get in contact with the recruitment agency to arrange another employer who will pay to hire Filipino workers. They do this by pressuring or threatening the Filipinos with deportation. Basically they sell them in order to gain back the money that they initially paid. Also, Filipinos think that this is a profiting strategy for the recruitment agencies, by selling and using them

as property in the labor market. Participant No.5, Social Gathering with CSOs, February 18, 2025

Payment fees

Job seekers receive free services from the employment agency, which does not impose any financial obligations, either direct or indirect, on them. The only exception is the payment of necessary expenses for completing their administrative file. According to Decision No. 101, dated 23.2.2018, the employer is responsible for covering the costs of mediation services provided by the agency. In terms of payment, recruiters charge high fees to both employers, who are often seeking cheap labor, and to workers, who may be desperate for finding a job abroad. However, these informal channels often carry significant risks, including the exploitation of new migrants by recruiters. The fee they pay to recruiters is much higher than those charged by legitimate agencies, leaving migrants financially burdened and vulnerable to exploitation once they arrive. The President of the Filipino community expressed concern about illegal recruitment networks:

Illegal recruitment networks who are connected to various government officials exploit Filipino workers for profit. These recruiters charge approximately 2,000 euros per worker, with the cost split between the worker and employer—1,000 euros to secure the worker and another 1,000 euros to identify the right candidate. Although these fees are high by Filipino standards, many workers are willing to make significant sacrifices to secure better employment opportunities abroad⁷.

One migrant revealed how some foreign workers are forced to pay recruitment fees which should be covered by employers:

My friend's nanny had to pay two months' salary to the agency, which is illegal. Normally, the employer should cover the agency fees, not the worker. However, many Filipinas still pay because they want to work in Albania. Participant No.6 Social Gathering with Foreign Labor Migrants May 24, 2024

c) Insufficient pre-employment information and lack of transparency in the hiring process

Foreign labor migrants are concerned about the transparency of the recruitment process, as they report that many recruitment agencies fail to adequately inform workers about em-

⁷ Interview with Community Leader, Ronnie Momadre

ployment conditions before coming to Albania. Many workers may sign a contracts without fully understanding the terms, leading to situations where they are forced to work under conditions that differ from what was agreed upon. For instance, they might be assigned to different jobs or locations than those specified in their contracts. Most of the migrants interviewed pointed out that recruitment agencies are often not transparent and provide insufficient pre-employment information.

My employer, told me that this document is only for the purpose of getting the visa, told me hurry up and sign it. Participant No.2 Social Gathering with Foreign Labor Migrants May 24, 2024

Migrant workers must be properly informed about their employer, salary, working hours, and days off. Many foreign workers arrive in Albania without a clear understanding of their employment terms, which often leads to exploitation. Participant No.2 Social Gathering with Foreign Labor Migrants, May 5, 2024

Language barriers and pressure to sign quickly often leave workers unaware of contract terms, resulting in unexpected job conditions and exploitative work arrangements:

Workers often sign contracts without fully understanding them, sometimes due to language barriers or pressure to sign quickly. This leads to situations where they are required to work longer hours or in different roles than initially agreed upon. Participant No.1 Social Gathering with Foreign Labor Migrants, May 5, 2024
We have another contract with the employer, but we cannot understand because it is written in Albania. We just signed. They said "sign it immediately, because they have to work, they need to hurry up". So the first contract that is written in English and we understand. The second contract we sign with the employer we don't understand because it's written in Albania. Participant No.1 Social Gathering with Foreign Labor Migrants May 24, 2024

Another participants mentions the role of recruitment agencies, particularly in Albania, which are not always transparent, and that some workers are given verbal contracts or unclear terms. Such contractual agreements are quite ambiguous. Participant No.2 Social Gathering with Foreign Labor Migrants May 24, 2024

Another participant revealed:

Albanian employers formally recognize only the contract drawn up and signed in the Albanian language, but in principle, they do not even respect its conditions." Participant No.4 Social Gathering with Foreign Labor Migrants, May 5, 2024

Overall, there is a lack of effective communication and insufficient information provided by recruitment agencies, even after workers arrive in Albania. The lack of information lead to unethical practices by recruitment agencies. Workers may be misled about job conditions, wages, or the nature of the work, resulting in situations where they are exploited without recourse.

d) **Disagreement and confusion of roles between recruitment agency and employer**
The disagreement and confusion regarding roles between recruitment agencies and employers create significant vulnerabilities for migrant workers. Upon arrival, many workers are confronted with working conditions that differ from those initially agreed upon. When they attempt to address these discrepancies with their actual employer, they are often redirected to the recruitment agencies, which on the other hand redirect them to the employer, such as in the following cases:

I've been here for almost a year, and my contract ends in December. When I asked my sponsor if she had a copy of my contract, she seemed unaware of its terms. I mentioned Article 9, which states an annual leave of 28 days. She told me to talk to her husband and the agency, as she wasn't my direct employer. When I contacted the agency, they said it was between me and my employer since my three-month probation period had ended, and they were no longer involved. Essentially, I signed a contract for one job but ended up doing something else. Participant No.6 Social Gathering with Foreign Labor Migrants May 24, 2024

My visa expired last year, and while they processed it, I kept following up. I needed my residence permit to open a bank account and send money to the Philippines. Immigration told me to contact the agency, but the agency said their job was done and it was now between me and my employer. Initially, when I arrived, everything was in order, including my work permit and residence permit. However, when it was time for renewal, my sponsor kept delaying it. They promised in February, processed it in March, and issued it by the end of that month. My ID was valid from March until November 7th, but I still haven't received it. Instead, my

sponsor took me to the police station, and now I remain without my residence ID. Participant No.7 Social Gathering with Foreign Labor Mi-grants May 24, 2024

The problem is with the second contract with the employer, not the one with the recruitment agency, because this contract goes to the respective institutions to get the working visa. This contract has many human rights breaches. Labour migrants feel trapped because if they complain they will remain undocumented. Interview with Community Leader, 08 March 2025

In both scenarios, the absence of clear lines of responsibility between the recruitment agency and the employer exacerbates the workers' vulnerability. The lack of coordination and communication leaves workers without proper support and protection, making them more susceptible to exploitation and legal challenges.

According to Decision No. 286, dated 21.5.2018, the host company is required to provide temporary employees with access to training opportunities, similar to permanent workers, to enhance their skills and knowledge in their assigned positions. However, respondents reported a lack of training opportunities upon arrival. This situation emphasizes the need for better regulation of recruitment agencies and clearer contracts that define the roles and responsibilities of all parties involved, ensuring that migrant workers are not caught in the middle of a complex and confusing system that undermines their rights and security. More efforts are needed from Labor inspectorate to monitor such cases.

V.2. Breaches in the employment contracts

a) Working hours

Workers often face harsh working conditions, including long hours without breaks and overtime without pay. The majority of Filipino workers that we interviewed in Albania generally work six days a week, with only one day off. Despite the provisions of the Albanian Labor Code, which establishes an 8-hour workday and a 40-hour workweek (as per Article 82), many workers, particularly those residing in employer houses, report that their actual working hours exceed the legal limits, and they are not compensated for overtime.

Employers seem to follow their own rules rather than labor laws. We don't really know what the labor laws are here. I've worked in different

countries for 12 years, and each had its own regulations. You mentioned 28 days of leave, but some employers here only give five. There's no pay for overtime, night shifts, or days off. Even for household workers, the same labor laws should apply, but for some reason, they don't. In one job, I worked 10 hours a day when it should have been eight, but here, working hours seem to depend entirely on the employer. Participant No.9 Social Gathering with Foreign Labor Migrants May 24, 2024

Madame, they are very stressed in their work. They work overtime without pay. No break time. Participant No.3 Social Gathering with Foreign Labor Migrants May 24, 2024

Many migrant workers face a situation where employers impose their own rules, often disregarding the terms outlined in employment contracts and labor code:

They say, "We have our own rules," and it all depends on the employer. I work in a spa, and some require 10-hour shifts, others 12—but they don't count it as overtime. That's just their standard working hours, even though my contract clearly states eight hours, as per labor law. [The respondent shows the contract stating eight hours.] But they don't follow it, and they don't adjust wages for the extra hours worked. When I asked why we had to work 10 hours instead of eight, they simply said, "That's the company's rule." Since we came here for work, we have no choice but to accept it. But it's unfair, and if we find another employer, we leave—otherwise, we're stuck. Participant No.10 Social Gathering with Foreign Labor Migrants May 24, 2024

Many migrant workers find themselves in a difficult position where they are aware of their rights and the potential for abuse, yet feel trapped due to their dependence on the job:

In my previous job in India, company rules were clear—if the shift was 12 hours, we knew we had to work 12 hours. But here, the contract states eight hours, yet we are still expected to work beyond that without extra pay or proper approval for overtime. Participant No.9 Social Gathering with Foreign Labor Migrants May 24, 2024

The working conditions here are abusive. The contract states that normal working hours are at least 10 hours daily and 60 hours weekly, which contradicts labor laws that set the limit at 8 hours per day. In reality, I work 24 hours a day for just €600, as I care for the baby around

the clock while the parents are away. If the baby wakes up at midnight, I have to attend to them. Household work is unregulated, with no proper inspections. I told my employer that my working hours shouldn't be 24/7. On Saturdays, I was supposed to be off, but since I had no accommodation elsewhere, I stayed. My employer told me not to leave before 8 AM because she had work the next day. Since it was Sunday, I assumed I had to work and missed church, only to find out she was just sleeping. I didn't argue. Participant No.3 Social Gathering with Foreign Labor Migrants May 24, 2024

Moreover, employees in rented accommodation provided by their employers also report similar issues with unpaid overtime. One employee's comment, *"We work more than what is stipulated in the contract, and more than they pay us,"*⁸ reflects the disparity between their efforts and how they are treated by local employers.

The Labor Code also sets specific guidelines for night work, which is defined as work conducted between 10 p.m. and 6 a.m. The total duration of night shifts, including work conducted the day before or after, cannot exceed eight hours without interruption and must be followed or preceded by a full 24-hour rest period. Employees working in the evening, from 7 p.m. to 10 p.m., are entitled to an additional 20 percent of their normal hourly wage, while those working between 10 p.m. and 6 a.m. should receive an extra 50 percent of their normal pay. Weekend work is another issue where workers are disadvantaged, as it remains uncompensated despite the clear articulation in Article 87 of the Labor Code. This article requires employers to pay employees an additional 50 percent of their regular wage for work performed on weekends or public holidays. However, these legal provisions are often ignored, leaving workers without the compensation they are entitled to under the law.

In conclusion, the narratives of foreign migrants reveal how they often find themselves caught in a cycle of exploitation and unfair treatment, where employers impose their own rules that deviate from the terms outlined in contracts and labor laws.

Despite being aware of their rights, many workers feel powerless to challenge these conditions due to their dependence on the job for survival. The testimonies reveal a consistent pattern of excessive working hours, unpaid overtime, and inadequate compensation. The

⁸ Participants No.5 Social Gathering with Foreign Labor Migrants, May 5, 2024

lack of proper enforcement of labor laws and proper monitoring allows employers to take advantage of their situation, further trapping them in exploitative working environments.

b) Salary

The salary of Filipino workers in Albania is often inconsistent with the terms outlined in their contracts, particularly when the payment is agreed in euro. Instead of receiving their full salary in euro, workers are often paid partly via bank and the remaining amount in cash, in Albanian lek. This process creates additional financial burdens for workers, since they have to pay much more due to converting rates from Leke or Dollars to Euros as well as bank commissions for international transfers.

My contract stipulates a salary of €600, but I only receive 45,000 lek (€450) in my account, with the rest paid in cash. I suspect they do this to avoid higher taxes. Since I have to exchange lek into euros, my actual salary ends up being lower due to exchange rate fluctuations. Participant No.7 Social Gathering with Foreign Labor Migrants May 24, 2024

They forced us to sign, threatening that we wouldn't get a visa if we didn't. They lied about the payment, saying the contract was just for visa purposes, but we still had to sign. We agreed on a higher salary, but we're not receiving the amount promised by the agency. Now, they only pay the agreed amount through the bank, and the rest is given in cash to avoid taxes. Participant No.1 Social Gathering with Foreign Labor Migrants May 24, 2024

In the contracts we have seen, some have had the gross salary written, while others have not. If it is a gross salary, the employees have agreed that the employer will withhold the deductible portion for taxation or social and health insurance purposes. Interview with a lawyer, February 16, 2025

Many Filipino workers send their earnings back home to their families, which further exacerbates their financial strain due to these additional transaction fees. The situation becomes even more complicated when some employers especially those working as nannies travel temporarily with their families, taking the workers in places such as Dubai or Barcelona. In these cases, the workers are paid in cash during their stay abroad, so they can cover their own expenses in these countries which have much higher living standards compared to Albania. The same amount is also deposited into their

bank accounts and upon return to Albania, they are required to repay the cash they received.

Moreover, despite the rising cost of living and inflation in Albania, workers' wages remain stagnant, leaving them vulnerable as they struggle to manage the higher expenses and cost of living. As a result, Filipino workers find themselves in a precarious financial position, constantly at risk of exploitation and struggling to meet their basic needs due to the structural barriers and the financial burden imposed by their employers.

Furthermore, despite the formal contractual agreements, the wages received by workers are not disbursed on a consistent monthly basis as stipulated. This unpredictability in salary disbursement creates significant challenges for workers in meeting their financial responsibilities and sending remittances back to their family.

c) Occupational health and safety protections

Employers are obligated to deduct income tax, as well as social and health insurance contributions from employees' salaries, in accordance with the legislation in place and the stipulations of collective or individual employment contracts. The legislation mandates the payment of social contributions and health insurance as a joint responsibility of both the employer and the employee. Moreover, migrant workers are entitled to the same occupational health and safety protections as nationals. The Migrant Workers Recommendation, 1975 (No. 151), urges member states to implement measures to prevent any special health risks to which migrant workers may be exposed. However, migrant workers are frequently considered an at-risk group in terms of occupational safety and health, since they are employed in low level jobs that are often performed in domestic space. As a result, many migrant workers are forced to seek care from private clinics when they encounter health issues, often due to unfavorable working conditions:

He suffered because of the cold weather. He got all the blisters here. He was working in the rain as a food delivery driver. We have to go working all time in the rain, whatever the condition. So he's not used to that. So he got all the blisters and so on. Yes, inside of that he is paid only what he's working. He has to bear the expenses from his salary for the check up and the medicine, but these health problems happened due to working conditions. So the company

should take care of medicine or something like support. Participant No.5 Social Gathering with Foreign Labor Migrants May 24, 2024

We were informed that the employer would cover our health insurance costs. If they committed to providing health insurance, they should fulfill that obligation. My friend had a severe allergic reaction on her feet, experiencing intense itching due to the working conditions. She wanted to see a dermatologist for a checkup, but even after three months of enduring the condition, she continued working without receiving proper medical attention.

Her employer refused to grant her permission to visit a doctor and instead provided her with ineffective medication. Desperate for treatment, she even offered to cover the medical expenses herself, stating that she would pay for the consultation and necessary treatment. However, despite her request, she was still denied time off to seek medical care. Participant No.6 Social Gathering with Foreign Labor Migrants May 24, 2024

d) Annual vacation, paid leave, sick leave, unpaid leave and employment standstill

Foreign workers, should theoretically have the same right to rest on public holidays, as outlined by the Albanian Labor Code. Under Albanian law, employees are entitled to various forms of paid leave in specific circumstances. The law also provides for maternity leave and sick leave when they provide a medical certificate confirming their disability to work. According to Article 92 of the Labor Code, employees in Albania are entitled to a minimum of four weeks of annual vacation each calendar year. However, not all workers receive this benefit as a statutory right. Employers often make salary deductions for days when workers are unable to work due to illness:

Based on my experience, Madam, in my previous job, I was sick for a week and had a medical certificate from my family doctor. However, my employer refused to pay for the days I was on sick leave. Although sick leave was included in my contract, they seemed unaware of its provisions. As a result, my absence due to illness was treated as unpaid leave, and my working days were reduced accordingly. Despite having an official doctor's note, they did not acknowledge or compensate me for the sick leave. Participant No.7 Social Gathering with Foreign Labor Migrants May 24, 2024

When I was working during the season, I got

sick and asked for leave, but my employer only gave me half a day. I wasn't feeling well in the morning, yet I was still required to work for three to four hours before being allowed to rest. My contract stated that I had the right to sick leave, but it was never properly granted. My friend had a similar experience. She got injured and requested to go to the hospital, but they refused. Participant No.9 Social Gathering with Foreign Labor Migrants May 24, 2024

In most of the cases, annual leave is only granted through negotiation with employers, and only few workers report benefiting from it. Those who work in factories and home setting in particular, face even more harsher conditions with some not receiving any days off at all and having no formal recognition of annual leave.

They wanted me to replace my summer vacation with my sick leave, which didn't seem fair at all. So, I decided to resign. But then, they didn't even pay me for my summer vacation or the days I had already worked. By law, we're supposed to get 28 days of leave—22 if you count only working days—but they just ignored that. Since we worked in a household, they said we had a summer vacation, but they never actually paid us for it. And during the summer, they took us to the palace, where we didn't even get a day off, and of course, no extra pay for that either. Participant No.8 Social Gathering with Foreign Labor Migrants May 24, 2024

During the season, we had no days off—we worked every single day, including Saturdays. The contract states that holiday work should be paid double, but we never received it. When we brought it up, they dismissed it, saying it was a family business with its own rules. They simply refused to follow labor laws. Communicating with them was difficult, and when we considered going to the police, they downplayed our concerns. They also made unfair comparisons, saying that Albanian workers are hardworking and don't take leave, while we, as Indians, don't work hard enough and should contribute more. Participant No.9 Social Gathering with Foreign Labor Migrants May 24, 2024

We were also never given proper vacation—only time off for Christmas and New Year, despite the contract mentioning general holidays. Participant No.9 Social Gathering with Foreign Labor Migrants May 24, 2024

The refuse to the right of rest, along with the requirements to work on public holidays, may be classified as forced labor under article 8 of the Albanian Labor Code, which bans com-

pulsory work and imposes penalties for such violations of labor rights.

e) Access to Decent Work and Housing Conditions

When issuing work permits, institutions must evaluate whether employers can provide adequate housing, sufficient space, proper ventilation, and suitable rooms and toilet facilities for families employing live-in foreign domestic workers. Migrant workers in Albania are entitled to decent working conditions. Before granted the employment approval, the National Agency for Employment and Skills should ensure that the working conditions align with national employment laws and that there is no discrimination compared to Albanian citizens (Article 74 of the Law on Foreigners and Article 9 of the Labor Code). The DCM no. 858, dated 29.12.2021, requires foreigners applying for a residence permit to provide documentation proving they have suitable accommodation, such as a rental or purchase contract that meets housing standards in Albania.

Many workers live in overcrowded and inadequate housing conditions, sometimes in storage rooms with insufficient facilities. For instance, multiple individuals may share a single toilet, and there may be a lack of basic amenities like heating or proper ventilation.

The room we were given wasn't private—12 of us, including Indian and Albanian workers, shared it. Our contract specified separate rooms, but instead, we were given one bed for two people, not even a queen-size bed, and no privacy. The room had poor ventilation, just a small window, and sometimes a bad smell. It wasn't designed for accommodation, more like a storage room. There was only a small light, and a metal rod that could cause injury if we accidentally bumped into it. We complained, but they said there were no extra rooms during the season and promised to provide one later, which never happened. The room was full of mosquitoes, and there was no AC, only a shared fan. It was extremely hot, and the floor was dusty. We struggled with a lack of fresh air. When we moved to Tirana, four of us lived together in one room, and we still didn't have a heater. Participant No.8 Social Gathering with Foreign Labor Migrants May 24, 2024

Filipino workers whose accommodation is provided from their institutions report inconvenient living conditions. *"Our food often spoils because we don't have a refrigerator or a proper place to cook,"* said one worker.

Within 15 days, madam, they have 5,000 like

allowance for ordering food. So it means in one month you have 100 allowance. They don't know before about this amount of food allowance, which is not enough. Participants No.4 Social Gathering with Foreign Labor Migrants May 24, 2024

The situation is even worse for those who live in the same apartment with their employees, as their right for privacy is rarely respected.

V.3. Manifestations of Modern Slavery and Human Trafficking issues

a) Fraudulent recruitment and deceptive labor practices

A common issue faced by Filipino migrant workers in Albania is the violation of contractual terms, particularly concerning job assignments. The following testimonies shed light on the challenges faced by migrant workers in Albania, particularly regarding discrepancies between their expected roles and actual job responsibilities:

Migrant workers generally sign two separate contracts: one for the application at the Embassy in Rome and another in Tirana. The contract signed in Albania designates them as 'skilled workers,' which typically refers to employment in private companies or organizations. Participant No.5 Social Gathering with Foreign Labor Migrants, May 5, 2024

Many Filipinos work mainly in households, but sometimes they are asked to work in other homes or for companies, like cleaning services, on weekends—usually one or two times a week. I was asked to clean the employer's younger brother's house, even though it wasn't part of my job. I was confused and told her that it wasn't my responsibility, but we didn't question her request further. Participant No.4 Social Gathering with Foreign Labor Migrants May 24, 2024

I came here as a nanny, not a housekeeper. I applied for a nanny position, but when I arrived, I was surprised to see that my contract listed me as a cleaner. The agency misled me. Participant No.4 Social Gathering with Foreign Labor Migrants May 24, 2024

One participant shared the experience of an employer who, despite the contract explicitly stating the worker's role as a maintenance worker, placed her in a reconstruction site and instructed her to perform cleaning tasks involving heavy equipment⁹. This situation highlights

⁹ Participants No.5 Social Gathering with Foreign Labor Migrants, May 5, 2024

the breaches in the original employment agreement. At least, the employer agreed to cover transportation costs for her travel to capital, after she raised this concern.

Another case involved a Filipino woman who was promised a domestic worker position in Albania. Upon arrival, however, her employer pressured her into signing a new contract written in Albanian, a language she did not understand. Under this pressure, the worker accepted the position, which was completely different from the initially promised job¹⁰. This case highlights the vulnerability of migrant workers, who are often coerced into signing contracts that differ significantly from their original agreements, resulting in the violation of their rights and significant shifts in their working conditions.

Domestic workers, particularly in situations of servitude, are often subjected to work conditions that far exceed the terms outlined in their contracts, not only in terms of hours but also in the scope of their duties. Many workers report that the actual work they perform is significantly more demanding than what was initially agreed upon, yet the compensation they receive is insufficient or does not reflect the extra hours or tasks they undertake. One of the most proactive participants in the discussion, engaged as a nanny, revealed *"I am obligated to care for the child of the lady of the house whenever he has fever, which turns my commitment into a mechanical and 'robotic' routine."*¹¹

The mismatch between the contract terms and actual job responsibilities can result in confusion and a sense of powerlessness, as workers feel trapped in situations where they are not being compensated fairly for their work. These conditions also exacerbate the vulnerability of migrant workers, making them more prone to abuse and unfair treatment.

b) Forced Labor and illegal activities

Many workers are promised specific jobs, such as housekeeping, but upon arrival, they are coerced into performing illegal activities or jobs that differ significantly from what was agreed upon in their contracts. This includes being forced into sex work or other illegal tasks.

In cases where workers want to quit, they have the right to resign, but some may become victims of trafficking or exploitation. These individ-

¹⁰ Participant No.3 Social Gathering with Foreign Labor Migrants, May 12, 2024

¹¹ Participant No.2 Social Gathering with Foreign Labor Migrants, May 5, 2024

uals may not recognize violations of their labor contract, especially if coerced into activities like prostitution. While the police are involved, some cases of trafficking and exploitation remain unresolved. Participants No.1, Social Gathering with CSOs, February 18, 2025

Initially they come with working visa. There are some Filipino recruiters in Albania who assist them to come in Albania. They don't care if they do not obey the rules. They have a group of Philippine to inform them. They seem to work in massage, but they do prostitution for extra money. Interview with Community Leader, 08 March 2025

c) Withholding documents and lack of possibility to change and or leave employers
Once workers receive a residence permit in Albania, it is crucial for them to obtain an identity card, which enables their registration within the country's systems and ensures they can access public services on par with Albanian citizens.

However, there are documented cases where employers have delayed or blocked this process for extended periods, sometimes for over four months. Moreover, in some other instances employers have held the workers' identification documents and contracts, making it impossible for them to send money to their families:

When I arrived, they took my passport, and despite asking multiple times, they still haven't returned it. They told us that if we want to change jobs, we must stay with them for one year because they paid for our visa and travel. If we leave before that, they said our visa would be canceled and we'd be sent home. I understand that having a contract for one year is normal, but it doesn't mean we can't change employers if the conditions are not met. Participant No.7 Social Gathering with Foreign Labor Migrants May 24, 2024

The withholding of these documents not only limits their ability to fulfil their familial obligations in duly time, but also obstructs their access to basic rights and services. The lack of freedom to change or leave employers further compounds the challenges faced by migrant workers, leaving them with limited options and often trapped in exploitative conditions. Although migrant workers are legally permitted to change employers, they must adhere to specific requirements tied to their work permit. As per the Article 71, Law no. 79/2021, if a worker changes their place of employment, they must notify the relevant authorities of any alterations to the conditions

under which the permit was issued and request approval for changes. In principle, they should adhere to the motive of granting the unique permit. Filipino migrant workers are deprived of their right to change their employers.

Case Study 1 : Exploitation of a Filipino Domestic Worker in Albania

In May 2024, a Filipino citizen arrived in Albania with the intention of working as a domestic worker. She was recruited by a private agency and was granted a temporary residence permit valid for two months. However, she soon became a victim of severe labor exploitation. Yet her actual employer was not the entity that had formally hired her. Instead, she was assigned to work for a different employer, creating a legally ambiguous and unlawful employment situation. The terms of her employment were highly exploitative. She was required to work up to 18 hours per day without any rest days. Furthermore, the employer did not adhere to labor code regulations. She faced restrictions on expressing emotions or discussing about her children in the presence of her employer, adding to the psychological toll of her employment conditions.

The employer informed the worker that her work there will end in a couple of weeks, and in the meantime she had to choose among two other employers. One was in Tirana, where she was asked to work as a caregiver for a man who was living alone, while her accommodation would be provided at his house. The other option was to go work in Kosovo, although her residence permit had expired. Considering the risks that both of these options carried, the worker did not accept them. Despite the worker's reluctance and disagreement with working for the assigned employers, the employer insisted she must accept one of these jobs. However, the employment relationship was abruptly terminated, and the employer kept the worker's passport. The fear of further retaliation compelled her to tolerate unacceptable working conditions to safeguard her well-being and eventually regain her freedom.

The worker eventually found another employer willing to hire her, but she could not leave because the employer refused to return her identification documents, and her residence permit had expired. The worker reported the situation and received assistance from MWL.

Since the worker had no identification docu-

ments, a criminal procedure was initiated to claim their rights. A report was made to the police station, and the Border and Migration Directorate was notified. Despite efforts to retrieve the passport, there was no response from the authorities. The issue arose when the police officer failed to address the factual situation and the claims made by the citizen. Regardless the fact that foreigners have the same labor rights under the Albanian labor code, the officer focused on the legal interpretation of the contract and employment, stating that the worker was under her jurisdiction and needed to justify her situation logically. After a criminal complaint was filed, it was claimed that the employer was holding the worker's passport, and the police were expected to take action. However, after taking statements from both parties, the case remained unresolved, and the investigation continued. When the Filipino worker was interviewed by the police, the employer's identity was revealed, putting both the officer and the worker at risk. The employee claimed her passport had been thrown with her clothes. The Philippine Consulate in Albania was engaged to address the situation. After a prolonged delay, the case was referred to the prosecutor.

The Filipina worker was accompanied by the NGOs case manager for the formal interview for identification of victims of human trafficking, the formal interview process was denied. Instead, the focus was shifted to shed light in the situation by collecting information and evidence, and not identifying the indicators of trafficking and exploitation addressed. For clarification of the situation, the employer was contacted by the police, and the Filipina worker was exposed. Based on their judgment of the situation, by listening to the employer's side as well, the Filipina was considered at her fault and from there she was escorted to the border police and was given a deportation order for overstaying in Albania while her residence had expired.

All legal steps were followed, including filing a criminal complaint and reporting the issue to the appropriate institutions. The worker was issued a deportation order for overstaying her visa in Albania. Despite holding a residence permit, the employer's refusal to provide the passport prevented the worker from acting. An appeal was made to cancel the deportation order and reinstate the residence permit. The case was also reported to the Ministry of Interior, which has a specialized structure for trafficking risks.

A refusal response was given and the deportation order remained in effect. The case was advised to be taken to the first-level administrative court in Tirana. The situation escalated significantly, and the lack of action from the Border Police and Migration Directorate was unclear. Although procedural deadlines may have passed, the criminal complaint remained relevant, as it involved other criminal acts that the prosecutor's office could pursue. The prosecutor's inaction was attributed to an overloaded system, emergency cases, and staffing shortages.

Case analysis:

This case exemplifies the severe challenges faced by foreign domestic workers in Albania. The confiscation of an identification document is considered an unlawful deprivation of freedom, as no one has the right to restrict another person's mobility. This act is considered an illegal deprivation of liberty and placed her in a vulnerable position, as she had to comply with exploitative conditions to regain access to her identification documents. The exact reason for this action is unclear, but it is likely intended to exert pressure and maintain control, preventing the individual from standing up for their rights or making any demands. However, withholding the identification document, pressuring the workers to submit to work against their own will, and threatening with deportation, are considered methods of control in labor trafficking situations.

This case underscores the urgent need for labor reforms, stronger enforcement of workers' rights, and more effective institutional mechanisms to prevent and address labor trafficking and exploitation. Their failure to intervene promptly raised concerns regarding systemic inefficiencies, staff shortages, and the overall capacity of institutions to protect vulnerable workers.

The gap between formal agreements and the enforcement restricts workers' mobility, making it difficult for them to escape exploitative or unfavourable working conditions. Factors such as dependence on employers' accommodation facilities, issues with work permits, and fear of retaliation, like losing income or legal status, further trap workers in exploitative working environments. As a result, migrant workers are unable to exercise their legal right to seek better employment or improve their working conditions.

d) Threats and workplace harassments

There are instances of verbal and psychological abuse from employers, including threats of deportation if workers do not comply with unreasonable demands. Some workers report feeling unsafe and being subjected to different kinds of workplace harassments:

Her employer installed cameras in her room and the bathroom, monitoring her everywhere. She was threatened, and eventually, she ran away out of fear. The employer knew what she was doing, even when she was undressed in the bathroom. I think this situation might have been exposed in the media. Participant No.3 Social Gathering with Foreign Labor Migrants May 24, 2024

A friend of mine experienced sexual harassment from her employer while working as a cleaner. He attempted to hug her while she was washing dishes, so I advised her to secretly record him and send the footage to me. She later reported it to the agency, but instead of pursuing legal action, she chose to leave to avoid trouble. The agency helped her exit to Kosovo without informing her employer's wife. She is now safe and working in a restaurant there. Participants No.6 Social Gathering with Foreign Labor Migrants May 24, 2024

- **Defamation or False Accusations**
Filipino workers in Albania often face unfair treatment, particularly when employers are dissatisfied with the services provided. In some instances, employers allegedly accuse employees of petty crimes, leading to criminal investigations that are sometimes initiated without sufficient evidence. When faced by these investigations from law enforcement institutions, they are not allowed to work and do not have the right to travel outside Albania.

She lost her residence status after changing employers and her visa expired. She worked as a nanny for a family, often until midnight, but the work was exhausting, and she only got a few hours of sleep. She wanted to leave, but she didn't have a contract, and despite needing the money, she had no legal status. The employer then falsely reported her to the police for stealing money when she tried to leave. The employer had no proof of theft, but the Filipina was accused anyway. Participant No.2 Social Gathering with Foreign Labor Migrants May 24, 2024

- **Harassment (Mobbing):**
Many Filipino workers reveal stories when they have been bullying, particularly as domestic

workers by their employees. These workers often face neglect or dismissal when raising their concerns. For example, a Filipino nanny was told, "You are a nanny, and you are not here to discipline the kids". The child of one of the employers said to a Filipino nanny, "You're here to take my mom's money". This episode further dehumanizing the workers and undermining their authority as commodity. This type of treatment reflects a broader pattern of power imbalance, hierarchies that shape the intimate working space between employees and employers.

They constantly shout, using derogatory language, saying things like, "You're not doing well," or, "I pay you, but you're not doing a good job." Participant No.1 Social Gathering with Foreign Labor Migrants May 24, 2024

Lack of safeguarding and work ethics in such work premises lead the workers to become unmotivated and lose confidence. Respect for their dignity should be crucial to every human being. Psychological abuse has to be addressed as a serious threat at work place. Interview with a frontliner from CSO working on migrant's services, 04 March 2025

V.4. Breaches related to workers' rights to speak freely and whistleblower protection

Fear to speak up- fear of retaliation

The Filipino migrant workers in Albania are employed by employers with significant influence in the country's political, economic, and social spheres, including powerful businesspeople, high-ranking government officials, and representatives of the justice system. They believe that the influence and the power their employers have is a barrier for them to speak up their rights. Many workers are afraid to report their problems due to fear of retaliation from employers or a lack of trust in local authorities. Their status is illegal, and they are threatening by the employers, in case they do not respect the conditions they impose such as: *"The best interest of an Albanian employer, is to employee a Filipino worker who came from a third country". One worker expressed this fear, stating, "We are afraid that as soon as we report the problem to the authorities, our boss will find out. He is very important, and in the face of this power, no one can protect us."*

In my case, whatever the agency promised is irrelevant now. I came here with the understanding that I would work for one year, and

I'm willing to do so. However, I expect them to respect the contract we both signed, as it is legally binding. If they don't, my work and residence permits will expire, and they may contact the police. Participant No.10 Social Gathering with Foreign Labor Migrants May 24, 2024

These statements highlight the workers' deep concern about retaliation and the lack of support from both legal and institutional frameworks. Their fear contributes sometimes to the underreporting of abuses and the perpetuation of these issues. Moreover, the social imbalances and power dynamics contributes to a climate of fear among the Filipino workers, who are reluctant to assert their rights.

V.5. Lack of knowledge on local legislation and supportive mechanisms

Many migrant workers are not aware of their rights under labor laws. Some of them lack knowledge on how to prepare the documentation for renewing residence permit. This lack of awareness of relevant local agencies and legal resources restricts their ability to effectively navigate the legal and support systems available to them.

Foreigners often find it challenging to navigate legal systems in Albania. They may face language barriers and lack access to legal representation, which complicates their ability to report abuses or seek justice. Participant No.1, Social Gathering with CSOs, February 18, 2025

Additionally, many workers are unaware of their rights or labor laws, leading to confusion over their contracts and terms of work. This reflects issues with recruitment, lack of monitoring, and a failure to provide necessary information, as agents may profit from bringing workers without ensuring fair treatment. Participant No.1, Social Gathering with CSOs, February 18, 2025

The lack of information on migrant workers' access to health services hinders their ability to access free healthcare services in public health institutions. The most privileged ones are Filipino workers who have benefited from family reunification through marrying an Albanian citizen. They have better access to local health care services.

Foreign workers encounter significant difficulties accessing accurate information due to the ambiguity of local legal procedures:

They are required to pay 20% tax for the rent, which raises concerns. Due to a lack of clear understanding of local legal procedures, foreign workers are often overcharged by landlords for utilities like electricity and water. We don't receive an individual bill for our consumption, just a general one. Participant No.10 Social Gathering with Foreign Labor Migrants May 24, 2024

Language and cultural barriers remain a significant challenge, especially due to their limited level of English proficiency.

Individuals facing deportation or mistreatment are often vulnerable due to financial struggles, lack of support, and insecurity in a foreign country. The institutions involved are not providing adequate support to these individuals, leaving them feeling overwhelmed by legal procedures. This creates an environment where vulnerable workers are further exploited. Participant No.2, Social Gathering with CSOs, February 18, 2025

The people we contact are highly vulnerable, feeling pressured by financial struggles and insecurity in a foreign country with no support. When asked to complete a legal procedure in their favour, it seems overwhelming and complicates their already difficult situation, especially when they are dealing with the burden of communication over the phone. Interview with a lawyer, February 16, 2025

Lack of pre-employment information

When migrant workers leave their own country, especially for the first time, they often require support to manage the practical and administrative procedures. Public authorities should support with the required paperwork and various formalities related to the immigration process. Although, well-structured pre-employment and pre-departure orientation programs are critical to ensuring the well-being of all migrant workers, including women, migrants seldom receive any pre-departure information from public institutions.

Some recruits have contracts but are often not fully informed, leading to unmet expectations. For example, a worker may expect to be a waiter but is assigned a different role with no pay. Even when contracts appear fine, reality often doesn't align with expectations. Participant No.1, Social Gathering with CSOs, February 18, 2025

The absence of clear communication and

information dissemination from relevant authorities means that monitoring of labor conditions is often inadequate. This can lead to a lack of enforcement of labor rights, leaving workers vulnerable to abuse. Overall, the lack of information creates a cycle of vulnerability for migrant workers, making it difficult for them to assert their rights and seek justice when those rights are violated.

Lack of information on supportive/ complain mechanisms

The foreign workers in Albania exhibits a limited understanding of local regulations and supportive/ protection mechanisms. The primary institutions they are familiar with are the State Police and the Department for Migration at the Ministry of Interior.

The absence of clear and accessible information not only places workers in a vulnerable position but also increases the risk of labor exploitation, contractual misunderstandings, and violations of labor rights. This issue highlights the need for stronger regulatory oversight and enforcement mechanisms to ensure fair and ethical recruitment practices. Interview with a lawyer, January 15, 2025

Filipinos who face any type of abuse or harassment, even when it does not happen in the workplace, do not report to the police due to lack of knowledge about the laws and procedures, and fear of being incriminated and then deported back. Therefore, they are exposed to danger. The risk is higher when they do not have a residence permit, as their exposure to the police might lead to being given deportation orders. Participant No.6, Social Gathering with CSOs, February 18, 2025

Victims often face psychological pressure from others, which can affect their willingness to report dangerous situations. This reluctance makes it even more difficult for the police to identify and respond to trafficking cases. This lack of knowledge can lead to exploitation, as they may not recognize when their rights are being violated or how to report such violations.

Without proper information, migrant workers often do not know where to seek help or how to navigate the legal system. This can prevent them from accessing necessary resources, such as legal assistance or support services, which are crucial for addressing grievances related to their employment.

V.6. Challenges from the institutions

a) Fragmented Coordination and bureaucracy

The bureaucratic processes can be cumbersome, with issues arising from the need for work permits and the application procedures that can be confusing for both employers and foreign workers. Online systems and e-Albania procedures make it difficult to monitor and effectively address critical situations in a timely matter:

Online procedures make it harder to monitor and address situations effectively. Not reporting the issue directly is tied to how it's reported through the Albania system and online applications, rather than through an in-person interview. In the past, there was a better understanding of the importance of such cases. This is crucial because it's different when I present the issue in person. The violation of the law is clear, and they know they need to take action, yet they dismiss it, saying it's not a problem as I have followed the procedures of only one law, not going through other principles or constitutional right which may have been infringed. They proceed with their procedures without taking the situation into account. Interview with a lawyer, February 16, 2025

Institutions follow slow procedures, and there is often no criminal follow-up for reported violations, which makes employers feel untouchable. These issues create a challenging environment for workers, leaving them in an insecure situation with insufficient support. Interview with a lawyer, January 15, 2025

There is a significant concern that the police often do not respond adequately to reports, leaving potential victims unprotected. Delays in response can have severe consequences for individuals in risk situations. There are worries that the police do not consistently follow the standard procedures, which require the identification and reporting of potential trafficking victims. This failure to identify victims properly complicates the situation further.

Consider the fact that not reporting the situation directly has a lot to do with how it is reported through the Albania system and online applications, without going for an interview. How was it before, for them to understand the importance of the case? This matters a lot, because it's a different story for it to come to me. A specific article is being violated right before

your eyes, and I'm taking action. They follow their procedures regardless of the circumstances. The idea is that they have no power, meaning they only follow their procedures. I reported that I am unable to appear physically, but they don't take this circumstance into account. It's a blatant case because you lack documentation, even the report you've submitted, as I am in a situation of inability to act. This situation happens immediately. Interview with a lawyer, January 15, 2025

Lack of effective communication between institutions is another challenge. Respondents report that there is a significant fragmentation in the referral process which involve various institutions, which leads to a lack of structured communication. rephrase: For instance, border police are expected to refer certain cases that could be categorized as potential victim of trafficking, but they sometimes fail to refer these cases. Victims are then left without necessary protection which creates an unsafe environment.

Case 2. Inadequate Response to Legal Violations:

A Kenyan woman reported that her employer booked her ticket, called a police van, and had her taken to Rinas Airport, forcing her to leave Albania. Despite her request to speak with the Director of Border and Migration at Rinas, she was deported without a clear explanation. It was reported that her freedom was unlawfully restricted, and despite attempts to keep her in the country, the deportation occurred quickly, between 12 PM and 5 PM. She was accompanied to the airport only by the employer and a security officer.

Efforts to prevent her deportation were unsuccessful, and even when she was asked to return for check-in, she was denied re-entry and sent to Istanbul. A detailed report is awaited to identify those involved and document the incident. The case was reported to the relevant specialists, but no official response has been received.

Both the Rinas and Lapraka immigration offices claim they have no information, which is unacceptable. Authorities dismissed it as a civil agreement, but it was a clear violation, including the withholding of her passport. This is an urgent matter involving legal violations. Even the formal complaint filed was ignored, leaving no recourse for action. The situation escalated rapidly, making it extremely difficult to address. When she was taken to Police Station No. 1 to

retrieve her passport, her employer had already taken it, placed her in a car, and handed her over to Albanian immigration. She was not given the chance to formally report her case, and the wait for assistance was prolonged. Interview with a lawyer, February 16, 2025

Case analysis: This case highlights a significant failure of immigration authorities that despite clear legal violations, including unlawful detention and withholding of a passport, institutions did not act on time to resolve the issue. Even after the case was reported, the authorities failed to provide any official response or take necessary action, leading to a violation of the individual's rights. The case illustrates poor communication and coordination between immigration offices and other relevant authorities. Different offices claim to have no information on the case, which is unacceptable. This lack of transparency and failure to share information further hinders any effort to resolve the situation.

b) Lack of proper Oversight

The Labor Inspectorate is unable to carry out inspections without indications of violations. This means they follow a risk-based methodology, inspecting only those entities that have a high-risk assessment.

The role of the Labor Inspectorate is to monitor these issues, conduct workplace inspections, and normally refer cases. There are direct violations of labor rights, such as employers withholding passports and not paying wages. These violations are often not reported or properly addressed by the inspectorate. What I wanted to ask is what has been done in the meantime by the inspectorate. They make an assessment and judgment, but do not act on it. Interview with a lawyer, January 15, 2025

The issue with the inspectorate is that their methodology is often insufficient. In many cases, problems are not addressed, and violations are overlooked. Red flags are not identified, leading to unresolved issues in contracts and agreements. Inspectors are supposed to monitor work conditions and report violations, but they often fail to take action or provide evaluations of the situation. Interview with a lawyer, February 16, 2025

We often encounter situations where agreements are missing, leading to a lack of guarantees. A three-party agreement is not the same as a single-party agreement. This goes against the law and is written in a language that isn't

understandable, making it completely invalid and unenforceable. Everyone has the right to be informed in a language they understand. The contract specified 18-hour workdays. It is the responsibility of the relevant authorities to ensure these agreements are properly monitored. Interview with a lawyer, February 16, 2025

A recent interview with a lawyer revealed the fact that labor inspectorate has insufficient human resources and professional capacity to do the field work inspections, especially in sectors where many migrant workers are employed. This shortfall in specialized training and resources hampers their ability to effectively handle cases.

There is a significant lack of human resources and professional handling of cases by the inspectorate, making it difficult for workers to receive the necessary assistance. Interview with a lawyer, January 15, 2025

The persistent shortcomings of the Labor Inspectorate have a profoundly negative impact on workers' rights and well-being. Despite its mandate to monitor workplace conditions, conduct inspections, and refer cases, the inspectorate's inadequate methodology and inaction allow serious violations—such as withholding passports, non-payment of wages, and excessively long workdays—to go unchecked. The failure to identify red flags and enforce valid, understandable contracts leaves workers exposed to exploitation, with little hope for redress. Ultimately, this systemic neglect not only undermines the integrity of labor protections but also perpetuates an environment where abuse and legal non-compliance become the norm.

5.5 Resilience mechanism: Systems of solidarity and support

While the majority of Filipino community showcases stories of exploitation and labor violations, they reveal also some resilience mechanisms they use to stand in front of such adversities. Within the Filipino community in Albania, informal systems of solidarity and support play a crucial role in addressing challenges faced by migrant workers. Elder Filipino workers often take on a mentorship role, guiding new migrants by sharing their experiences and encouraging them to report issues related to the legal system's shortcomings to the Albanian authorities. As one migrant reveals: "Sometimes the oldest and most experienced Filipino work-

ers in our country, played the role of mentors to encourage the new ones on reporting legal system' malfunctioning before the Albanian authorities". This culture of mutual support is vital, but its effectiveness is often limited by the lack of cooperation from local state institutions.

Filipino community leaders, particularly the Presidents of the community, are central figures in fostering solidarity and providing assistance. For instance, Mr. Ronnie Momadre, one of the two Presidents of the Filipino community in Albania, has played a pivotal role in offering support and guidance. Despite his leadership role being recognized by the Philippine Embassy in Rome, he does not hold an official status within Albanian legal structures, as the community's leadership has not been formally registered. This lack of official recognition limits the potential for his advocacy to be fully effective, despite his substantial efforts to assist the community.

Mr. Momadre's leadership is characterized by a strong commitment to human welfare, transcending the formal duties of his position. He has personally invested considerable time, effort, and resources in supporting fellow Filipinos, even offering his own home for accommodation and using his personal finances to assist workers in need. His active role extends beyond mere leadership, as he regularly accompanies workers to police stations and migration offices to advocate for their rights. However, despite these personal sacrifices, the lack of institutional support and official recognition means that his efforts are sometimes insufficient to resolve the complex issues faced by Filipino workers. Moreover, the issue of unregistered workers remains a significant concern, as many Filipino migrants do not have legal documentation or are unaware of the processes to regularize their status. This legal vulnerability further complicates their ability to seek assistance or demand fair treatment, emphasizing the urgent need for legal interventions that can ensure the proper registration and protection of migrant workers in Albania.

Moreover, the leadership structure within the Filipino community is well-organized, with regular meetings and a decision-making process that reflects a democratic approach. The community's operational framework involves a team of 8-10 members who work collaboratively to address issues and provide support to the approximately 700 Filipino workers currently in Albania. This organized structure enhances the community's ability to navigate the challenges

of migration and labor exploitation, but also highlights the need for legal recognition to more effectively advocate for their members.

One of our friends went through this—her employer didn't pay her for two to three months. She reported it to the consulate via email, because her passport was kept by the employer. Fortunately, after reporting it, the situation was addressed. Participants No.6 Social Gathering with Foreign Labor Migrants May 24, 2024

Chapter 6

Discussion and Conclusions

CHAPTER VI.

Discussion and conclusions

Albania's evolving migration patterns, marked by increasing foreign labor migration, highlight both opportunities for economic growth and significant challenges in ensuring fair labor practices and migrant protection. While the country has become an attractive destination for foreign workers, particularly in sectors facing labor shortages, the vulnerability of these workers, especially women, to exploitation and human trafficking remains a critical issue. This scoping research study was conducted to identify various forms of labor exploitation affecting foreign migrants in Albania, with a particular focus on the Filipino community, and to analyze the structural factors contributing to their vulnerabilities. The mixed-method approach, combining social gatherings, expert interviews, and surveys, provided comprehensive insights that inform policies aimed at preventing exploitation and ensuring the protection and support of migrant workers.

The recruitment and employment pathways of foreign labor migrants in Albania are shaped by economic constraints in their home countries and the labor market dynamics in Albania. While Albania offers a potential solution to economic struggles, it also presents significant challenges and risks for migrant workers, particularly concerning the recruitment process, labor conditions, and exploitation. One of the primary challenges faced by Filipino migrants is the lack of transparency and clarity in the recruitment process. Migrants often rely on formal and informal recruitment channels, including recruitment agencies and social networks. However, many Filipino workers enter the country without a full understanding of their employment terms. Contracts are often signed under pressure or without proper language comprehension, leaving workers vulnerable to exploitation upon arrival. The lack of pre-employment information, such as clear job descriptions and conditions, leads to workers being assigned roles that differ from what was initially agreed upon. This lack of transparency is exacerbated by a division of labor based on gender, with women predominantly in domestic sectors and men in industrial jobs, which may affect their mobility and working conditions.

Additionally, the recruitment process itself is fraught with inefficiencies and exploitative practices. Filipino migrants sometimes pay exorbitant fees to recruitment agencies, which should be covered by employers according

to regulations. Some migrants are smuggled through countries like Kosovo, experiencing exploitation under the threat of deportation or poor working conditions.

Another critical issue is the legal and institutional gaps that leave workers unprotected. In some cases, workers are caught in a confusing web of responsibility between recruitment agencies and employers, leading to delays in securing essential documents such as work and residence permits. When disputes arise about working conditions, migrants are often bounced between agencies and employers, leaving them without support or legal recourse. This lack of coordination exacerbates their vulnerability and highlights the need for clearer regulations and enforcement of workers' rights.

Migrant workers, particularly from the Philippines, face numerous challenges in Albania that align with modern slavery and human trafficking. Fraudulent recruitment and deceptive labor practices are prevalent, with workers often finding themselves forced into roles vastly different from those promised in their contracts. This mismatch leaves them vulnerable to exploitation, as they are coerced into additional duties beyond the agreed terms, without proper compensation. Additionally, many workers are subjected to forced labor, where they are coerced into illegal activities such as prostitution or other criminal work. The fear of deportation, combined with the withholding of essential documents by employers, prevents workers from leaving or changing employers, further trapping them in exploitative situations. Workers are often unaware of their legal rights and the mechanisms available to protect them, which exacerbates their vulnerability. Despite the legal framework that should protect migrant workers, institutions often fail to enforce labor laws effectively. Employers, particularly those with significant political or economic influence, intimidate workers into silence, leaving them afraid to report abuse or seek help. Furthermore, the lack of pre-departure orientation and information on local legislation and support systems compounds the problem, as workers arrive unprepared to navigate the complex legal landscape. These systemic failures, combined with the abusive practices of some employers, perpetuate a cycle of exploitation and human trafficking that is difficult for migrant workers to escape.

The study found evidence of various institutional challenges, primarily stemming from fragmented coordination and bureaucratic

inefficiencies of institutions involved in labor migration. The process of obtaining work permits and navigating the complex application procedures is often confusing for both employers and workers. Online systems like e-Albania further complicate the situation, making it difficult to report violations or resolve urgent issues promptly. The failure of border police and other agencies to refer potential trafficking victims exacerbates this issue, leaving workers unprotected. The failure to enforce labor rights and investigate violations effectively further perpetuates an environment of exploitation. Furthermore, the fragmented of inter-institutional communication and coordination weakens the overall response to migrant worker abuse. Despite Albania's ratification of international labor conventions, the country's legal framework remains incomplete, and institutional inefficiencies persist, leaving workers vulnerable to exploitation. The need for greater oversight, improved institutional coordination, and better enforcement of labor laws is crucial to protect migrant workers and prevent further abuse.

In conclusion, the migration of Filipino workers to Albania presents a complex interplay of socio-economic factors, inadequate legal protections, and exploitative recruitment practices and labor rights breaches. To address these issues, a more robust and transparent recruitment process is necessary, one that involves clearer contracts, proper pre-employment information, and stronger monitoring of both recruitment agencies and employers. Additionally, Albania's institutions must strengthen the enforcement of labor laws to ensure that migrant workers are not subjected to exploitation and are provided with adequate legal protections.

VI.1. RECOMMENDATIONS

a) Recommendations for institutions concerning labor rights (NAES; Labor inspectorate)

- **Proactive Monitoring of Employment Conditions**

Labor inspectorate must increase its efforts in conducting field verifications and inspections of working conditions. Periodic checks are essential to ensure that employers are adhering to the terms outlined in workers' contracts and Labor code stipulations. These inspections would help safeguard workers' contractual rights, addressing any discrepancies and preventing exploitation. Periodic monitoring should ensure that the terms and conditions outlined in the contract align with the standards established by the Albanian Labor Code. Specifically, this

includes verifying that wages, working hours, job responsibilities, benefits, and other essential conditions meet legal requirements.

- **Pre-Employment Training and Information Campaigns**

Before migrants begin employment, NAES should offer informational programs to educate both employers and workers on their rights and obligations under the Labor Code. Employers should be required to understand the legalities of contract creation, while migrant workers should be informed about their rights, including job duties, wages, and benefits. This initiative could include workshops, written materials, and digital resources in multiple languages to ensure that all workers understand the terms of their employment and can identify potential violations.

- **Clear and Accessible Complaint Mechanisms**

Institutions should establish a clear and confidential complaints mechanism that allows migrant workers to report discrimination, abuses and violations of their contracts without fear of retaliation. This system should include online reporting platforms, hotlines, and in-person consultations where workers can seek assistance in the language they understand. These channels should be confidential and allow workers to report violations without fear of retaliation. Ensuring that migrant workers have access to a trusted and user-friendly complaints mechanism will help identify abuses early and facilitate timely intervention.

- **Training for Labor Inspectors**

Labor inspectors should receive training specifically focused on understanding the legal rights of foreign workers and the procedures for monitoring compliance with labor laws. This would enhance their ability to enforce regulations effectively.

- **Inter-Institutional Coordination for Effective Support**

Ensure a coordinated and proactive approach between agencies, including the labor, migration, and police departments, is essential. This collaboration should ensure that newly recruited workers receive timely and adequate support, helping to prevent issues such as exploitation, contract violations, and trafficking. It is important that authorities actively work together to create an integrated support system that meets workers' needs and addresses their uncertainties.

b) Recommendations for CSOs

- **Strengthening the role of Human Rights Organizations**

Strengthening the role of organizations dedicated to the protection of human rights, particularly those that focus on migrants and foreigners, is critical for ensuring that workers' rights are recognized and upheld. These organizations play a vital role in raising awareness, providing support, and advocating for the legal protection of foreign workers. Increased collaboration between NGOs and government agencies can create a more comprehensive safety net for Filipino workers, enabling them to report abuses and access legal protection and guidance more easily.

- **Psychological Support and Legal Counseling**

Offer psychological counseling services, including group therapy sessions, would provide workers with essential emotional support. Additionally, providing legal assistance will help workers better understand their rights, the legal processes available to them, and the steps they need to take to protect themselves. Offering these services in collaboration with community leaders and NGOs would help empower workers to overcome challenges and take action against injustice.

- **Awareness-Raising and Information Sharing**

Information about workers' rights and the procedures for reporting human rights violations should be easily accessible and understandable for workers. It is crucial that NGOs, in collaboration with Albanian authorities, organize regular informational sessions for migrant workers. These sessions should cover the competencies of Albanian authorities, legal procedures for reporting violations, and available resources for migrant workers. Ensuring that workers are well-informed about their rights and the local legal system will empower them to take proactive steps to protect themselves and seek assistance when needed.

- **Addressing Cultural and Language Barriers**

Cultural and language barriers remain significant challenges for Filipino workers in Albania. To foster stronger connections between local and migrant communities, it is recommended to organize joint events and activities that celebrate both Albanian and Filipino cultures. These events, such as cultural events, exchanges, and language courses, would help break down cultural barriers, facilitate communication,

and encourage mutual understanding. These initiatives would not only make Filipino workers feel more integrated but also create opportunities for collaboration between local and migrant communities.

c) Recommendations for policy makers

- **Support the establishment of Strategic Litigation Framework**

Providing legal support and advocacy for foreign workers can help them navigate their rights and seek redress when their rights are violated. A comprehensive strategy for strategic litigation should be developed to address systemic issues faced by migrant workers. This framework would focus on high-impact cases that set legal precedents, challenge unjust laws or policies, and raise public awareness about the rights of migrant workers. Such litigation could target violations related to employment contracts, human trafficking, exploitation, and unlawful deportations. By focusing on strategic cases that challenge the status quo, the legal system can create a stronger deterrent against the exploitation of Filipino workers and potentially lead to broader legal reforms in favour of migrant labour rights.

- **Ensure Equal Access to Public Services and Social Integration**

The institutions in charge should work to ensure that foreign labour migrants have equal access to essential public services, such as healthcare, education, and social welfare, without discrimination. Public service providers should be trained on the legal rights of migrants and required to offer services without bias. Furthermore, the CAD should advocate for the creation of programs that encourage the social integration of migrants into local communities, facilitating their participation in civic activities, public consultations, and community events.

d) Recommendations for recruiting agencies

- **Enforce codes of ethics**

It is recommended that recruitment agencies should adhere to a code of ethics that includes providing clear and updated information to workers about their rights and working conditions before they accept employment.

- **Increase Awareness and Training:**

Provide training for recruitment agencies on the rights of foreign workers and the legal requirements for employment contracts. This can help prevent non-compliance and exploitation.

- **Pre-employment information**

These agencies should be required to provide clear, written contracts in a language the worker understands, detailing job roles, locations, salaries, working hours, and other essential employment conditions. Additionally, mandatory pre-departure orientation programs should be implemented to educate workers about their rights and obligations. Additionally, agencies should ensure that these workers are informed about their legal rights and that they can seek assistance from local NGOs or labor unions if needed.

e) **Recommendations for law enforcement agencies**

- **Comprehensive Training on Labor Rights and Migrant Protection**

Law enforcement agencies should receive continuous training on the labor rights of foreign workers. This training should focus on the Albanian Labor Code, human trafficking, labor exploitation, and the specific vulnerabilities faced by migrant workers. It should also cover how to identify indicators of trafficking, forced labor, and exploitative working conditions at border crossings, in addition to enhancing communication skills with migrants.

f) **Recommendations for Commissioner Against Discrimination**

- **Strengthen the Enforcement of Anti-Discrimination Laws for Foreign Migrants**

The Commissioner Against Discrimination (CAD) should ensure rigorous enforcement of existing anti-discrimination laws that protect foreign labor migrants from unfair treatment in the workplace and society. This includes conducting regular monitoring to address any discriminatory practices based on nationality, race, or immigration status. The CAD should also impose appropriate sanctions against employers or institutions found guilty of discriminatory behavior, ensuring that migrant workers are treated equitably under Albanian law.

Annex 1 & 2

Data of participants

Methodological instruments

Annex 1. Data of participants

Table

Social Gatherings	Date	Number
Social Gathering 1 with Foreign Labor Migrants	May 5, 2024	18
Social Gathering 2 with Foreign Labor Migrants	May 12, 2024	18
Social Gathering 3 with Foreign Labor Migrants	May 24, 2024	22
Social Gathering 4 with Foreign Labor Migrants	February 16, 2025	9
Total		67
Social Gathering with CSOs	February 18, 2025	13 CSOs
Total		13

No of Interviews	Date	Position
Interview No.1	26 May 2024	Community Leader
Interview No.2	January 15, 2025	Lawyer
Interview No.3	February 16, 2025	Lawyer
Interview 4	04 March 2025	frontliner from CSO working on migrant's services
Interview No.5	8 March 2025	Community Leader
Total		5

Annex 2. Methodological Instruments

a) Methodological Instruments for foreign labor migrants

a. Recruitment

How did you find your job in Albania?
Was the recruitment process clear and transparent?

Were there any discrepancies between the job description and the actual work?

b. Contracts – Concrete Analysis and Discrepancies

Did you receive a written contract before arriving in Albania? If yes, did the contract match the job and salary conditions you were promised?

c. Arrival and Treatment

How were you treated when you first arrived in Albania? Did you feel safe and respected by your employer or the local authorities?

Were you informed about your rights and responsibilities upon arrival in Albania?

d. Work Conditions and Expectations

Have you encountered any unfair treatment or breaches of your contract regarding your work conditions or expectations/ Can you explain more about abuses, unfair rearmament?

i. Sexual Harassment

Have you or any of your colleagues ever faced harassment (intimate nature) at work? If so, how was it handled by the employer or authorities?

ii. Bullying

Have you encountered any form of bullying or intimidation at work? If so, who was responsible for this behavior?

iii. Discrimination

Have you experienced discrimination based on your nationality, race, or other factors in the workplace?

iv. Racism

Have you faced racist behavior or language from your colleagues or employer? How did you handle it?

v. Threats

Have you ever been threatened by your employer or anyone else at the workplace?

vi. Violence

Have you or anyone else experienced physical violence while working in Albania? If yes, what was the response from your employer or local authorities?

vii. Worker Rights Abuses

Have you faced any abuse of your worker rights, such as unfair treatment, withheld wages, or violation of contract terms?

viii. Safety and Health

Are the workplace conditions safe? Are you provided with the necessary equipment to protect your health and safety?

ix. Leave and Maternity

Were you aware of your rights regarding leave (sick leave, vacation) or maternity leave before arriving? Did you face any issues when trying to access these rights?

x. **Pay Retention and Abuses on Salary**
Were you paid on time and according to the contract? Did you ever face delays or discrepancies in salary payments?

xi. **Deception Regarding Work and Life in Albania**
Were there any significant differences between what you were told about life and work in Albania and what you actually experienced?

e. **Employee-Employer Relationship**
How would you describe the relationship between you and your employer? Do you feel respected and fairly treated?

7. MSHT Aspects of Work

a. **Domestic Servitude – Overworked and Not Expected to Leave**

Were you ever overworked or confined to your job without the freedom to leave the workplace? If so, how did this affect you?

b. **Debt Bondage**

Did you ever find yourself in a situation where you were forced to work to repay a debt? How was this situation handled?

c. **Forced Criminalization**

Were you ever coerced into committing any illegal activities by your employer or anyone else during your time in Albania?

d. **Withholding of Legal Documentation**

Did your employer or anyone else withhold your passport or other legal documentation during your stay in Albania? How did this affect your freedom?

e. **Forced Labor**

Were you ever forced to work in conditions that were different from what was agreed upon in your contract?

f. **Cross-border Trafficking and Forced Criminalization**

Were you aware of any cases where workers were sent to jobs different from those they had agreed to, or forced to work in illegal activities upon arrival? How did that affect their legal status?

g. **Forced Deportation**

Have you or anyone you know been threatened with deportation? If so, what was the process like, and did you feel that the authorities were involved inappropriately?

b) **Methodological Instrument for Experts and frontliners**

1. Institutional Gaps and Governance Challenges

- What are the main institutional challenges in managing foreign labor migration in Albania?
- How effective is the coordination among government agencies, labor offices, and border control authorities?
- Are there clear and enforceable policies addressing the rights and protections of foreign labor migrants?
- What gaps exist in monitoring and enforcing labor migration policies?
- How well do institutional mechanisms respond to cases of labor exploitation, contract breaches, and abuse?

2. Legal Framework and Policy Implementation

- How adequate is the existing legal framework in addressing the recruitment and employment of foreign labor migrants?
- Are there inconsistencies or contradictions between labor laws, migration policies, and human rights protections?
- What legal amendments or reforms are necessary to improve migration governance?

3. Recruitment and Contract Regulations

- How transparent and standardized is the recruitment process for foreign labor migrants?
- Are there established mechanisms to verify that employment contracts comply with legal standards?
- What institutional measures exist to prevent contract discrepancies and deceptive recruitment practices?
- How do enforcement agencies handle reported cases of contract fraud or violations?

4. Institutional Coordination and Inter-agency Collaboration

- How effective is the coordination between labor ministries, migration offices, and civil society organizations in addressing migrant labor issues?
- Are there overlapping responsibilities or gaps between different institutions managing labor migration?
- What role do international organizations and NGOs play in improving institutional coordination?
- What mechanisms are in place to facilitate communication and cooperation among

different entities involved in migration governance?

5. Migrant Rights Protection and Legal Assistance

- What institutional support systems exist for foreign labor migrants facing exploitation or rights violations?
- Are there accessible legal aid services for migrants to report abuses or seek redress?
- How do authorities ensure that migrants are informed about their rights and legal options?

6. Compliance, Monitoring, and Enforcement

- How are labor laws and migration policies enforced in practice?
- What challenges exist in monitoring employers' compliance with labor laws?
- Are labor inspections and oversight mechanisms sufficient to detect and prevent abuses?

7. Institutional Responses to Vulnerabilities and Risks

- How effectively do institutions address cases of forced labor, debt bondage, and human trafficking?
- What measures exist to prevent the withholding of legal documents and threats of deportation?

8. Policy Recommendations and Future Reforms

- How can institutional coordination be strengthened to ensure better policy implementation?
- How can Albania enhance its legal framework to align with international best practices on labor migration?

Endnotes

¹ INSTAT 2024. *Foreigners in Albania, 2023*

² INSTAT, 2024

³ European Commission. (2023). *Albania 2023 Report*. Brussels: European Commission. Retrieved from https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania_en.

⁴ U.S. Department of State. (2023). *Trafficking in Persons Report 2023*. Washington, D.C.: U.S. Department of State. Retrieved from <https://www.state.gov/trafficking-in-persons-report/>

⁵ Republic of Albania. (2017). *Criminal Code of the Republic of Albania*. Official Gazette, No. 9555, 27 May 2017. Retrieved from <https://www.parlament.al/>

⁶ INSTAT. (2024). *Foreigners in Albania, 2023*.

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⁷ COPLAN, 2024

⁸ Article no. 8 of the Labor Code

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¹⁰ Đorđević, S., & Petrović, V. (2024, August). *Forced to work: Labour exploitation in the Western Balkans*. Global

¹¹ Initiative Against Transnational Organized Crime Walk Free 2023, Global Slavery Index 2023, Minderoo Foundation. Available from: <https://www.walkfree.org/global-slavery-index/>

¹² GRETA country reports for Western Balkan countries are available here: <https://www.coe.int/en/web/anti-humantrafficking/country-reports>. GRETA country reports for Albania is available here: <https://www.coe.int/en/web/anti-humantrafficking/country-reports>

¹³ Gjika Bejko, A., Imami, F., Causevic, T., & Andjelkovic Đoković, M. (n.d.). *Analysis of Seasonal Workers Engagement in Agriculture and Tourism in Albania*. Co-Plan, Institute for Habitat Development.

¹⁴ Đorđević, S., & Petrović, V. (2024). *Forced to Work: Labour Exploitation in the Western Balkans*. Global Initiative Against Transnational Organized Crime. Retrieved from <https://globalinitiative.net/>

¹⁵ The International Organization for Migration (IOM) Albania conducts periodic Displacement Tracking Matrix (DTM) Flow Monitoring Surveys (FMS) focusing on migrants, refugees, and asylum seekers traveling along mixed migration routes. The survey provides a comprehensive snapshot of migrant profiles, emphasizing their vulnerabilities and experiences of exploitation, violence, and abuse, potentially indicative of human trafficking during their journey. The reported experiences of violence and abuse took place mostly in Türkiye, Albania, and Greece. While the primary focus of this study are labor migrants rather than individuals moving as part of mixed migration flows, it is pertinent to note that the vulnerabilities experienced by different migrant groups often intersect, underscoring shared risks and challenges. This report was conducted between June 8 and September 3, 2023, encompassing 128 respondents.

¹⁶ International Organization for Migration. (2023). *Flow Monitoring Surveys: With Migrants Travelling Through Albania (08 June – 03 September 2023)*. Tirana: IOM

¹⁷ United Nations. *SDG indicator 10.7.2: Number of countries with migration policies to facilitate orderly, safe, regular, and responsible migration and mobility of people*. Retrieved from <https://www.un.org/development/desa/pd/data/sdg-indicator-1072-migration-policies>

