



BOOK OF PROCEEDINGS

INTERNATIONAL CONFERENCE
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ISSUES OF HOUSING,
PLANNING, AND
RESILIENT DEVELOPMENT OF
THE TERRITORY

**Towards Euro-Mediterranean
Perspectives**

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Issues of Housing, Planning, and Resilient Development of the Territory Towards Euro-Mediterranean Perspectives

Conference Theme and Rationale

Albania, along with other Western Balkan countries, has undergone significant economic, social, and political changes in recent years. As a result, housing, planning, and the resilient management of territorial development have emerged as critical issues. This is because these regions face significant challenges in providing affordable housing, addressing the impact of urbanization on the environment, fostering evidence-based decision-making on the territory, and bringing forth the commitments towards climate neutrality.

The organizers use the term “multi-modality” to define complex situations (in matters of territorial planning, management, architecture, housing, public space, technology, etc.) that have historically encompassed Western Balkans and Mediterranean cities in a logic of coexistence and value co-creation. A combination of knowledge and heritage that throughout time and history have given life to civilization in this region of Europe. The active involvement of Albania in the existing network of the Mediterranean Basin and the EU, through a joint action plan with UN / UNECE, and the Albanian and regional authorities, including reputable scientific bodies such as the Academy of Sciences of Albania, makes this conference even more intriguing to explore fascinating areas of research. The conclusions, to be considered as a stage for open innovation, will include recommendations for further scientific and applied research, projects, and events.

The geographical focus of the conference covers three dimensions: i) Albania; ii) the Western Balkans; iii) Euro-Mediterranean countries. POLIS University aims to focus on the above-mentioned research areas that are of common interest to both Western Balkans and Mediterranean cities, including, but not limited to: housing policies, urban history and architecture typology, innovation and digitalization in urbanism, energy efficiency, resilience and environmental sustainability, governance and smart technologies for city management, education and gender aspects in urban planning research.

In this regard the main aim of this international conference is to bring together scholars, policy-makers, and practitioners to examine the pressing issues of housing, planning, and land development in these regions, in a context of transition fatigue, climate challenges and post-pandemic realities.

Issues of Housing, Planning, and Resilient Development of the Territory Towards Euro-Mediterranean Perspectives

Conference Aim

The main aim of this international conference is to bring together researchers, policy makers and practitioners to examine the urgent issues of housing, planning and land development in these regions, in a context of transition, climate challenges and post-pandemic realities.

Objective

- Consolidation of the cooperation network between Albanian and non-Albanian researchers, lecturers, managers, with the aim of participating in joint research projects at the regional and international level;
- Support of local authorities with contemporary data, on the state of housing issues, planning and sustainable urban and environmental management, as well as representatives of public and private institutions operating in this field.

The conference is organized by POLIS University (U_POLIS) in cooperation with the Academy of Science of Albania, and supported by other local and international partners.

In the framework of resilience, the main conference theme is devoted to Issues of Housing, Planning, and Resilient Development of the Territory from a Euro-Mediterranean Perspective, including Albania, Western Balkans and the Mediterranean Basin. This event aims to bring together academics, policymakers, researchers, experts, practitioners, and stakeholders from diverse backgrounds to discuss and address critical challenges related to housing, urban planning, and the development of resilient territories.

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Economic and social rights enjoyment in Albania: Literature Review and Conceptual Framework

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Abstract

Economic and social rights have been affirmed since 1976 in the Universal Declaration of Human Rights but the globalization, huge economic differences, and financial and health crises that happened during the last decade have brought them into focus. Economic and social rights include the rights to adequate housing, education, health, work and food. These rights belong to every human being, regardless of age, sex, nationality, ethnicity, religion, race, wealth or any other status. Recognition and respect of these rights is today a challenge for all defenders of human rights, such as institutions, NGOs and academics. A human rights economy places people and the planet at the heart of the economic policies, investment decisions, consumer choices and business models and this will help in completing the ambition of the 2030 Agenda for Sustainable Development Goals (Türk,2023). Ten years ago, the World Bank in collaboration with the Human Rights Measurement Initiative developed the economic and social rights performance score, in order measure how effectively countries use their economic resources to ensure the fulfilment of economic and social rights. But which is the status of Albania regarding the economic and social rights? If we refer to data provided by People's Advocate, the Albanian NHRI, in 2021 there were 32 complaints about non-adequate housing, 101 complaints for education, 97 complaints for healthcare, 51 complaints regarding the right to work and 72 complaints for non-adequate food. Comparing these figures with the total number of 1,630 complaints about human rights violations is clear that they are very low due to the fact that individuals are not aware of having these rights and don't fight to be part of the policymaking.

Keywords:

Economic Rights, Social Rights, Albania, SDGs, Performance Score

Introduction:

In the literature there is a debate regarding the definition of human rights, according to Donnelly if we speak on a basic level, human rights are “the rights one has simply because one is a human being” (Donnelly, 2008). The Universal Declaration of Human Rights (UNHR) was drafted and proclaimed after the second world war, by all leaders of the United Nations. In UNHR is stated that “all human beings are born free and equal in dignity and rights” and “everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Since 1948, the Universal Declaration of Human Rights has been considered a foundation stone and is well accepted as a common standard for all countries. It guarantees to every individual 30 basic human rights including the right to life, education, equality, freedom of speech and thought, religion, adequate living etc. Human rights are declared to be universal and claimed equally for all human beings, present and future (Weston, 2023). This means that we are all entitled to human rights, and they should not be taken away. UNHR does not classify human rights, but in the literature, we can find different divisions. In the framework of this paper, we will use the classification of human rights as explained by Vasak, 1977. According to Karel Vasak, 1977, developed the generation of human rights and divided them into three main categories: civil-political, economic-social and cultural.

-The first generation includes civil and political rights, which are considered fundamental rights since they are related exclusively to the freedom of every human being. They were considered to be ‘absolute’ and ‘immediate’ (Eide, 2001). This category of rights is included under the International Covenant on Civil and Political Rights (ICCPR).

-The second generation includes economic and social rights, which focus on the quality of life. They were held to be programmatic, to be realized gradually, and therefore not a matter of rights (Eide, 2001). These rights are included under the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

-The third generation includes cultural rights, which focus mostly on the right to peace, solidarity, clean environment (Wellman, 2000). This third category is new but is already included under the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

It is very important to mention that all human rights, regardless to which category they belong, are interrelated, interdependent and indivisible. For the purpose of this paper, we will focus on the second generation of human rights, economic and social rights. According to history, economic and social rights became important during the Cold War and the urgent need of Western countries to find a relation between poverty and the communist economic system (OHCHR, 2016). Economic rights are focused more on the right to be free of slavery and servitude and the right to be free of poverty, so they are correlated with social rights (USAID, 2017). Economic and social rights have an impact on the standard of living. Since 1991, Albania has ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Economic and social rights are part of the Albanian Constitution, under Part IV “Economic, social, cultural rights and freedom”, in articles 49 to 59 and the National Human Rights Institution has a mandate to promote and defend the Albanian citizens from the violation of this category of rights is Albanian Ombudsman.

An overview on economic and social rights:

Discussions between researchers, non-profit organizations, academics and national/international human rights institutions regarding human rights have increased during the last two decades.

Economic and social rights return in focus, prompted by the financial crisis, conflicts between countries and the COVID-19 pandemic, so today all actors are paying attention to studies, articles, new programs and politics to suggest legal improvements to promote the respect of economic and social rights. According to the Sustainable Development Goals Report 2023, COVID-19 and the war in Ukraine reversed the progress of poverty reduction over the past 25 years taking into consideration that over 90% of the SDG goals correspond to human rights obligations (Rattray, 2019), they played an important role in including economic and social rights in 2030 Agenda for Sustainable Development . The main goal of the 2030 Agenda for Sustainable Development is to put an end to poverty and envisages “a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination”. High Commissioner, Türk, believes that “a human rights economy places people and the planet at the heart of the economic policies, investment decisions, consumer choices and business models and this will help to complete the ambition of 2030 Agenda for Sustainable Development Goals” (Türk,2023).

Economic and social rights are defined as human rights that are related to our ability to live in dignity and participate in our society. They include rights related to the workplace, social security, and access to housing, food, water, health care and education. They include the right to fair wages and equal pay; the right to adequate protection of income in the event of unemployment, sickness or old age; and the right to an adequate standard of living (Mclsaac, 2023). As we have already mentioned in the introduction, human rights are indivisible and interdependent, this means that one set of rights can't be enjoyed fully without the others. So, economic and social rights are important to be protected because failing to protect them will cause negative effects, affect numerous people, cause conflicts and lead to violation of other human rights (OHCHR,2008). At the moment a country ratifies the ICESCR, the state has accepted to complete three main duties under international law, to respect, protect and fulfill the economic and social rights. These three duties are known in the literature as “the obligation of state”. The state's obligation “to respect” means that the state should not interfere in the citizens enjoyment of economic and social rights. Meanwhile, the obligation “to protect” represents all actions a government should take to prevent third parties from interfering with citizens' enjoyment of their economic and social rights. The last duty is “to fulfill” which requires the government to take measures that will guarantee citizens claim their economic and social rights. According to ICESCR, the state must take action to ensure and improve the enjoyment of economic and social rights over time and this can be done in three steps:

- First, ratification of international human rights treaties, the codification of the economic and social rights in the national legislation, so they can be recognized as rights. Drafting and implementing strategies, policies and action plans, that help the state show its commitment to fulfilling these rights;

- Second, set a minimum core obligation for each specific economic and social rights, that ensure citizens will enjoy at least the basic and essential level of the right;

- Third, the state has an obligation to progressively fulfill the right to food, housing, work, health and education, by using its maximum available resources. All the measures taken by the state should be non-retrogressive, which means not leading to the deterioration of existing rights enjoyment levels and non-use laws, policies and practices which are discriminatory in effect. If the state, fails to complete the three main obligations mentioned above this means that the economic and social rights of the individuals are violated.

Actual status of economic and social rights in Albania:

According to the Annual Reports of the Albanian NHRI, for two consecutive years 2022 and 2021, Albanian citizens complained about violations of economic and social rights only 8% out of 5,837 complaints registered in total during 2022 and 6% out of 6,264 complaints registered in total during 2021.

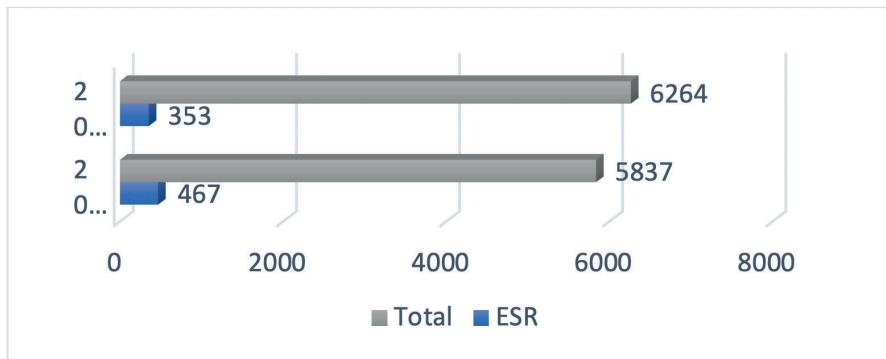


Figure 1: Complaints about violation of economic and social right versus total complaints
Source: Albanian Ombudsman (2022,2021)

We believe that figures show that Albanian citizens have a gap of information about their economic and social rights in comparison with civil and political rights.

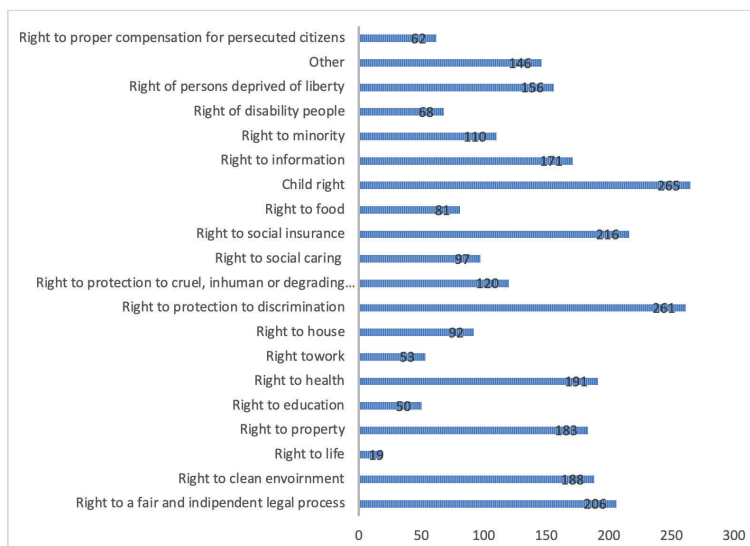


Figure 2: Violation of human right for 2022 classified by typology of right
Source: Albanian Ombudsman (2022)

If we take into consideration the official data published by the World Bank, GDP growth of 4.8%, at-risk poverty rate of 21.8%, unemployment rate of 11.8%, inflation rate of 6.7%, housing problems caused by the earthquake of November 2019 and the slow process of reconstruction, the low level of complaints of Albanian citizens related to economic and social rights is due to the gap of information about these rights.

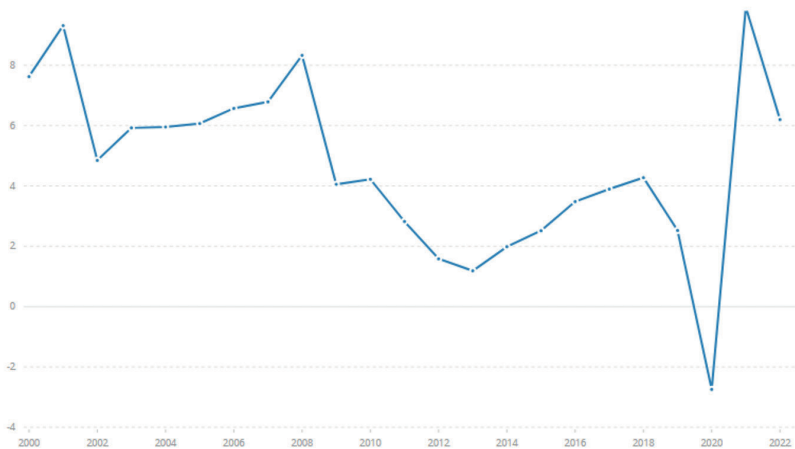


Figure 3: Albania GDP per capita growth, annual in %
 Source: World Bank (2023)

Petel and Putten (2021) have studied the relationship between economic growth and economic-social rights. According to their study, countries that have a low level of economic growth or a decline in economic growth should have a high level of violation of economic and social rights, this happens because the state fails to complete its obligation to respect, protect and fulfill this category of rights. The data provided by the Albanian NHRI and official financial data published by national/international institutions do not show this kind of relationship for Albania and during this research, we aim to find out more about it.

For the same period, 2022-2021, we have shown in the table below how the complaints about violation of economic and social rights are divided into specific rights. As we can see, for 2022 the major number of complaints is related to the right to health with 41%, followed by the right to food and housing which are let's say at the same level. It was not the same situation in 2021, when the major number of complaints corresponded to the right to education with 28%, followed by the right to health.

According to the Albanian Ombudsman's annual report, during 2022, the right to house (Art. 11) remains complex and is one of the most important social issues in Albania. The municipalities have no transparency regarding the management of social housing programs and services offered in cases of inadequate living houses, emergencies for reconstruction, flooding and arbitrary deprivation of property for the reconstruction process due to the earthquake as per Normative Act no. 9, date 16.12.2019 "For facing the consequences of natural disaster". The right to work (Art 6,7)

in Albania is related mainly to the right to a regular legal processes at an Administrative Court.

	2022	2021
Right to education	50	101
Right to health	191	97
Right to work	53	51
Right to housing	92	32
Right to food	81	72
Total ESR complaints	467	353

*Table 1: Details about complaints on economic and social rights of Albanian citizens
Source: Albanian Ombudsman (2022,2021)*

The main violations of the right to work are linked with dismissals, transfers and recruiting process in the public administration for civil servants and those who are working under contracts based on the Labour Code. Albania is far from fighting for favorable working conditions and protection against unemployment. Right to food is seen from the Albanian NHRI mostly related to consumer protection. The Albanian citizens complain more about public corporates that offer utility services such as OSSHEE and UKT. In the majority of cases, the NHRI has recommended the improvement of internal procedures of these public corporations. The right to health (Art. 25) as mentioned in the Preamble of the Constitution of the World Health Organization (WHO) is a fundamental right to all human beings, this means that if the right to health is violated every individual can't exercise the right to education, work, house and viscera. The Albanian state based on the Constitution of the Republic of Albania has the obligation in collaboration with privately owned companies ensure Albanian citizens with a higher standard of healthcare services. The healthcare system should be designed to match all needs of the population equally, with efficiency and responsibility. The facts show that there is a lot of inequality regarding the use of services of the healthcare system offered by the Albanian state. First, the vulnerable groups in most cases don't receive the needed services. Second, the healthcare system does not offer equal services related to geographical distribution. Third, some healthcare services are still on payment and can not be afforded by all Albanian citizens such as Romas, Egyptians, pensioners etc. Right to education (Art. 13) is a fundamental right, since it depends on the exercise of all other human rights, especially economic and social rights. Through the right to education, states promote individual freedom, and empowerment and receive in exchange benefits from the progress. United Nations and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have developed an international legal instrument to promote, protect and fulfill the right to education for the implementation of SDG 4 -Education 2030 Agenda that aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. These legal instruments such as declarations, conventions, recommendations, and framework of actions elaborated by UNESCO ensure that any individual without discrimination has a proper education. Since Albania is in the process of EU integration, the state is undertaking long-term reforms in the education system. Based on complaints about the violation of the right to education, the Albanian Ombudsman declare that legal discrimination is not a problem anymore, but there are a lot of cases of discrimination out of sight regarding the right to education. So, the right to education remains problematic also for 2022 (Albanian Ombudsman, 2022).

Conceptual framework

The objective of this research to monitor the Albanian state's performance in meeting the obligations of ICESCR regarding the five economic and social rights. Based on the literature review, the definition and characteristics of human rights, the categorization of human rights, the connection between human rights and SGDs, requirements of ICESCR, about state obligations, we have drawn a conceptual framework that will guide us in achieving the main objective of this research. It's really important to underline that we can measure the Albanian state performance regarding the enjoyment of economic and social rights only if in the analysis we include both parts of the medal, the citizens and the state.

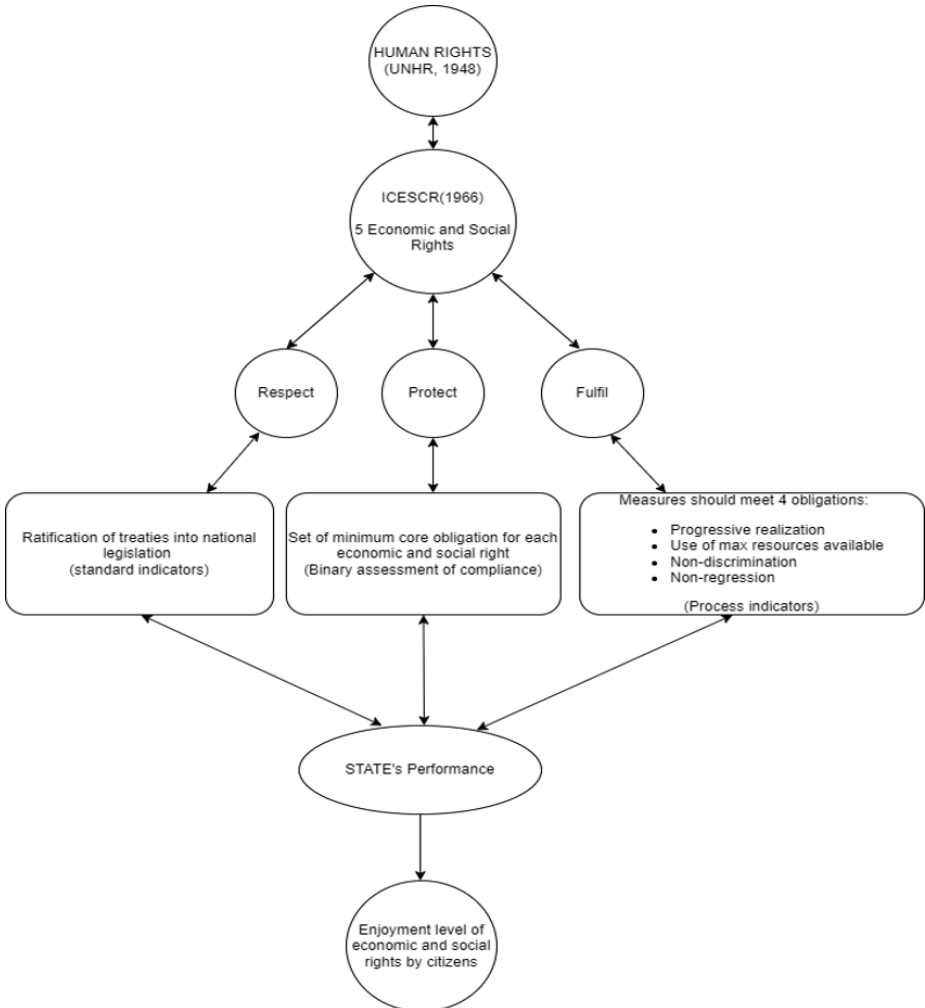


Figure 5: Conceptual framework

Source: Authors

The evaluation of the Albanian state performance in meeting ICESCR obligations to respect, protect and fulfil economic and social rights, as suggested by the literature review will be divided into three main sections answering three specific research questions:

-Has Albanian government taken all necessary measures as required by ICESRS to meet the obligation to protect economic and social rights of Albanian citizens?

-Do all Albanian citizens enjoy a minimal level of economic and social rights, regardless of the Albanian state resource level?

-How is Albanian government facing the challenges of fulfilling the economic and social rights of all Albanian citizens? To answer the first research question, the literature review suggested that we should conduct a qualitative analysis to assess whether the Albanian government has ratified treaties, codified laws, and implemented strategies for fulfilling human rights commitments. To evaluate if the Albanian government has achieved the required minimum core obligation for each ESR, regardless of the state resource level, we will do an observation to understand if this minimal level of rights is enjoyed by all citizens. Meanwhile, the third question, is more complex, taking into consideration that according to the ICESCR, four obligations should be assessed to measure the Albanian performance of the ESR fulfillment: progressive realization, use of maximum resources available, non-discrimination and non-retrogression. The literature suggests that the available resources of a country are represented by the GDP per capita. By combining the GDP per capita used by the state to protect, fulfill and respect ESR and the level of enjoyment of each right by citizens we can define if our country has performed as requested by ICESCR.

Methods and procedures:

As shown in section 2.2 we will assess the Albanian performance in meeting obligations of economic and social rights divided into three parts, by the requirements of ICESCR and as suggested by the literature review. We will use the same methodology used by Mitchell, Baylis and Randolph in the research they have done in 2021 to monitor the enjoyment of rights in New Zealand. To understand if Albania has taken all necessary measures to complete the obligation “to respect”, through ensuring codification of national legislation that explicitly recognizes the right to education, right to food, right to house, right to health, right to work and strategies, plans, policies explicitly acknowledge that the adequate housing, working, education, food and health protection are rights, we will use structural indicators. “Structural indicators reflect the ratification and adoption of legal instruments that show a country or state’s acceptance of and commitment to fulfilling a human right. Structural indicators involve looking at the existence and creation of basic institutional mechanisms that enable the promotion and protection of human rights. Structural indicators often reflect a country’s commitment to the whole right or set of rights” (Mitchell, Baylis, Randolph, 2021). Structural indicators will be divided into two groups: structural indicators about the codification of national legislation and structural indicators about setting up strategies, action plans, policies etc. Regarding the structural indicators of codification of national legislation, we will do a quantitative analysis, since we already know the exact number of key international human rights treaties for each right and we will compare it with the number of ratified treaties by the state that recognize the rights, to find the percentage of compliance. Meanwhile, for the second group of structural indicators related to the creation of strategies, plans and policies that explicitly recognize the rights we will do a qualitative analysis to better understand if they exist in Albanian and if they are under implementation. The ICESCR requires from every state that has ratified the convention to ensure to all citizens a minimum essential level of enjoyment of economic and

social rights, regardless of the country’s resources. To achieve this, the Albanian state, should set a minimum core obligation for each right. During the second part of the research, we will do an observation regarding the minimum core of each right by using a binary assessment of compliance. The third part of the research is related to the obligation of the state “to fulfill” and the assessment of Albanian’s state performance in meeting this obligation by evaluating the compliance with the four criteria mentioned in ICESCR: progressive realization, maximal use of the available resources, non-regression and non-discrimination. In this case, we will use empirical methodologies as shown in the table 2:

Criteria as per ICESCR	Methodology	Aim
Progressive realization	Time series for a period of 10 years and comparison with other Western Balkan countries (when data is available)	To see if the indicator trend is moving as required by the convention. The comparative analysis will help us understand if Albania is moving with the same steps as the other countries in our region.
Max use of the available resources	SERF Index and HRMI Score	Through using the SERF Index, we will assess if the rate of improvement of ESR is increasing faster/slower than the available resources of Albania. The results will be compared with the HMRI score for our country.
Non-regression	SERF Index and HRMI Score	We will see if the indicator trend is constant, improved or decreased over time. Based on the result we will score the state performance regarding this obligation.
Non-Discrimination	Time series and descriptive analysis	We will try to find if there is a gap or disparity within the time series representing sub-group discrimination.

Table 2: Summary of Methodologies for assessing performance on human rights obligations
Source: Mitchell, Baylis, Randolph (2021)

During this part of the research, we will use process indicators. Process indicators measure the ongoing efforts of governments to transform their structural indicator commitments into desired results, they also demonstrate the extent to which a country is meeting its obligations of conduct and measure the extent to which a country is meeting its obligations of result. The indicators if taken apart don't give information and can not be used to measure the performance of a country regarding the human rights fulfillment. For this reason, we will compare the results using the Economic and Social Rights Performance Score which is an indicator developed by the World Bank and Human Rights Measurement Initiative (HRMI), for 10 years, expanded in 171 nations, elaborating 131 types of data. The methodology used to create this dataset was the SERF Index which is the abbreviation of the Social and Economic Right Fulfillment Index and was developed in 2009 by Sakiko Fukuda-Parr, Terra Lawson-Remer, and Susan Randolph. SERF Index is a tool that measures and analyzes the countries' fulfillment of economic and social rights, relative to what can be achieved by the country's GDP per capita level. (Fukuda-Parr, Lawson-Remer, Randolph 2009). Gross domestic product (GDP) per capita was a commonly used indicator reflecting the assumption that what mattered was aggregate economic output and productivity (, 1999). For our analysis, we will use the GDP at the national level and GDP per capita for Albania during the last 10 years, 2012-2022 to measure the economic resources of our country. The data will be found on the official website of the Albanian Institute of Statistics (INSTAT). Then, we will choose 5 indicators from the variety of economic and social indicators, that we believe represent better the 5 economic and social rights. The data about these 5 indicators will come from INSTAT and will cover the same period as the data of the economic resource indicators. Based on the literature review, we have chosen to use the following indicators for each right and the relation with the SGD indicators, as shown in the table 3:

ESR	SDG	Goal	Indicator
Right to food	1	1.4	1.4.1 Proportion of population living in households with access to basic services (water, sanitation, condition of dwelling, overcrowding, level of education of household head)
Right to house	11	11.1	11.1.1 Proportion of urban population living in slums, informal settlements or inadequate housing
Right to health	3	3	3.c.1 Health worker density and distribution
Right to education	4	4.4	4.4.1 Proportion of youth and adults with information and communications technology (ICT) skills, by type of skill
Right to work	8	8.8	8.8.2 Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status.

Table 2: Summary of SGDs indicators for each economic and social right
Source: Authors

Based on historical data that we will collect from INSTAT and ILOSTAT (in the case of indicator 8.8.2), will see the position of Albanian in comparison with the “achievement possibilities frontier” (APF), for every combination of GDP per capita or national GDP and right indicator. GDP per capita will be considered as the independent variable and each economic/social indicator will be considered as the dependent variable.

Recommendations and follow up

During the literature review and examination of historical data on the complaints about the violation of human rights in Albania, it is clear that there is a lack of information regarding economic and social rights. For this reason, as mentioned in the Resolution of the Parliament of the Republic of Albania, the responsible national institutions should be engaged in promoting economic and social rights. Through awareness rising process, it will be possible to record and address the cases of ESR violations. The importance of economic and social rights is high, due to the human rights characteristics. If economic and social rights are not promoted, protected and fulfilled, a negative effect will also be transferred also in political, civil and cultural rights.

One of the key messages of UN entities during the meeting held in May 2023, was that every developing country should work constantly to improve the statistical data to facilitate the calculations regarding SDG targets. In Albania, the responsible institution of statistics has started a collaboration with the Albanian national human rights institution that is responsible for the implementation of SDGs Agenda 2023. The main purpose of the collaboration is to use the SDG indicators to start monitoring the fulfillment of human rights. At the moment all efforts are focused on the SDG indicators that monitor gender equality. Taking into consideration, that OHCHR has asked the countries to prioritize the work in three main directions: economic, social and environmental, the collaboration between the two institution should be focused on the economic and social rights SDGs indicators. The collection and elaboration of official data for monitoring economic and social rights in Albania is emergent. We believe that it is really important for Albanian experts, national human rights institution, and organizations fighting for human rights in Albania to begin interpreting the data offered by the SERF Index to better understand the situation and identify the main points that should be held under observation. We believe that there is an emergent need for research studies in the field of human rights, especially economic and social rights, that will help the responsible national institutions in measuring the state performance regarding the usage of maximum available resources for the progressive fulfillment of Albanian citizens ESRs. Such research studies will help also the state government to manage the financial resources in productive ways, with a focus on building an economy that advances equality and sustainability.

References:

[6] Constitution of the Republic of Albania, Part IV “Economic, social, cultural rights and freedom”, Article 49 – 58 and Part V “Social Objectives”, Article 59, point c, <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>

[2] Donnelly J., (2008) The relative universality of [2] human rights, Human Rights Quarterly, The John Hopkins University Press, Vol. 29, pp 183-193

[2] Eide, A., (2001) “Economic, Social and Cultural Rights as Human Rights”, Economic, Social and Cultural Rights: A Textbook, Dordrecht: Martinus Nijhoff, 2nd ed., pp 9-28

[4] Equality and Human Rights Commission (2017), Measurement Framework for Equality and Human Rights, <https://www.equalityhumanrights.com/sites/default/files/measurement-frame->

work-interactive_1.pdf, pp 214-225

[4] Fact Sheet nr. 33 (2008), Office of the United Nations High Commissioner for Human Rights, United Nation, https://www.ohchr.org/sites/default/files/Documents/Issues/ESCR/FAQ_on_ES-CR-en.pdf

[2] Fukuda-Parr, S., Lawson-Remer T., Randolph S., (2009) ‘An Index of Economic and Social Rights Fulfillment: Concept and Methodology’, *Journal of Human Rights*, Vol. 8, pp. 1-27.

[4] Grad F.P., (2002), *Bulletin of the World Health Organization*, Vol. 80 (12)

[4] Guyer N.P., Fukuda-Parr S., Randolph S., Daniels M.L. (2009), *Measuring the Progressive Realization of Economic and Social Human Rights in Brazil: A Disaggregated Economic and Social Rights Fulfillment Index*

[6] Law no. 8454 dated 04.02.1999 “On People’s Advocate”, as amended, <https://www.avokatipopullit.gov.al/sq/article/legislation>

[6] Mclsaac E., (2023), *Backgrounder: Economic and social rights*, Maytree, <https://maytree.com/about-us/why-a-human-rights-based-approach/backgrounder-economic-and-social-rights/>

[6] Mclsaac E., (2022), *Moving from theory to implementation on human rights and poverty*, Maytree, <https://maytree.com/publications/moving-from-theory-to-implementation-on-human-rights-and-poverty/>

[4] Mitchell L., baylis P., Randolph S., (2021), *Monitoring the enjoyment of rights to adequate housing and health care and protection in Aotearoa New Zealand*, Motu Economic and Public Policy Research, Wellington N.Z.

[6] Normative Act no. 9, date 16.12.2019 “For facing the consequences of natural disaster”, <https://qbz.gov.al/eli/akt-normativ/2019/12/16/9/946f0872-3eb0-4d8e-8155-ab81e04f8134>

[4] People’s Advocate (2022) *Annual Report on the activity of People’s Advocate 2021*, pp 191-215, <https://www.avokatipopullit.gov.al/media/manager/website/reports/PA%202021%20Annual%20Report.pdf>

[4] People’s Advocate (2023) *Annual Report on the activity of People’s Advocate 2022*, pp 199-216, <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20vjetor%20i%20veprimtarise%20se%20institucionit%20te%20Avokati%20te%20Popullit%20per%20vite%202022.pdf>

[4] OHCHR (2000), *Human Rights Indicators: A guide to measurement and implementation*, <https://www.ohchr.org/en/instruments-and-mechanisms/human-rights-indicators>

[2] Petel, M., & Putten, N. V. (2021). *Economic, social and cultural rights and their dependence on the economic growth paradigm: Evidence from the ICESCR system*. *Netherlands Quarterly of Human Rights*, 39(1), pp 53–72. <https://doi.org/10.1177/0924051921994753>

[4] Randolph, Badenhurst, Shay, Stewart, and Watson *SERF Index Methodology 2023 Update Technical Note*, Economic and Social Rights Empowerment Initiative, 2023, www.serfindex.org/overview-2022/.

[2] Randolph S., Fukuda-Parr S., Lawson-Remer T., (2010), *Economic and Social Rights Fulfillment Index: Country Scores and Rankings*, *Journal of Human Rights*, Vol. 9, pp 230-261.

[6] Rattray S. (2019), *Human rights and the SDGs - two sides of the same coin*, <https://www.undp.org/blog/human-rights-and-sdgs-two-sides-same-coin>.

- [4] Report of the Inter-Agency and expert group on Sustainable Development Goal Indicators (2016), Doc E/CN.3/2016/2, <http://unstats.un.org/unsd/statcom/47th-session/documents/2016-2-IAEGSDGs-E.pdf>, pp 15 – 39
- [6] Weston B.H., (2023), “Human rights”, Encyclopedia Britannica, <https://www.britannica.com/topic/human-rights>
- [2] Wellman C., (2022), Solidarity, the individual and human rights, *Human Rights Quarterly*, Vol. 22 (3), pp 639-657
- [4] Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (2017), A/RES/71/313, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/207/63/PDF/N1720763.pdf?OpenElement>
- World Health Organization (1948), Constitution of the World Health Organization, pp 1-3
- [6] Türk V., (2023), Overcoming multiple crises: Realising the 2030 Agenda through a human rights enhancing economy, Fifth intersessional meeting of the Human Rights Council on Human Rights and the 2030 Agenda.
- [2] Vasak K., (1977) Human Rights: A Thirty-Year Struggle: The Sustained Efforts to give Force of law to the Universal Declaration of Human Rights. UNESCO Courier, pp 29–32
- [4] Schutter D. O., (2013), “Economic social and cultural rights as human rights: An Introduction”, CRIHDO, Edward Elgar Publ
- [1] Sen, A. (1999), Development as Freedom, Oxford University Press, pp 35-54
- [4] UNDP (2023) Human Development Report 2021 -20 22, Annex Human Development composite indice, pp 272-285
- [1] UNESCO (2019), Right to Education Handbook, pp 28-38, <https://unesdoc.unesco.org/ark:/48223/pf0000366556>
- [6] United Nations General Assembly (1948), Universal Declaration of Human Rights, pp 1-8, <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>
- [6] United Nations General Assembly (1948), International Covenant on Civil and Political Rights, , pp 1-8
- [6] United Nations General Assembly (1966), International Covenant on Economic, Social and Cultural Rights , pp 1-8
- [4] United Nations General Assembly (2015), Transforming our world: the 2030 Agenda for Sustainable Development, pp 1-35



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