



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Third periodic report of States parties**

**Albania\***

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\* The present report is being issued without formal editing.





**REPUBLIC OF ALBANIA  
MINISTRY OF FOREIGN AFFAIRS**

**CONVENTION FOR ELIMINATION OF ALL FORMS  
DISCRIMINATION AGAINST WOMEN  
(CEDAW)**

**3<sup>RD</sup> NATIONAL PERIODIC REPORT**

Tirana 14.04.2008

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**ABBREVIATIONS**

<b>PA</b>	People's Advocate
<b>CEDAW</b>	Convention on Elimination of All Forms of Discrimination against Women
<b>DPEO</b>	Directorate of Policies of Equal Opportunities
<b>IOM</b>	International Organization for Migration
<b>ILO</b>	International Labor Organization
<b>ISI</b>	Institute of Social Insurances
<b>PATI</b>	Public Administration Training Institute
<b>STI</b>	Sexually Transmitted Infections
<b>INSTAT</b>	Statistical Institute
<b>CE</b>	Council of Europe
<b>MLSAEO</b>	Ministry of Labor, Social Affairs and Equal Opportunities
<b>MTCYS</b>	Ministry of Tourism, Culture Youth and Sports
<b>MICS</b>	Multi Indicator Cluster Survey
<b>MAFCP</b>	Ministry of Agriculture, Food and Consumer Protection
<b>MH</b>	Minister of Health
<b>NPO</b>	Nonprofit Organization
<b>UNHO</b>	United Nations Health Organization
<b>UNO</b>	United Nations Organization
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>UNDP</b>	United Nations Development Program
<b>FP</b>	Family Planning
<b>NRCVT</b>	National Reception Center for Victims of Trafficking
<b>AG</b>	Albanian Government
<b>TUHC</b>	Tirana University Hospital Center
<b>RA</b>	Republic of Albania
<b>NSGP &amp; VF</b>	National Strategy of Gender Parity and Violence in Family
<b>USAID</b>	United States Agency for International Development
<b>UNICEF</b>	United Nations Children's Fund
<b>DCM</b>	Decision of the Council of Ministers

## INTRODUCTION

1. The third national periodic to report contains updated information regarding measures that the Government of the Republic of Albania (RA) has undertaken to implement convention on elimination of all forms of discrimination against women (hereinafter referred to CEDAW), in accordance with the obligations that derive from provisions of its article 18. Albania presents in this report the progress it has made in this direction during 2003-2007, in particular the changes made in the legal and administrative aspects for the implementation of the first 16 articles of CEDAW Convention. The First and Second Combined Report, sent to CEDAW Committee on 22 May 2002, served also as a reference point for drafting of the Third Periodic Report.

### I. GENERAL CONSIDERATIONS

2. Albania ratified the Convention on Elimination of all Forms of Discrimination against Women [CEDAW] by Law No. 7767, adopted by Albanian Parliament on 09.11.1993 and published in Official Gazette No. 13 on December 1993. This moment marks the starting point for integration of international legal standards in the internal law, which currently continues to be in force and the Constitution of the Republic of Albania (RA) guarantees its implementation, engaging Governmental institutions to observe and promote the rights guaranteed by CEDAW Convention.

3. Being an international agreement, after ratification by Law in the Parliament, this Convention, pursuant to article 122 of Constitution of the RA, “*comprises part of the internal legal system, implemented directly and it prevails over the country’s laws that are not compatible with it*”. This fact is a clear expression of the importance paid both by executive bodies and by Albanian Parliament to the implementation of obligations deriving from articles of the above Convention.

4. Pursuant to this legal basis, the Government of the RA placed the issue of gender parity in the focus of its priority agenda, considering that the country’s economical social development can not be understood without the treatment and concrete achievements in this important direction. It sticks to the principle articulated in the framework of 2005 Summit, in which all the UN Member Countries accepted that “*progress for women is a progress for all and a necessary prerogative to establish true parity and justice*”.

5. The Government of the RA has made steps ahead in the interval that elapsed from the moment of the first and the second combined report submission, regarding the degree of Convention implementation, regarding the completion of legislation package and other administrative measure, which aim at achieving the parity between man and woman.

6. One of the most important legal achievements realized in the time interval 2003 – 2007 is the adoption by Albanian Parliament of Law “On Gender Parity in Albania”. This Law sanctions the equal positioning for both sexes in the field of employment education and decision taking. This legal act is against discrimination and it provides at the same time for legal punishments when its violation is found out. This law process, started in 2006,

brought many new elements, which guarantee its implementation in practice aiming at the real elimination of gender discrimination.

7. Government gender policies had the target to strengthen the woman's status, with the purpose of creating for her, a bigger access in labor market and opportunities for official, political and business career. Albanian Government working program provides for executive power's full commitment to eliminate violence against women and girls and their exploitation for purposes of prostitution or for other denigrating purposes. Consequently, the program is clearly orientated towards policies and measures for prevention of violence against women and crime in family, the implementation of which requires also that they occupy an important place in all levels of governance.

8. In order to improve the gender parity situation in the country, Ministry of Labor Social Affairs and Equal Opportunities [MLSAEO], in the quality of the responsible authority for issues of gender parity, committed to draft National Strategy and Action Plan of Gender Parity 2007 – 2010. The Strategy was drafted during an inclusive process and it provides for the most important fields of international, operative, political and legislative intervention in a country scale. DCM No. 913 of 19.12.2007 adopted this Strategy.

9. At the same time, Albanian Government cooperated with UNDP Office in Tirana, Council of Europe, OSCE and a number of foreign and local nonprofit organizations, in order to promote the leadership of women in Albanian society by raising the awareness of large public, mass media and private sector in general, regarding the importance of gender issues in good governance, education and further development of the country.

10. Drafting and implementation of gender programs in close cooperation with civic society and first and foremost with the organizations specialized on issues of gender parity is one of the most important commitments included in Albanian Government policies. Principal duties of Directorate of Policies of Equal Opportunities [in MLSAEO] foresee the cooperation with NPO-s, which are active in the field of equal opportunities for common projects and activities.

11. A special order of the Prime Minister commissions the Ministry of Foreign Affairs to draft National Periodic Reports, realizing a cooperation among governmental institutions, People's Advocate [PA] and NPOs so that the report shows very realistically not only the progress and the current situation in the country, but also the most concerning issues in the field of gender parity. Based on the order of Prime Minister of the RA (No. 201 of 05.12.2007), the Inter-ministerial Working Group was established, with the participation of ten ministries [Ministry of Labor, Social Affairs and Equal Opportunities, Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Education and Science, Ministry of Economy, Trade and Energy, Ministry of Agriculture, Food and Consumer's Protection, Ministry of Tourism, Culture, Youth and Sports, Ministry of Finance and two State institutions [Institute of Social Insurances – ISI and Institute of Statistics – INSTAT], which contributed to find the necessary information for this report drafting.

12. The third periodic report was conceived in accordance with the CEDAW Committee specific guidelines, because taking these guidelines into consideration enabled us to

harmonize the form and content in the process of this report drafting. Seen from this angle, this report contains:

- Information and comments on most important changes that occurred to achieve gender parity in Albania from the time of the previous report [The first and second combined CEDAW Report], that is, for the period 2003-2007. In particular, it shows the overall changes and most important results of activities made in the field of gender parity in Albania during this period.
- Respecting the data presented in the First and Second Combined Report, the third periodic Report of the RA shows also the improvements of legislation, secondary legislation framework and other administrative measures undertaken with the principal aim to eliminate more and more the discrimination against women and improve the process of their integration in political, social, economic and cultural life of the country. Together with the other legal acts, we judged that this report should show also some other important acts belonging to the period before 2003, since they were not shown in the First and Second Combined Report.
- A special importance was attached in this report to the issues raised by the CEDAW Committee in the material prepared by it in the 28 UNO Session [13 – 31 January 2003], after the Government of the RA handed over the first and the second combined report [in particular paragraph 45 of this Committee recommendations]. For this reason, the report includes also the answers to comments and recommendations made by the CEDAW Committee.
- The measures undertaken by State institutions and activities carried out by NPOs, regarding the implementation of Beijing Declaration and Platform of Action and UN Resolutions and other documents on this issue occupy a special place, [Committee Recommendations, Paragraph 44].
- Albanian Government took into consideration the analysis and suggestions given by civic society and alternative reports drafted by NPOs in the framework of Conventions in which Albania is a party, in particular, this is valid for CEDAW Convention. Therefore, NPOs and institution of People's Advocate were committed actively to implement the Convention and to prepare the Third Periodic Report. These institutions were invited to cooperate and their comments are included in the annexes attached in this report, together with INSTAT statistical data. In the meantime, we consulted closely the information found in the WebPages of some NPOs, [which did not take part in consultation], regarding the protection of rights of women in the RA.

13. This report is divided in four chapters and special sections, which correspond to CEDAW Convention in general and with first sixteen articles, in particular. For each article, we show first the amendments to the legal framework and the measures undertaken by Albanian Government to meet the respective obligations deriving from

CEDAW Convention and the results achieved, showing at the same time the difficulties and gaps that were found in its implementation in practice.

## **II. MEASURES UNDERTAKEN TO IMPLEMENT PROVISIONS 1-16 OF CONVENTION AND CEDAW COMMITTEE RECOMMENDATIONS**

### **CHAPTER I**

#### **Articles 1-3 POLITICAL-LEGISLATIVE MEASURES AGAINST DISCRIMINATION OF WOMEN**

##### **I. Definition of Discrimination Pursuant to Albanian Legislation**

14. The principle of parity of women and men occupies an important place in the Constitution of the RA and national legislation. The Constitution of RA, [in article 18, point 2] formulates the principle of non-discrimination in this way “*No one can be discriminated against for such reasons as gender, race, and religion*”. Though the Constitution does not define expressly the discrimination, it provides for international agreements in which the RA is a party to become part of the national legislation and even to prevail over local legislation, which is contrary to it [Article 122/2 of the Constitution]. Since the UN CEDAW Convention is automatically implement able, then the definition of this Convention in article 1 for discrimination was used for gender discrimination.

15. In addition to this, Labor Code contains a more detailed definition of discrimination in employment relations, which is quoted even in the first and second combined report for CEDAW Convention, whereas during 2003-2007, there was no initiative to make a new definition in Labor Code, regarding gender discrimination. Article 9/1 of this code prohibits all forms of discrimination in work and profession, whereas paragraph 2 of this article provides for definition of discrimination in employment relations, pursuant to which, “*Discrimination is the distinction, exclusion, or preference made on the basis of race, color, sex, age, faith, political opinion, ethnic belonging, or social origin, physical or mental impairment that infringe the right of the individual to be equal in employment and training*” [It show ILO Convention provisions, No. 111].

16. Law “On Gender Parity in Society” was adopted on 01.07.2004, which also gives a definition of gender discrimination as “*violation of equal rights for women and men*”, or “*discrimination is the active or passive action that expresses under valuation, disdain, limitation to rights or privileges because of the person’s sex*. In order to achieve gender parity standards in accordance with international documents and to make the above law applicable in practice, we started the process of its review in 2006. The draft is in the stage of adoption in the Parliament of Albania. The general principles of the presented Law state that this Law is based on principle of parity and nondiscrimination and on other principles sanctioned by the Constitution of the Republic of Albania (RA), by Convention “On Elimination of all Forms of Discrimination against Women” and by other international acts, ratified by the RA.



17. Aiming at achieving the most contemporary standards on gender parity, the review of this Law was proposed later and this caused the drafting of the new bill, "On Gender Parity in Society" [No. 9534 of 15.05.2006]. This bill gives a fuller definition of gender discrimination being in full accordance with the definition of discrimination given by CEDAW. Definition of discrimination pursuant to the new bill is formulated as follows: *"Discrimination on grounds of gender is every distinction, exclusion or limitation on gender grounds, the purpose or consequence of which is the harm, non-recognition, non-enjoying and non-practice in an equal way by each gender of human rights and freedoms, provided for in the Constitution and the laws in political, economic, social, cultural and civil fields"*.

## **II. Improvements in legislation and secondary legislation and other specific measures for elimination of gender discrimination**

18. In recent years, Albanian legislation, especially the criminal legislation has changed in a progressive and qualitative way, including in its content the different international acts, in which Albania is a party. Albanian official institutions, in particular Ministry of Justice, Ministry of Justice, Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO), Ministry of Education, etc, undertook legal initiatives to improve the legal framework that guarantees gender parity, and concrete measures for a direct implementation of the Convention articles in Albania.

19. Seen in this angle and meeting CEDAW Committee recommendations of [Paragraphs 42 and 43], Albanian State party agreed:

1. To make amendments to article 20, first paragraph of CEDAW Convention, regarding the time of Committee meeting. [Paragraph 2 of Recommendations].
2. Albanian Parliament ratified the Convention Optional Protocol, by Law No. 9052 of 17.04.2003 [Paragraph 43 of Recommendations].

20. In addition to national legislation improvements, Albania ratified a number of international acts during the period 2003-2006, which among others, intend to eliminate discrimination against women. Among these, we may mention:

- Protocol No. 12 of European Convention "On Protection of Fundamental Human Rights", ratified by Law No. 9264 of 29.07.2004, subject of which is prohibition of discrimination in general.
- Optional Protocol of Convention "Against Severe Inhuman or Degrading Torture and Treatment", ratified by Law No. 9094 of 03.27.2003.
- European Convention "On Compensation of Victims of Violent Crimes", ratified by Law No. 9264 of 29.07.2004.
- Convention of European Council "On Measures against Trafficking of Human Beings", ratified by Law No. 9642 of 20.11.2006.

21. We will say, in response to Committee Concerns and the Recommendations regarding the progress made in the field of laws [Paragraphs 18, 19, 20 and 21], we may say that, after ratification, CEDAW Convention became part of the national legislation and enjoys prevalence in legal norms order. The improvements made in Albanian legislation created the possibilities that adequate, open and affordable procedures are offered to women, as legal means to protect violation of their rights. In the framework of full elimination of gender discrimination, following those provisions of Albanian criminal and civil legislation that were amended from the period of the first and the second combined report handover.

22. Taking into account these amendments, we may say that Albanian legislation is relatively in good accordance with article 2 of CEDAW Convention. The principle of parity between men and women [as mentioned above in explanations of article 1] is provided for in the Constitution, which provides for prohibition of discrimination, as well.

23. Adoption of Law No. 9118 of 01.07.2004 “*On Gender Parity in Society*” marked a positive step in drafting the new legislation on gender parity. Though, this was a good initiative of the woman movement, practice showed that the Law had a number of gaps, among which, we may mention: failure to complete its functions and ambiguities it created in the former Committee for Gender Parity, or failure to issue the secondary legislation. Restriction of implementation of this Law only in some fields that CEDAW covers and absence of provisions in other laws that prohibit and impose sanctions on gender discrimination, left the individual without “*legal means*” with which he/she may bring cases of discrimination to court. In general, a citizen in Albanian legal system requires more to restore a legal right rather than the direct implementation of a constitutional right. In other words, s/he requires justice for a right that derives from a specific law, drafted on the basis and implementation of a certain constitutional provision. So, the applicant or the complainant requires from the court a right, stating also the concrete article of a certain law, on which s/he bases his/her application and not a general right that the Constitution provides for.

24. In order to further improve the existing legislation, Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO), as the responsible authority for gender parity issues, as stated above, committed itself to review the Law “*On Gender Parity in Society*”, to draft the new bill (No. 9198 of 10.07.2004), according to the decision taken in the Inter-ministerial Committee meeting of Gender Parity. The new bill was drafted as a necessity to guarantee equal possibilities between man and woman, with the purpose to eliminate direct and indirect discrimination, based on gender and public life of the country, The initiative for the review was undertaken by Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) and for this of legal field and gender experts issues were selected and supported by OSCE and UNDP.

25. The bill was adopted in the Council of Ministers in January 2008 and it was further discussed in the Parliamentary Committee for Health, Labor and Social Affairs and changes were made to the presented draft, especially regarding equal gender representation, it provides for representation percentage (article 20). The bill is expected to pass quickly in the plenary hearing for adoption.

26. The main purpose of this bill is protection of citizens from any form of discrimination made because of gender, the guarantee of equal possibilities and opportunities for males and females, to achieve the highest standards in the field of gender parity. This will be achieved especially through improvement of functions in the field of gender parity that this bill will complete and by strengthening of institutional mechanisms that will implement the legal framework of this field. The bill introduces new definitions like that of gender discrimination, gender integration, percentages and it gives a fuller definition of sexual harassments in the working place and other harassments.

27. Criminal Code of the Republic of Albania: Law No. 9686 of 26.03.2007, “*On Some Addenda and amendments to Law No. 7895 of 27.01.1995, Criminal Code of Republic of Albania – amended*” was adopted with the initiative of Ministry of Justice. Its article 6 provides for aggravating circumstances in committing a criminal offence urged by motivations related to gender, race, religion, nationality, language, political, religious or social beliefs. Criminal Code provisions do not make any distinction for criminal acts. Ministry of Labor, Social Affairs and Equal Opportunities prepared the secondary legislation by Law No. 9669 of 18.12.2006 “*On measures against violence and family relations*”. Criminal Code contains more severe sanctions on discrimination. Article 253 states that, “*distinctions on the basis of origin, sex made the State employees or public service, which consists in creation unjust privileges or abuse of right or benefit deriving from law, is punished by penalty or imprisonment up to 5 years*”.

28. Labor Code also contains such sanctions. Article 9, paragraph 1 prohibits any form of discrimination in employment and professional activity, without specifying the employer, which may be a public institution, or a private person. The discrimination may bring about, as a consequence sanctions, with the amount up to 50% of monthly minimal salary. In order to eliminate discrimination in the private sector, Labor Inspectorate in Ministry of Labor, Social Affairs and Equal Opportunities (MLS AEO), controls and guarantees that the legislation on working conditions and health insurance is followed also in the private sector. However, the private sector is less systemized regarding procedures that guarantee compatibility with anti-discrimination laws. Employment is left chiefly to employer’s preferences. We should work more to eliminate culture practices, which limit women’s possibilities to benefit employment.

29. Violation of non-discrimination principle at work is sanction by Law with a fine up to 50% of minimal wage (article 202 of Labor Code). Some of the main provisions of this Code are: Article 10. “Participation in Trade Unions”, Article 32/1: “Employers Obligation to Observe and Protect Employees Personality”, Article 32/2: “Prohibition of Sexual Harassment”, Chapter 8, Articles 39-75: “Health and Insurance in the Working Place”, chapter 9, articles 76-97: “Working Hours and Paid Leave”, Chapter 10, article 98-108: “Special Protective Measures for Women and Children” and Chapter 11, articles 109-134: “Remuneration”.

30. Criminal Procedural Code: In accordance with provisions of this Code, the Criminal Procedural legislation has the duty to guarantee a fair, equal and correct legal prosecution, to protect personal freedoms and rights and citizens’ legal interests, to help strengthen legal order and implementation of Constitution and laws of the State. For women, who are

punished for criminal acts, there are available necessary legal services, so that legal protection of their rights is guaranteed. It is worth mentioning that the number of women lawyers and women in police forces and other functions in all police structures increased sensitively, including Ministry of Public Order, which led to the creation of a new mentality in the legal profession in general and police forces in particular. Women that do not have the possibility to afford defense through private legal assistance, are represented professionally free of charge by lawyers given by the State.

31. Administrative Procedural Code, which is implemented by all public administration bodies, during the exercise of their functions by individual acts, sanctions the general administrative activity principles, like legality principle, principle of protection of public interest and that of private persons' rights, principle of accountability, principle of justice and objectivity, impartiality and principle of parity and proportionality.

32. Civil Code: Article 1 provides for every natural person, who enjoys full and equal capacity to have civil rights and obligations within the limits provided for by law, without conditioning the enjoyment of civil rights, due to ethnic belonging or social origin, or social origin, and without providing for special preferences based on race, color, sex, age, or faith.

33. Civil Procedural Code, also provides for binding, equal and the same rules for judgment of civil disputes, provided for it, regards stipulating special rules for individuals with ethnic, gender, age, or special race belonging.

34. New Family Code was adopted after a long work of some years by Law No. 9062 of 08.05.2003. Giving the marriage definition, Family Code states the moral and legal parity of spouses as a basic important life principle. Likewise, it is worth showing that Albanian legislation treats in particular the violence on gender grounds, including also violence in family. Violence against the woman is covered by some Criminal Code sections, which are shown in the following table:

<b>Code Sections</b>	Offences against person's freedoms	Offences against moral and dignity	Offences against children marriage and family	Sexual offences
<b>Offences</b>	Kidnapping, Trafficking of women Illegal Removal of Freedom	Exploitation of prostitution	Coercion or Impediment to live together or cancel marriage	- Violent Sexual Intercourse with minors or adults, - Sexual relations with people in blood relations or under guardianship

35. Law No. 9669 of 18.12.2006, "On measures against Violence in Family Relations" has the purpose to "Prevent and reduce violence in family in all its forms, with appropriate legal measures and to guarantee protection with legal measures for family members, who are victims of violence in family, paying special attention of children, old people and people with disability. This Law (No. 9669) is an administrative-civil law, which intends to create a

coordinated network of governmental institutions to respond in time to cases of violence in family and issue immediate protection orders by the courts.

36. Law No. 9888, adopted by Parliament on 10.03.2008, "On Rights and Treatment of People Sentenced with Imprisonment and Detainees". This Law was drafted by reviewing Law No. 8328 of 16.04.1998 "On Rights and Treatment of People Sentenced with Imprisonment". Article 5 of this Law provides for serving of a sentence with imprisonment to be made by observance of inmate's dignity and it is permeated by human sentiments. In the same way, this Law provides for the main principles of treatment of sentenced people, like impartiality, or nondiscrimination, because of sex, nationality, race, economical and social condition, political views and religious faith. The inmates should be guaranteed such living conditions, which decrease to the minimum the prejudging negative effects of imprisonment and differences with the life of other citizens. The relevant institution started to draft the amendments to this law, aiming at improving the conditions and rights of people sentenced with imprisonment, in accordance with most important international acts. This initiative was realized in cooperation with EURALIUS (European Assistance Mission for the Albanian Justice System) and UNICEF.

37. In implementation of this law, General Prisons Regulation was adopted, which among others, provides for obligations of prisons administration to realize the human and educated treatment of the inmates, by means of modern effective administration methods, without discrimination based on race, color, sex, language, religion, political opinion, national or social origin, economical condition, etc. Pursuant to this Regulation, every inmate should get informed about his/her rights and obligations, deriving from law, about this Regulation and Internal Prison Regulation. For this purpose, the library of Institution of Sentenced Women makes available the necessary laws and bylaws. Communication of acts for illiterate inmates is made orally by the education service.

38. In response to CEDAW Committee recommendations (Paragraph No. 22 and 23), Table 8.1 of INSTAT shows the number of people sentenced for crimes and contraventions pursuant to Civil and Criminal Code during 2000-2006. The following tables show also those articles in the Criminal Code in which the Convention was directly applied, within the national legal framework in the RA.

Statistical Information on cases archive in the court and judicial decisions  
(2003-2007)

<b>KIND OF OFFENCE</b>	<b>Article</b>	<b>Year</b>	<b>Criminal case for Judgment</b>	<b>Suspended, Finished Case</b>	<b>Decision declaring guilty</b>	<b>Decision declaring not guilty</b>	<b>Incompetence</b>
Interruption of Pregnancy without the woman's consent	Article 93	<b>2003</b>	0		0		
		<b>2004</b>	0		0		
		<b>2005</b>	0		0		
		<b>2006</b>	0		0		
		<b>2007</b>	0		0		
Sexual or Homosexual relations with adults	Article 100/1	<b>2003</b>	12		11		
		<b>2004</b>	15		10		
		<b>2005</b>	10		10		
		<b>2006</b>	10	1 turned back for completion of investigations	7		
	100	<b>2007</b>	10		7		1
Sexual or Homosexual relations with minors, age 14-18	Article 101	<b>2003</b>	0		0		
		<b>2004</b>	3		0		
		<b>2005</b>	0		0		
		<b>2006</b>	9		6	1	
		<b>2007</b>	5		2		1
Sexual relations with violence with adults	Article 102	<b>2003</b>	12		20		
		<b>2004</b>	8		14		
		<b>2005</b>	11		10		
		<b>2006</b>	16	2	10	1	3 (not finished)
		<b>2007</b>	10	1	4		5 (not finished)
Sexual or Homosexual relations with minors, with people unable to protect themselves	Article 103	<b>2003</b>	0		0		
		<b>2004</b>	0		0		
		<b>2005</b>	1		1		
		<b>2006</b>	1		1		
		<b>2007</b>	0				

Sexual or Homosexual relations with threatening or use of weapon	Article 104	<b>2003</b>	2		2		
		<b>2004</b>	0		0		
		<b>2005</b>	0		0		
		<b>2006</b>	0				
		<b>2007</b>	0				
Sexual or Homosexual relations with abuse of duty	Article 105	<b>2003</b>	0		0		
		<b>2004</b>	0		0		
		<b>2005</b>	0		0		
		<b>2006</b>	0				
		<b>2007</b>	0				
Sexual or Homosexual relations with people in lineage or guardianship	Article 106	<b>2003</b>	0		0		
		<b>2004</b>	2		2		
		<b>2005</b>	0		0		
		<b>2006</b>	2	2			
		<b>2007</b>	1			1	
Exploitation of prostitution	Article 114	<b>2003</b>	22		21		
		<b>2004</b>	73		46		
		<b>2005</b>	18		22		
		<b>2006</b>	23	13 not finished	8	1	
		<b>2007</b>	14	3 not finished	9	2	
Exploitation of prostitution in aggravating circumstances	Article 114/a	<b>2003</b>	58		73		
		<b>2004</b>	19		54		
		<b>2005</b>	60		69		
		<b>2006</b>	44	16 not finished 1 turned back for completion of investigations	24	2	1
		<b>2007</b>	46	28 not finished 1 turned back for completion of investigations	16		1

**Source: Ministry of Justice**

39. This table shows the statistical data for the period 2003-2006 and the first nine months of 2007, regarding criminal decisions of courts, referring to violation of rights in general, or referring to those criminal acts, committed by women, based on practice. Ministry of Justice shows in the Annual Statistical Bulletin only the decisions given by respective Albanian courts, pursuant to legal basis, provisions (respective articles).

40. In response Committee recommendation (Paragraphs 24, 25 and 46), we may say that the personnel which deals with the Law application and NPO-s on human rights of women made many efforts to raise the degree of information on Convention to raise the awareness

of women and public opinion on importance of CEDAW Convention, training, talks in TV and Public Radio, distribution of Convention texts in Albanian language, etc. However, the situation cannot be considered satisfactory yet. Observations and interviews made in the entire country with people of various ages and professions show that the Convention does not have a wide distribution and there are no data to show the manner and the degree Convention application of and its additional protocol to protect to protect the rights of violated women.

41. In 2006 Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO), in the framework of the project “Drafting of National Strategy and Action Plan on Gender Parity” with the support of specialized UN agencies, realized a survey on the current situation in Albania, regarding issues of gender Parity. This survey consisted in filling a questionnaire prepared by staff of Directorate of Policies of Equal Opportunities and it was distributed to the entire territory of Albania by contact points’ network in Prefectures.

42. From the processing of questionnaires for the legislation and international instruments, we found out that regarding the question, *what do you know from the international documents dealing with the protection of rights of women and girls?* 70.6% of women respondents knew the Charter of Human Rights, 4.9% knew CEDAW and 7.6% knew Beijing Platform for Action 1995. From the men respondents, 77.9% knew the Universal Declaration on Human Rights, 5% CEDAW and 1.1% Beijing Platform for Action. Regarding the question, *what you know form the local legislation on protection of Rights of Woman and Girls?* It came out that 2% of the women respondents and 17.8% of men respondents knew about Law “On Gender Parity in Albania”.

43. In order to realize the awareness of the public opinion in general, and in particular that of public administration employees in a central and local level, Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) carried out a number of other activities for the gender parity and prevention of violence in families. We may mention here:

- Two studies “Situation of Gender Parity in Albania” and “Violence in Family”, which were published and distributed to institutions and other groups of interest.
- The cycle with articles in daily newspaper “Standard” on issues of Gender Parity.
- Preparation and distribution of posters on violence and gender parity.
- Public Radio and TV Programs.
- An exhibition with paintings on the topic of violence in the framework of the 8<sup>th</sup> of March.
- The Fair on businesswomen.
- The round table on legislation “Gender Parity and Violence in Families”.
- The thematic - sensitizing activities on the International Day of the 8<sup>th</sup> of March, “Progress is with me, you join it as well” with the participation of the President of Republic of the Prime Minister, Members of Parliament, representatives of other institutions, NGOs, International Organizations operating in the country.



- Raising the awareness on National Strategy of Gender Parity and Violence in Family (NSGE & VF) 2007-2010, with round tables in 12 Prefectures in the country and the distribution of the strategy.

44. In the NSGE & VF, in Chapter of Rights, Legislation and Institutional Mechanisms, one of the objectives foreseen to be achieved for the period 2007-2010 is: Translation and publication of all international documents on issues of gender parity and in particular of CEDAW Convention. In this regard, we have realized:

- 1- The new publication of CEDAW Convention and Additional Protocol in Albanian language in the form of a brochure, with an explanatory introduction. The brochure was distributed to central and local institutions and to the participants of the 8<sup>th</sup> of March with the title, "*Progress is with me, Join you, as well*".
- 2- Translation of international legal acts related to gender parity of UNO, EC and EU and their publication. The published material was distributed to all central and local institutions and NGOs operating in this field.

45. In 2008-2009, we plan to carry out another campaign to raise the awareness on "*Rights of women are human rights*", in which, in addition to Public TV and Radio Programs, articles in newspapers, included 12 round tables in country's prefectures, in which the participants will be trained and will be informed closely on local and international legislation (especially CEDAW, its additional protocol, Beijing Platform, ILO Convention, etc).

46. Albanian Center of International Law (NGO) published and distributed recently in Albanian a summary of National and international acts, etc, related to legal parity issues, which included a big number of International Convention, comprising CEDAW Convention. Likewise, Ministry of Culture Tourism, Youth and Sports organized an information day with the topic "Promotion of Human Rights" and CEDAW Convention was an important part of information materials in these information activities.

### **III. National Mechanisms on Gender Parity**

47. Discrimination against women in Albania may be reduced or eliminated by the work of many stakeholders and the principle stakeholder in this process is Albanian Government (AG). The establishment of a considerable number of mechanisms or the governmental structures to guarantee gender parity shows indirectly that Albanian legislation is in positive accordance with article 3 of CEDAW Convention.

48. In addition to this, taking into account also the recommendations of CEDAW Committee (paragraphs 26 and 27), concrete measures were taken to strengthen the existing mechanism of gender parity in a national and local level. State responsibility about gender issues during the period 2003 – 2008 was distributed to some governmental structures, in the level of the Prime Minister, Minister or prefecture. After 2000, in Albania, there were important institutional and structural developments for the further progress and emancipation of women and girls in Albanian society, and to guarantee their active participation equally like men in political, economic and social life of the country.

### Governmental Mechanisms on Gender Parity in 2004-2006

49. Law on Gender Parity No. 9198 of 01.07.2004 created some structures commissioned to take necessary measures to implement the Law against discrimination. In this regard, the Committee for Equal Opportunities made continuous efforts to coordinate these State initiatives with the ever-increasing commitment of civil society. In 2002, the Committee on Equal Opportunities, which represented the governmental mechanism on woman, drafted a platform to improve the status of women in Albania, entitled “Platform of Albania Government on Equal Opportunities for Man and Woman 2002-2005”. A Decision of Council of Ministers did not approve this platform; however, the Government program for 2002-2005 took into consideration the implementation of these platform objectives through concrete activities that were carried out.

50. The adoption of Law “On Gender Parity in Society” (No. 9198 of 01.07.2004) provided for the creation of two structures and concretely: **1).** Inter-ministerial Committee, with an advisory role for gender parity policies, **2).** Committee “On Gender Parity”. The Committee on Equal Opportunities, a structure that preceded the creation of Committee of Gender Parity contact points in each ministry and prefecture until the approval of Law on gender parity had. Gender issues were not in the job description of these contact points, and additional work was carried out without remuneration. At the request of the governmental organism (Committee on Equal Opportunities) these contact points provided divided statistics according to the gender or they were involved in round tables and other activities.

51. However, this structure could not play the role for which they were established, because they did not have clarity, power and sufficient financial resources. The inter-ministerial Committee convened only once in May 2005, in which they found out the gaps and the inapplicability of Law No. 9198 of 01.07.2004, “On Gender Parity in Society” and it came out with the task to review this law. The Law stated nothing about Committee on Gender Parity, but only for the Chairperson of this Committee. This gap created the ambiguity and non-working of the Governmental mechanism on gender parity. With the amendment made in the bill on Gender Parity, in June 2006, Ministry of Labor, Social Affairs and Equal Opportunities became the responsible authority on gender parity.

### Governmental mechanism on Gender Parity from 2006 and on

52. Women’s progress and gender parity achievement have been considered by the Government as important priority policies, which came from parliamentary elections of 2005 and again stress was put on strengthening of governmental mechanisms. For this reason, Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) (the institution considered as the responsible authority on gender parity issues) created the Directorate of Policies of Equal Opportunities (DPEO), after amendments made on Law 9198 of 01.07.2004 “*On Gender Parity in Society*”, this Directorate replaced from the structural aspect the former Committee on Equal Opportunities (Committee on Gender Parity).

53. Primary Mission of Directorate of Policies of Equal Opportunities (DPEO): “*To formulate and develop policies for promotion of parity in such field as gender parity, parity/imparity in capacity, issues of ethnic minorities, ethnic, ethno-cultural and linguistic minorities, age,*

*generation and race imparity, etc*". In particular, gender parity issues; the Directorate has the purpose "to promote gender parity and a large participation of woman in the economic, political and cultural life of the country". The principle duty of this Directorate for gender parity issues is:

- To formulate policies on equal opportunities focused on gender parity prospect and protection of rights of other categories of society, as mentioned also in its mission.
- To propose initiatives for studies and analysis in the entire field of policies on equal opportunities and the use of these studies in the process of development policies.
- To draft necessary legal acts for achievement of parity in various fields and implement and monitor provisions of Law on Parity and approved regulations pursuant to it.
- To supervise the implementation international agreements and acts in the period it covers, taking into account also the Government approval.
- To cooperate with other Nonprofit Organizations, which are active in the field of equal opportunities.
- To coordinate the work the preparation of National Programs for equal opportunities for categories of population that the object of Directorate of Policies of Equal Opportunities (DPEO) covers.

54. Drafting of National Strategy on Gender Parity and Violence in Family (NSGE & VF), approved by DCM No. 913 of 19.12. 2007 was one of the principal duties of Directorate of Policies of Equal Opportunities (DPEO). The drafting included the period June 2006-May 2007 and it was fruit of the interactive and comprehensive process, which involved central Government, local, civil society, nongovernmental associations, institutions, different groups of interest, representative of political forces in the country, representatives of academic field and international partners. This Strategy was supported by UNIFEM and UNFPA, whereas OSCE helped the process with 2 consultants. The *Principal Aim of the Strategy* is the inclusion of gender issues and violence in family, in public policies through concrete plans of actions in order to build the basis for the advancement of gender parity and minimizing the phenomenon of violence in family in the future, relying on documents, international documents, recommendations and instruments and taking into consideration the concrete conditions of Albania.

55. *Some strategic priorities* of this document, which are based on relevant fields that it covers, are:

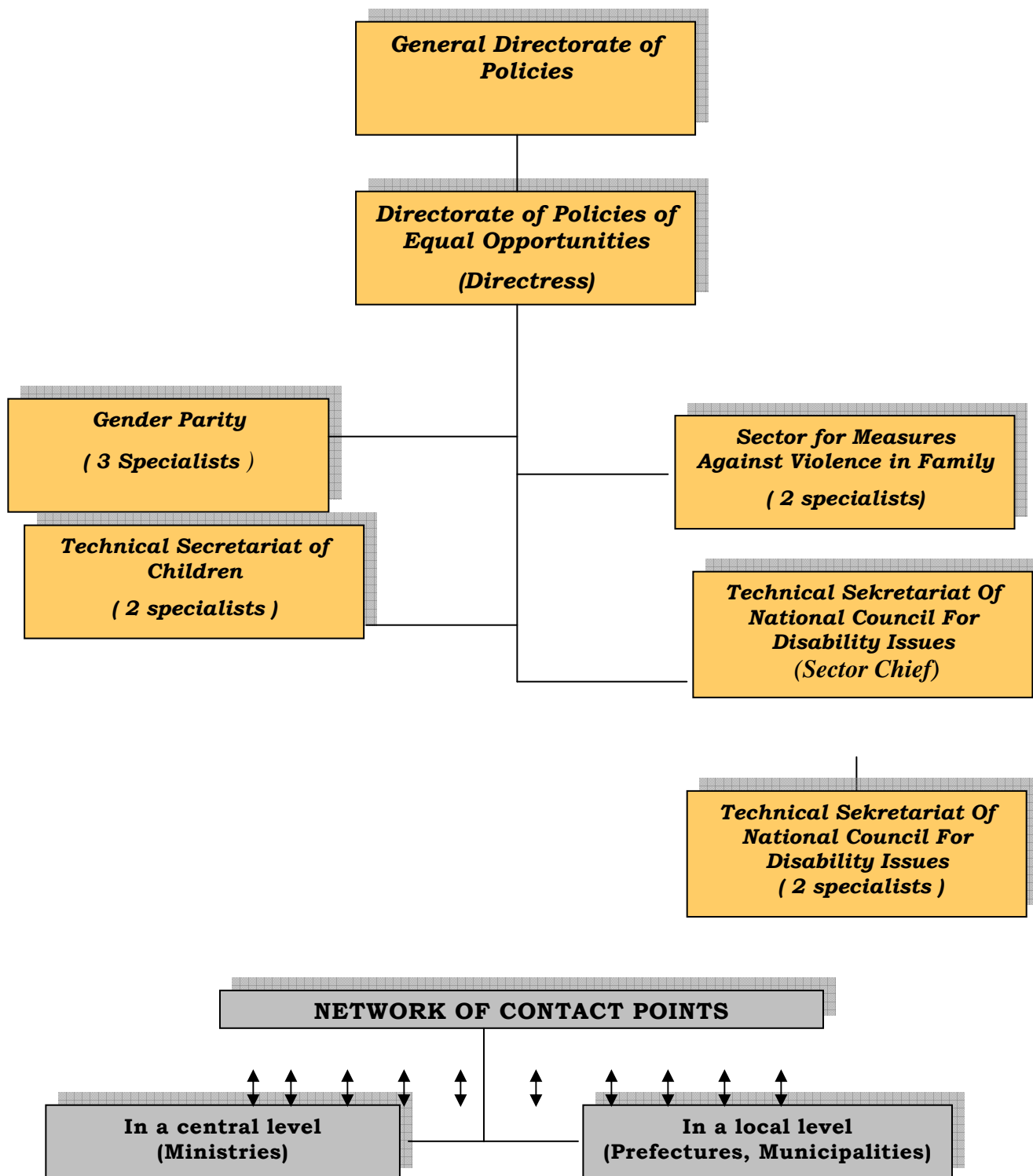
- Strengthening the legal and institutional protective mechanisms with the purpose to guarantee gender parity in Albania.
- Woman empowering by increasing her participation in decision taking.
- Woman's economic empowerment and increase of her possibilities for employment and professional qualification.

- Promotion of equal access of women and girls in quality education.
- Improvement of social situation of woman in risk by increasing their approach to qualitative social services.
- Protection of population's health by improving the health system for special needs of the population in this field.
- Improvement of media role for a new mentality that responds to developments of the time, regarding gender parity in society and increase of women's representation in these professions.
- Increase of awareness for the phenomenon of violence, legal and administrative protection and support for individuals affected by violence in family and violators.

56. Strategic goals of this document were formulated relying on strategic priorities specification. Strategic goals for each field are detailed further in the specific and concrete actions that should be undertaken. Another objective of Directorate of Policies of Equal Opportunities (DPEO) is inclusion of gender issues in the central and local level, which is realized by the network of contact points. Creation and empowering of the network of contact points in ministry level (14 people) and prefectures (12 people) enabled the institutional cooperation and coordination of the work to include gender policies in the central and local level. Currently 65 municipalities of the country are working to establish the network in a municipality level. Contact points have been trained with issues of gender belonging, from the initial level up to the most advanced. Training on issues of gender integration was realized also in the ministries line. The principal goals of these training were:

- The people assigned to follow the problems of gender belonging should serve as a connecting bridge between Ministry of Labor, Social Affairs and Equal Opportunities (MLSAEO) and respective ministries to facilitate regularly the transfer of respective information from ministry to prefecture and prefecture to the Directorate of Equal Opportunities (DPEO) and vice versa.
- To take part in activities of Directorate of Equal Opportunities (DPEO) and to give their contribution and opinions regarding various goals which relate to gender parity or strategy on these issues.
- To provide the necessary statistical data divided according to genders, which are required by the Directorate.
- To raise the awareness of other employees on issues of gender belonging.
- To take part in training on issues of gender belonging.

**Network of Structures and Gender Employees in Ministries and Regions**



57. New bill “On Gender Parity in society” intends to establish new mechanisms, such as:

- 1) National Council on Gender Parity headed by Minister of Labor, Social Affairs and Equal Opportunities and representative members from line ministries, and Nonprofit Organizations in the academic field. This Council will play an advisory role.
- 2) The network of gender employees in ministries and prefectures. This network is institutionalized now through the legal basis. The responsible people will cover issues of gender parity in a functional way, in accordance with the Law “On Civil Servant Status”. The bill will leave open the possibility of gender employees’ institutionalization in a municipality level, as well.
- 3) Commissioner of Gender Parity, etc.

#### Article 4                    **TEMPORARY MEASURES TO ACCELERATE PARITY**

##### ***1. Special temporary measures***

58. There are few temporary special measures in Albanian legislation, which aim at acceleration of gender parity *de facto*, whereas the legal framework regarding special measures for protection of motherhood appears more completed. Law on Gender Parity, No. 9198 of 01.07.2004, (Article 10, point d), provides for the concept of special temporary measures in Albanian legislation for the first time, referring to equal participation in decision taking process. Concretely, this article states that, “In order to regulate gender ratios in institutions, in the decision taking process during the selection procedure for candidates with equal assessment, with the same testing, qualifications, experiences, selection of a woman candidate should be a priority compared to a man”.

59. However, this law has not been implemented until now and it is unclear in some aspects regarding decision taking means, which institutions, etc. These and other above mentioned reasons brought about the drafting of the new bill “On Gender Parity” as an initiative of Albanian government. This bill (Article 7) provides for special temporary measure has to be taken including: **a)**. Percentages to reach the equal gender representation, which are proposed to be no less than 30 % for the increase the participation of the gender less represented in decision taking and public life; **b)**. Economic and position strengthening of people of each gender in the field of work; **c)**. Equal improvement of educational level and other measures in each field, where the people of one gender do not enjoy an equal position with the people of the other gender.

60. Albanian Government has progressively encouraged special categories of women to be integrated in the labor market. For example, State Strategy on Employment and Professional Training 2003-2008, which entered into force in January 2003, pays special attention to unemployed women. Decision of the Council of Ministers (DCM), No. 632 of 18.09.2003, “On program for employment and promotion of registered unemployed women”<sup>1</sup>, gives special priority to promotion of women’s employment. Pursuant to this DCM, issued for implementation of Law No. 7995 of 20.09.1995 “On Employment

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<sup>1</sup> This bylaw is not reflected in the Combined Report I and II.

Promotion” employers, who employ females, especially such categories, as: Roma females; women above 35; divorced women with social problems and females with disabilities, are supported financially. Worth mentioning is a series of measures taken after 2003 regarding governmental policies on employment, which aimed at the employment and qualification of a certain category of women.

61. Law No. 8872 of 29.03.2002 “On Education and Professional Formation in the Republic of Albania”<sup>2</sup> guarantees the right to express in the Constitution of the Republic of Albania the life long Educational and Professional Formation, the possibility to carry out the initial professional education and acquire necessary professional knowledge for employment, creating equal opportunities for all. In application of this law, the Guideline of Minister of Labor No. 2222 of 31.10.2002 “On Advice and Orientation of Professional Formation” was issued.

62. National Employment service implements this Guideline through employment offices, in which the employees have been appointed to realize the advice and professional orientation for all people who require it. Special care in the advice and orientation is paid to special jobseeker groups, like: mothers with many children, people above 50 years, young people under 18, long-term unemployed people, people whose families are under the poverty line, victims of trafficking and people who benefit from programs of money support, (This program includes unemployment payment, which covers 8 months to 1 year and economic aid), people who become jobless from enterprises and institutions, which are under reformation process, restructuring and privatization, unemployed mother-girls, divorced females with social problems, people who come back from emigration with economic problems, people who have just graduated and are not orientated in labor market, people who have suffered imprisonment sentence, people with disability, Roma an orphans who have acquired this status.

63. Order of Minister of Labor and Social Affairs No. 394 of 23.02.2004 “On Tariffs of Professional Formation System” provides for the registration tariffs in courses of professional formation offered by Public Centers of Professional Formation, which are free for such categories, as Roma community, trafficked girls and women. This Order provides for a considerable reduction of payment for free professional training for the above categories.

## **2. Special measures aiming to protect motherhood**

64. Among the special measures, which aim at protecting motherhood, we may mention:

- Constitution of the Republic of Albania in article 54 provides for “*Children, young people, pregnant women and young mothers have the right of special protection by the State*”.

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<sup>2</sup> This legal act is not reflected in Combined Report I and II.

- Law No. 9198 of 01.07.2004 “On Gender Parity in Society”, article 2 (definitions) states that, “*Special protection of women during pregnancy, labor and sickness does not comprise discrimination and violation of equal rights between man and woman*”.
- Law 8876 of 07.04.2002 “On Reproductive Health” guarantees special protection for the health of mother and child”.
- Council of Ministers by decision No. 397 of 20.05.199, amended by Decision No. 185 of 03.05.2002 approved Decision “On Special Protection of Pregnant Women and Motherhood”. Point 5 of these decisions, provided for work duration of pregnant women and breastfeeding mothers, states that *they cannot start work before 00:5 hrs in summer (00:6 hrs in winter), and not continue it after 20:00 hrs. Pregnant women and breastfeeding mothers have the right to take breaks now and then during the day, no less than 20 minutes for each three hours of continuous work.*
- According to article 108 of Labor Code *prohibits night work for pregnant women.* Council of Ministers is the body, which decides for special rules in cases when the night work is allowed for women. Labor Code provides for special means for protection of worker woman. Article 54/3 provides for the *pregnant woman who works continuously standing, should rest at least 20 minutes in every 4 hours.* Point 2 of article 100 of Labor Code of the Republic of Albania stresses that the Council of Ministers decides about special rules for duration of difficult or dangerous works for miners under 16 years old and pregnant women. Based on this, the Council of Ministers by special DCM provided for special rules for protection of pregnant women. Likewise, it prohibits the employment of pregnant women and especially of those who breastfeed children, in activities that expose them to factors and working conditions of high risk for their health. List of works, which present the risk towards exposure to agents and working conditions that endanger the endanger safety and health of pregnant women, women that have just given birth or breastfeeding women is approved by DCM No. 207 of 09.05.2002, “On Definition of Difficult or Dangerous Works”.
- Criminal Code of the Republic of Albania considers the bad working conditions a criminal act against pregnant women, (article 50/e), whereas article 79/b provides for life imprisonment when death of a pregnant woman is caused.

65. The new bill on Gender Parity provides for special measures for protection of motherhood and in this direction, this bill guarantees:

**a)** Special protection of women during pregnancy and labor of young mothers, and young parents, after the natural birth or adoption of a child by them, creating conditions for their protection and facilitation in work; in social insurance and social aid; and guarantee of necessary health aid for the mother and the child; in guaranteeing and promotion of social services system favoring the development of nurseries and kindergarten network;



**b)** Measures to be taken to facilitate and help the people who have special responsibilities in families, because of daily care for family members with disability, because of age, physical and mental disability or for other disability reasons;

**c)** Restriction for pregnant women and breastfeeding women to work in some sectors of heavy and dangerous works. These restrictions should be reviewed periodically, depending on scientific and technical knowledge and according to the needs that appear.

## Article 5

### ROLE OF SEX AND STEREOTYPES

#### **(a) Current situation and measures taken to eliminate the gender stereotypes**

66. Gender stereotypes still remain a problem of Albanian society, reinforced by the masculine chauvinism tradition that hinders the woman to advance in realization of her rights *de facto*. The social and cultural reality supports the conclusion that the girls more often and more quickly abandon school than the boys to give a contribution to family economy, or to marry in very young age. Traditional stereotypes for the woman have been applied, especially in media, in which the figure of this part of society is shown from one side dependant economically, emotionally weak, professionally incapable and on the other hand it appears as devoted housewives, family woman, mother and a worthy spouse.

67. The characterization of the figure of the female often is accompanied by an unethical, insulting and denigrating glossary. It happens that the publication of real events is made under the light of prejudices and events are broadcasted under the influence of negative stereotypes. Regardless of the continuous efforts made for elimination of gender stereotypes, they again exist and continue to be shown even by media. In Albanian media, there is still an absence of presentation of multiple roles of woman in family, and her contribution in society. In fact, media reinforces the traditional meaning of masculinity, femininity and gender roles, in which the male is considered always as the primary and the family pillar, whereas the female is the devoted mother and devoted educator for her children and other family members, etc.

68. Journalists and reporters come from an environment where there are many stereotypes that discriminate women and they tend to show this reality. For example, it happens often that chronicles made on the occasion of the Woman International Day (8 March) broadcast great achievement of women in education, but they do not mention that in the university level, men hold most of leading positions in education. Though women are well educated and qualified equally like men, they are less employed and they hold less leading positions. In fact, women work in sectors with a low remuneration. They work in such jobs as nurse, pre-school system employee, teacher in nine-year education and secondary education, whereas in private sector they work like dressmakers, nurses, etc., jobs, which are consequently less, paid.

69. In front of this reality and being supported by UNDP, the Government of Albania during 2003-2005 undertook some analysis for gender aspect in the framework of the project "*Increase of Gender Integration Capacities*". The aim of this analysis was to highlight legislation policies and Governmental strategies in the field of employment, education,

health and gender budgeting, with the purpose to show the gaps and to give guidelines for improvement of gender parity situation in these fields, intending at the same time to meet CEDAW Committee recommendations on this issue (paragraphs 28 and 29).

70. During the period 2004-2005, the governmental mechanism for equal opportunities (former Committee for Equal Opportunities) implemented some projects, which intended to train the media with gender parity elements and elimination of stereotypes in mass media. In 2004, we developed a cycle of training, regarding gender prospect for journalists of written media. In 2005, another cycle of training was realized with students of journalism last year regarding gender issues and health, which were trained for issues of journalists' ethics, to know the gender legislation in the field of health, etc. In the framework of campaigns for raising awareness, cycles of TV programs took place in the National TV to raise the awareness on gender issues.

71. The Government made continuous efforts during 2006, and on, which aimed at the elimination of these stereotypes. They were made through public and private TV programs, by preparing and distributing posters, by organizing round tables in a central and local level, by training public administration employees with concepts of gender and women's rights, etc. In the framework of the entire improvement of school curricula, Ministry of Education and Science (MES) in cooperation with Institute of Curricula and Standards laid down as a requirement the integration of gender perspective by means of:

- (1) Review and drafting of programs in pre-university and university education;
- (2) Review and drafting of new school texts;
- (3) Drafting of guidelines and methodology materials for integration of gender prospect in curricula.

72. The curricula framework of the entire pre-university education and school programs has been completed currently and the treatment of gender belonging varies according to school programs level. This treatment is inconsiderable in the nine-year education. The inclusion in secondary and higher schools programs of subjects and topics, which study gender belonging, has become more and more necessary. Usually, the gender component in the secondary is introduced in the social subjects like knowledge in Society, History, Literature, etc. In the higher schools, the subjects on gender belonging issues are offered in the program of social work, psychology, sociology, journalism, social policies, etc, and the subjects of literature, psychology, political sciences, philosophy and culture. Some of the faculties prepare students and specialists in issues of gender belonging to work in public sector, civil society, etc. Department of Social Labor in Faculty of Social Sciences has started the two-year master program "Gender Belonging and Development". This program, which in the two first years was supported by the UNDP (creation of library, attendance of foreign lecturers) started in 2007 and during the first year, 19 students followed it in total, out of which 18 females and 1 male.

73. Because of the educational system change, from 8 to 9 years, starting from school year 2004-2005 until 2008-2009 the new textbooks have been drafted for the compulsory education forms (I-IX). Generally, the school textbooks review has improved in many

directions and this was made with the purpose to eliminate the stereotypes that educate gender imparity. The drafting of these texts is an indicator of the sensitive transformation regarding the authors of texts themselves, selection of material, the pedagogic apparatus setup, etc. In some new books that have entered the school curricula from 22 authors, 17 are females. (until now eight groups, in the social sciences). It was precisely this authorship that caused many gender stereotypes to be eliminated and the entire teaching material has a deeper respiration.

74. Generally, the reviewed school textbooks have improvements in the direction of elimination of stereotypes that educate gender imparity, as in selection of examples and the psychology that permeates the illustrating material, or the tasks given by the pedagogical apparatus. However, in the texts used to prepare the teacher, the gender viewpoint is almost completely inconsiderable. Moreover, the teachers face an insufficient treatment of gender component in their initial preparation, whereas the teachers' qualification in service (in work), generally concentrates on their qualification according to the subjects and methodical teaching and learning qualification. Gender component is not an integral part of these qualifications.

75. Strategy of Gender Parity and Violence in Family, approved by DCM No. 913 of 19.12.2007 aims to undertake concrete actions through programs for the elimination of gender distinctions in all fields. In the most sensitive areas of the country as in Tirana, Shkodra, Malësia e Madhe, Korça, Berat, Elbasan, Fier, etc UNICEF, in cooperation with MES in cooperation with UNICEF carried out training for teachers.

In the meantime, the teachers on their part organized meetings with parents to change the social and cultural behavior schemes and models of man and woman, the stereotypes, on Kanun (chiefly against blood feud), traditional codes, prejudices and customary practices.

76. One of schoolwork principal directions was that against violence in school and family, in particular, for cases when women and girls are part of it. For this, MES issued the Circular No. 8373 of 26.11.2006, "On measures to be taken for improvement of educational work in school and violence prevention". In implementation of this circular and recommendations of the study "Violence against Children in Albania", made by UNICEF, a plan of activities in a country scale was drafted, as for example, the declaration of national action in education, in order to say "Stop to violence against children in school". In the framework of this action, the following measures were taken:

- Adoption and realization of code of behavior for all staff and school pupils in order to oppose all forms of violence and behavior containing discrimination.
- Every Regional Educational Directorate (RED) and Regional Educational Office (REO) and every kindergarten and school directorate analyzed manifestations of various (physical, emotional-physiological, sexual) forms of violence used in educational environments.
- Seminars were organized in the level of Regional Educational Directorates (RED) and Regional Educational Offices (REO) with kindergarten and schools managers to identify the forms of violence used in educational environments and methods to prevent them.

- Meetings were organized in kindergarten and school level, among schoolteachers and workers of Psychological Service Centers in order to acquire knowledge about various forms of violence against children and long-term consequences that they have in their development.
- Psychological Service Centers' specialists included activities for identification, treatment and prevention of various forms of violence in schools in their working plans.
- Talks, surveys, questionnaires, etc. were made with pupils, teachers and parents to identify cases of violence.
- We have worked to strengthen the cooperation between the institutions and associations that operate in the psychosocial field and that of conflict solving for treatment of children with behavioral problems.
- Special activities were organized with parents on methods of treatment of children and their behavior management.
- The monitoring teachers of classes 1 to 12 have programmed teaching activities to be carried out in extracurricular classes according to the forms based on the general guideline of Directorate of Curricular Development in MES regarding the discussion of topics on "Violence of teachers on pupils".
- Teachers, pupils, and parents in kindergarten and school level have undertaken a large discussion on the entirety of behaviors and relations that bear violence and which are punishable. They were held between teachers and pupils, among pupils themselves, and among parents, children and teachers. The parents' community took an active part in this discussion.
- Exhibitions with drawings, caricatures and literary creations with the topic "Violence against children" were organized.
- In a local level, various topics and discussions on violence in school and family were introduced in TV and media with the presence of the schoolteachers, pupils and parents.
- In cooperation with UNICEF, MES implemented a special project called COMBI, which intends to form sustainable behaviors in pupils against violence.

77. A good part of national informing campaigns, which have the goal to eliminate, the gender stereotypes were undertaken by NPOs, specialized in gender issues. Training sessions with groups of women and men of various age groups, educational level and professions were made almost in the entire Albania.

***(b) Common responsibility of both parents for children's upbringing***

78. Traditionally, the women bear the main burden of well being in the family, though they have fewer possibilities than men to use resources and means needed to meet family responsibilities. Because of covering these responsibilities, providing food and care, women are employed in jobs with shortened hours, which do not require mobility or long hours and advanced professional knowledge. Consequently, they have lower salaries, job insecurity, no social and health insurance they are overcharged with paid work in the labor market and unpaid work at home, (they are the sole caretakers, often the only providers of food, they are psychologically consumed and consequently they reflect everything on their children or their families).

79. Aiming, among others, to improve this situation, MLSAEO implemented all procedures to ratify Convention No. 156 of ILO "On Employees with Family Responsibility". This Convention is ratified by Albania in July 2007 and its implementation was considered as one of the State obligations in the sense of adopting programs and drafting equal opportunities to men and women and creation of conditions to draft and implement facilitating programs for employees with family responsibility. The ratification of this Convention was important also for issues of elimination for gender stereotypes and to raise the public opinion awareness regarding equal share of family responsibilities (care for children, people with disability and third age).

80. Awareness campaigns have been foreseen in the Action Plan of National Strategy on Gender Parity and Violence in Family 2007-2010 regarding rights of women in which training sessions were included to share family responsibilities. This Action Plan proposes an addendum to Law 'On Social Insurance' and legislative measures regarding reception of parent leave by the father after the birth of the child, giving the possibility to the father to contribute to the care for children and the mother. This is made in the framework of Albanian legislation approximation to international legislation, especially to that of the EU.

81. Likewise, the new bill "On Gender Parity" provides for specific measures to be taken to facilitate and help the people who have special responsibilities in the family because of the daily care for family members with disabilities because of the age, physical or mental disability or for other disability reasons.

**Violence in family**

82. The lobbying made by civic society for almost 3 years in the entire country zones collected 20.000 signatures and as a result of these voters' civic initiative, the adoption of Law No. 9669 of 18.12.2006 "On measures against violence in family relations" was made possible. This Law was prepared in cooperation with groups of interests like NPOs, Organization for Protection of Women's Rights, People's Advocate, etc. It was discussed largely in parliamentary commissions, it was consulted also with the Governmental institutions, MLSAEO, who gave opinions and after relevant changes, it was adopted in December 2006.

83. The Law entered into force in June 2007 and currently, according to the legal obligation, some secondary legislation has been adopted, related to establishment of responsible structures for issues of violence in families. We may mention among them:

- Order of Prime Minister No. 202 of 05.12.2007 “On Establishment Of Structure For Measures Against Violence In Families in Ministry of Labor Social Affairs and Equal Opportunities”;
- Some orders of Ministry of Labor Social Affairs and Equal Opportunities related to provision of medical report to people violated in families, recording cases in individual register and individual file and medical treatment of violated people in health institutions;
- Order No. 379 of 03.03.2008 “On measures to be taken by State police on prevention and reduction of violence in family”, the process was led by Ministry of Labor Social Affairs and Equal Opportunities, which created the sector for measures against violence in family that plays a coordinating and supervising role pursuant to the law.

84. Regarding this issue, the purpose of this Law is to prevent and reduce violence in family in all its forms, and to guarantee the protection of family members, which are victims of violence in family with legal measures. Pursuant to this law, “Violence is considered every action or inaction of a person against another person which brings consequently the infringement of physical, moral, psychological, sexual, social, economic integrity”. The Family Code too provides for cases of violence in family, urgent measures to be taken by the court, at the request of the other spouse when one of the spouses does not meet evidently one’s obligations and puts family interest in danger. Article 62, entitled “Measures against violence” provides for “the spouse, against which violence is exerted, has the right to address to the court with an application to impose as an urgent measure the leaving of the spouse who exerts violence from the spouse’s house”.

85. On the other hand, Criminal Procedural Code of Albania provides for free assistance by a lawyer for the defendant, who does not have sufficient financial means. Concretely, article 49 of Criminal Code with the title, “Appointed defense” provides for “the defendant who has not chosen the defense, or has remained without defense to be assisted by a lawyer appointed by the body that makes the prosecution if s/he requires it”. When the defendant does not have sufficient means, the expenses made for the defense are paid by the State. When the defendant is under the age of 18, or with physical, psychological disability that inhibits him/her to make the defense himself/herself, the assistance of lawyer is compulsory. In these cases, various NPOs offer free legal assistance for certain subjects, such as: Civil Legal Initiative office for Protection of Citizens, Legal Office for Minors. In this regard, Ministry of Justice is working to issue the secondary legislation that provides for free legal assistance for victims of violence in family.

86. In application of Law No. 9669 of 18.12.2006 and in response to CEDAW Committee recommendations for this issue (paragraph 32, 33), State Police has undertaken a plan of necessary measures to fight violence against women in Albania and to train police officers regarding the method of solving the problems related to violence in families. In the same way, the functionaries commissioned with these issues pursuant to the Law have been ordered to register all complaints for spouses’ violence that are an object of investigation and strengthen the cooperation with organizations, which can offer assistance for victims of spouses’ violence.

87. Ministry of Interior is one of the responsible authorities for creation of special sectors for prevention and fight against violence in families (Article 7/1/a of Law No. 9669 of 18.12.2006). In application of this obligation special structure were established in July 2007 in a central and regional level, which are currently in the process of working efficiently. In a central level, the Directorate against Heavy Crimes, (Crimes Investigation Department) these structures are called “sectors”, whereas in the regional level, in Police Directorates of regions, they are called “sections” for protection of minors and violence in family”.

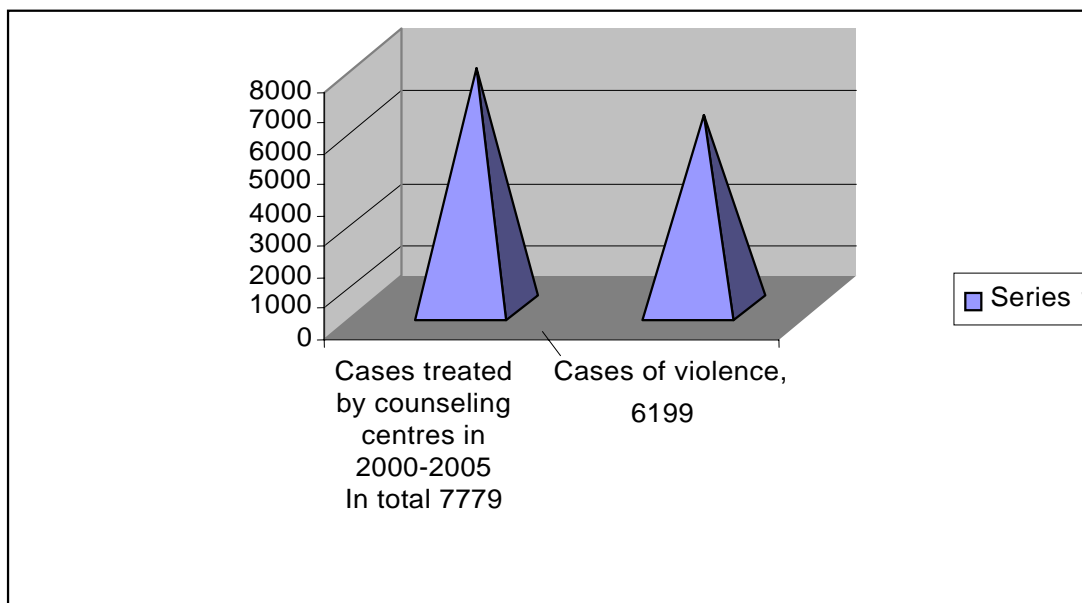
88. These structures have the function to prevent and fight violence in family environment, violence against minors and to collect systematically the statistical data that relate to this phenomenon. These data will be reported every three months during 2008 and in continuation. According to the data of the first 3 months of 2008, it appears that protection from police was required from 184 victims of violence in family. The monitoring made in implementation of Law No. 9669 of 18.12.2006 by the sector *For Measures against Violence in Family*, for the period January-March 2008, it appears that police structures in regions prepared and sent to respective district courts 74 lawsuits “For immediate protection order issue”, 61 of which were prepared by Tirana Regional Police Directorate.

89. The study of cases of violence against women shows the phenomena related to the not very distant past of Albanian society, especially in relations of couples such as the mediated marriages, migration of males and negative social consequences in family relations, differences in employment, in remuneration, discrimination in remote areas of the country and ownership problems accompanied by violence inside the family. The number of systematic psychological maltreatment cases reported by women appeared to be low. This is so because the community, chiefly in rural areas, does not have the proper emancipation to report to police flagrant cases of violence of man against woman, father against daughter, or children against old parents, etc.

90. Ministry of Labor, Social Affairs and Equal Opportunities in cooperation with the Center of Gender Alliance for Development (NPO) made a study entitled “Violence in family - current situation”, which dealt with the analysis of situation in Albania regarding the phenomenon of violence in family. This study was carried out by a group of experts with experience and qualification in this field, who, used as a basis in their analysis the data of 2005, provided by the organization centers that offer social services to assist victims of violence in families. Likewise, data regarding the spread of violence in family, for 2005 were also received by Ministry of Interior. This study precedes the drafting of National Strategy and Plan of Action against violence in family.

91. Referring to this study, the data collected in all centers and associations (not including Tirana advisory line), whose object of work is the fight against violence on woman and who offer services for victims of violence showed that: out of entire 7799 treated cases, 6199 are cases, which required help to escape the violence situation in family (see the following graph). Of course, these figures cannot be considered in anyway as definitive indicators of dimensions of violence phenomenon in family, but on the other hand, this information should not be neglected, because it is an expression of the fact that women and girls in most of the cases address to service centers exactly for the reason of violence exerted in families. According to data of Advisory Center for Women and Girls in Tirana, for the period

2000-2005, out of 9834-recorded cases, 9405 of them have been cases in which violence has been exerted (95, 6%).



92. From this study, some important conclusions were drawn regarding the most widespread forms of violence, which appeared as follows:

1. Emotional violence is the most widespread violence in families.
2. Economic violence is encountered more in urban areas.
3. Physical violence is reported more in rural areas.
4. Sexual violence is the least reported form.
5. The women with disabilities, migrant women, Roma women and women of rural areas are the most endangered.
6. The age groups, which experience most of the violence, are two: 18-23 and 37-45.



<b>Violence forms</b>	<b>Number of</b>
Murder cases	21
Attempt to murder	10
Threatening to murder	15
Injury	8
Sexual relations with violence	1
Illegal removal of freedom	2
Insult and beating	23
Theft of property	3
Compelling to abort	2
Shameful acts	1
Baby abandonment	1
Causing suicide	3
Property destruction	5

93. Ministry of Interior recorded for 2005<sup>3</sup> cases of violence in families and based on the criminal evidence, there are 102 cases of violence practice in families. Classification of these cases by Ministry specialists, presents the expression of violence in the following ways:

94. In 2006, the Directorate against Terrorist Acts and Open Crimes (General Police Directorate) found out 208 cases of violence in families, reported by victims or their relatives. Compared to the same period of 2005, there is an increase of 112 cases. This increase is not real, but it relates to the more precise recording and the more serious assessment that local police structures made for this criminal phenomenon. The criminal acts in matrimonial relations in 2006 comprise 108 cases, in which the husbands predominate with 95 cases as perpetrators of the following acts:

<b>Forms of violence</b>	<b>No. of cases</b>
Cases of spouses' murder	8
Attempt to murder	4
Threat to murder	29
Injury	17
Urging for prostitution	1
Insult and beating	25
Coercion to live together	3
Commitment of suicide	2

<sup>3</sup> Ministry of Interior, March 2006.

95. In accordance with CEDAW Committee recommendations (paragraph 25), we worked to draft the education and training programs about the Convention, in particular for the legal personnel. This School of Magistrates treated largely in all kinds of activities organized (for the initial training of candidates for judges and prosecutors and training sessions for judges and prosecutors in office) different topics of human rights and other topics, which included important discrimination elements. In the continuous, professional formation program for judges and prosecutors in office, in School of Magistrates, in recent years, activities were carried out to treat the topic of human rights, among which we may mention:

- Study session on European Convention on Fundamental Human Rights and Freedoms with the topic “Right of life, right not to undergo torture and inhuman, degrading treatment and right of freedom and security pursuant to articles 2, 3 and 5 of CEDAW Convention”.
- October 2003 - “Introduction to criminal acts of trafficking of human beings, techniques of their investigation and judgment” (2 training sessions).
- 2004 - “Family, marriage, divorce - legal issues deriving and affecting family members” (2 training sessions with this topics were carried out in April, 2 in may, 2 in June, 2 in July).
- November 2004 - Right of refugees and asylum issues.
- May 2005 - Protection of victims of trafficking of human beings in Criminal Procedures (treatment of women victims of trafficking).
- June 2005 - Introduction to criminal acts of trafficking of human beings
- June 2005-use of international standards of work and right of work in Albania (discrimination treated as an entirely separate issue).
- October 2005 - Justice of minors (4 training sessions).
- October 2005 - Trafficking of human beings and protection of victims of trafficking.
- November 2005 - Right of refugees and asylum issues.
- November 2005 - Marriage and living together, spouses, divorce, marriage, property regime. Conflict of laws in family law.

## Article 6

**EXPLOITATION OF WOMEN  
(TRAFFICKING AND PROSTITUTION)****Legal framework for the fight against trafficking and prostitution**

96. The field of combat against organized crime and illegal trafficking is one of the priority fields for Albanian Government and a very important in the framework of integration of Albania in European Union. The commitments undertaken and the objectives set are in the same line with the obligations coming out of Stabilization And Association Agreement (SAA, articles 4, 78, 81 and 85), national and international reports do not consider Albania a transit country or a country destination for trafficking of people, but it still remains a country of origin. It has made progress not only in striking the perpetrators of this criminal act and other criminal acts related to it, but also in the establishment of proactive structures of protection and assistance to the victims of trafficking. Likewise, we have achieved progress also in the adoption of laws for anti-trafficking according to the international standards and consequently Albania has currently a good legal framework for punishment of these heavy crimes. In addition to relevant provisions of Criminal Code on trafficking and other related acts, there are a numerous laws and bylaws that complete the legal framework for fighting organized crimes in general and trafficking of human beings in particular. These provisions are in accordance with UNO Convention against international organized crime and its two additional protocols, which are currently ratified. We have reviewed and adopted the legislation that guarantees the freedoms and rights of women on the one hand and the punishment of perpetrators involved in this criminal activity on the other hand. Among the most important amendments made to legal framework, we may mention:

1. Law No. 9284 of 30.09.2004 “On Prevention and Fighting of Organized Crime”.
2. Law No. 9188 of 12.02.2004 “On Some Addenda and Amendments to Law 7895 of 27.01.1995 of Criminal Code of Republic of Albanian - amended”. In the framework of the fight against trafficking of human beings, with the amendments made to Criminal Code by Law No. 9188 of 12.02.2004, other criminal acts have been amended or added to existing ones in accordance with the provisions of various ratified conventions.
3. Law No. 9205 of 15.03.2004 “On Protection of Justice Witnesses and Collaborators”.
4. Law No. 9509 of 03.04.2006, “On Declaration of Moratorium for Motor Navigating Means of the Republic of Albania”. The adoption of this Law is an expression of these serious efforts to strengthen control measures for illegal trafficking in the borders. It was completed further by other secondary legislation, like the DCM and the common Guideline of Minister of Interior and Minister of Defense.
5. Law No. 9642 of 20.11.2006, by which Albanian Parliament ratified the Convention of the Council of Europe “On Measures against Trafficking of Human Beings”.

6. Law No. 9686 of 26.02.2007, which adopted the amendments to article 298 of Criminal Code, “Assistance to Illegal Passing Of Borders”, which includes elements of criminal act of smuggling of human beings, it creates the possibility for investigation of smuggling cases even in those States, which do not have land borders with Albania. The adoption of this Law in the Criminal Code made possible the separation of the criminal act of trafficking of people from smuggling.
7. Law No. 9859 of 21.01.2008, “On Some Addenda and Amendments to Law “Criminal Code of the Republic of Albania - amended”. More concretely, the added articles are: **a)** article 124/d, “Maltreatment of Minors”, which among the others punishes the phenomenon of exploitation of children for compulsory work, begging and other compulsory services; **b)** addenda to paragraph in article 117, “Pornography”, which treats the pornography with minors; **c)** addenda to article 128/d, “Trafficking of Minors” which penalizes by Law not only recruitment, concealing, reception, etc., but also the sale of minors.

98. Amendments to criminal legislation brought Albania closer to international standards and with these amendments we may say that Albanian legislation is in very good accordance with article 6 of CEDAW Convention. The new provisions in the field of trafficking, including trafficking of women, use almost the same definitions that are used in international documents for these issues, for example: additional protocol for prevention, hindering and punishing of trafficking of people, especially the women and children. These amendments are accompanied by other legislative changes regarding the protection of witnesses and collaborators of justice, introduction of new investigation techniques and the legal anti-mafia package, which intend together to fight against all forms of trafficking of women.

99. Criminal Code (Law No. 9188 of 12.02.2004) in article 114/d with the title “Trafficking of women” provides for a special provision on trafficking of women, as follows, “recruitment, transportation, transfer, concealing and reception of women by means of threat or use of force or other forms of coercion, kidnapping, fraud, abuse of duty or making use of the social, physical or psychological condition or giving or taking payments for benefits in order to receive the consent of the person, which controls another person, with the purpose of exploitation, for prostitution of others or others forms of sexual exploitation of work or other compulsory slavery services, for transplantations of organs and other forms of exploitation are punished from 7-15 years and a fine from 3-6 million lek”.

100. Albanian Criminal Code is one of the fewest, if not the only in Europe that holds the prostitutes criminally accountable as well. The following comments of some paragraphs of article 114/b of Criminal Code of the Republic of Albania reflect the different degrees of punishment of criminal act of trafficking of women.

Concretely:

- Paragraph 2 of article 114 provides for organization, management and funding of trafficking of women, a sentence of 10-15 years of imprisonment and a fine from 5-7 million lek.

- Paragraph 3, “when this offence is carried out in cooperation or more than once or it is accompanied by maltreatment and physical or physiological violence against the harmed or it brings about grave consequences for the health is punishment with imprisonment of no less than 15 years and a penalty from 6-8 million lek.”
- Paragraph 4, “when the offence has brought the consequence of death of the harmed, it is punished by life imprisonment and a fine from 7-10 million lek”.
- Paragraph 5, “when the offence is carried out by means of using the State function or public service, ¼ of the given sentence or penalty is added “.

101. Article 128/b with the title “*Trafficking of minors*” is added to this law. This a special provision, which treats the offences made against minors together with the severe sanctions provided for by this provision for these criminal acts. Pursuant to article 128/b, “recruitment, transportation, transfer, concealing or reception of minors with the purpose to exploit them for prostitution or other forms of sexual exploitation, for labor or other compulsory services, for slavery or forms similar to slavery, for use or transplantation of organs or other forms of exploitation are punished.”

102. It is worth mentioning that article 110/a with the title, “*Trafficking of people*” [added by Law No. 9188 of 12.02.2004, article 1], pursuant to which “recruitment, transportation, transfer, concealing or reception of people by means of threat or use of force or other forms of coercion, kidnapping, fraud, abuse of duty, or making use of social, physical or psychological condition or giving or reception of payments or benefits in order to receive the consent of the person, who controls another, with the purpose to exploit the others for prostitution or other forms of sexual exploitations, for labor or forced services, for slavery or forms similar to slavery, for use or transplantation of organs or other forms of exploitation are punished.” Trafficking of people, when it entails death as a consequence is punished with imprisonment no less than 20 years or with life imprisonment and a penalty from 7-10 million lek.

#### **Principal measures taken against trafficking of women.**

103. In response to CEDAW Committee recommendations, paragraphs 30-31, Albanian Government adopted the national strategy for the fight against trafficking of human beings for 2005-2007 and it has followed the obligations deriving from it. Prevention and combat against trafficking of human beings continues to be one of the principal priorities of the Government, because it is considered as a phenomenon with a much-accentuated negative influence on Albanian society.

This combat is focused on 3 principal directions:

- 1- Criminal investigation and prosecution of trafficking crimes,
- 2- Support and protection of victims and witnesses,
- 3- Taking concrete steps to prevent trafficking and re-trafficking.

These orientations were included and turned into objectives and concrete measures for every central administration institution, for independent institutions and other

stakeholders of society that are involved in the combat against this phenomenon in the framework of the National Strategy for the Fight Against Trafficking of Human Beings, 2005-2007.

104. All the results achieved in the three principal directions of the fight against trafficking of human beings (investigation, criminal prosecution, protection and prevention), are summed up in the 6-month reports and annual reports on realization of Albanian National Strategy of Fight against Trafficking of Human Beings. These reports give regular information on achievements based on efficiency indicators, but also on issues encountered in practice. At the same time, they define concrete measures for investigation and criminal prosecution of crimes of trafficking, protection and integration of victims of trafficking and witnesses of justice and prevention of trafficking of people in the country. This strategy is currently expired; monitoring and assessment of implementation of obligations that this strategic document provided for was carried out. In the meantime, we are working to draft the new National Strategy of Fight against Trafficking of Human Beings and its Action Plan for the period 2008-2010 and the new National Strategy of Fight against Trafficking of Children and Protection of Children, Victim of Trafficking and Its Action Plan for the period 2008-2010. Drafting of these national strategies is foreseen to be completed in the first half of 2008.

#### **Structures of fight against trafficking of human beings**

105. In recent years, for the implementation of National Strategy for the Fight against Trafficking of Human Beings, priority was given not only to legal framework improvement, but also to establishment of new prevention structures for this strategy. Special importance was attached to taking protective measures and supportive measures for victims and social categories in risk and the strengthening of capacities of subjects, which deal with the direct law enforcement.

106. Among the new structures of the fight against trafficking of human beings, we may mention:

**1.** Establishment and working of State Committee on Fight against Trafficking of Human Beings headed by Minister of Interior, which is composed of high political level representatives from central institutions, responsible for prevention and fight against trafficking of human beings in respective fields.

**2.** Creation of National Coordinator's Office, headed by Deputy Minister of Interior for anti-trafficking, which is the key point for anti-trafficking actions coordination in a national and international scale. This office was established for the first time in October 2005, with the Government reorganization after the parliamentary elections of 2005. The National Coordinator's principal role is to coordinate the actions of all stakeholders involved in the fight and prevention of trafficking of people, whether Governmental agencies or nongovernmental agencies in order to have full information and a coordinated response to trafficking in the country.

**3.** National Coordinator is assisted in his work by the Anti-Trafficking Unit, the principal duty of which is monitoring of activities of responsible institutions to implement the

National Strategy for Anti-Trafficking, coordination among institutions and collection of information and data for trafficking cases.

4. In implementation of the common order of Minister of Interior, Minister of Foreign Affairs and Minister of Labor, Social Affairs and Equal Opportunities, (“On establishment of responsible authority for protection and assistance of victims of trafficking and provision of duties for the institutions involved in this process”), the Responsible Authority was established. It guarantees the protection and assistance to possible victims of trafficking. The purpose of the establishment of this authority is the coordination and monitoring of the reference process for assistance, protection, reintegration of current victims or possible trafficking victims and registration and periodical reporting of cases of trafficking, referred to other organizations or institutions. This process is carried out in close cooperation with the above-mentioned ministries, with other institutions involved in this process and housing centers for trafficked victims.

5. In implementation of Prime Minister’s order, “On creation of regional Committees of trafficking of human beings”, Regional Committees against Trafficking of Human Beings were established in 12 regions of the country, which play an important role for the identification of potential cases of trafficking and assessment of their categories.

6. From the operational point of view, Ministry of Interior established the Directorate for Protection Witnesses and Special People, which has important sectors, like that of the fight against the illegal trafficking, sector of protection of witnesses, etc.

7. Whereas in the judiciary field, worth mentioning is the creation of the Court of Heavy Crimes, and Prosecution of Heavy Crimes in 2004. The trafficking cases are also among the criminal acts that this institution examines.

8. The Sector against Illegal Trafficking works in the General State Police Directorate (Crimes Investigation Department) (Organized Crime Directorate), whose principal work objective is to prevent and fight criminal activities, as trafficking of women and their exploitation for prostitution.

9. Establishment of Sectors of Protection of Minors and Violence in Family, in Regional Police Directorates.

107. Due to the seriousness demonstrated by the Government and due to the support offered by European and international organizations, these institutions managed to make more frequent controls and increase their effectiveness in fighting the trafficking of human beings by arresting and sentencing many perpetrators of these crimes. It is worth stressing that we are continuing to work intensively to further complete the legal framework with a view to complete internationally required standards in this field. The General State Police Directorate, and in particular, its structures against illegal trafficking are cooperating with many institutions and organizations, which offer training, various donations for victims of trafficking in reception centers, exchange of information, etc. The increase of cooperation among the stakeholders and their improved communication brought about evident results in the decrease of this phenomenon in Albania. In a central level, the statistical data processing is made by “Center for processing and protection of data”. This is a special structure, under the General Director of State Police.

108. Official statistics of criminality in the Republic of Albania show that in 2003-2006, the number of crimes of trafficking of women decreased sensitively from one year to the other. Albania is no longer in the list of countries, which serve as transit countries for trafficking of women since 2004. In 2006, the evidence of trafficking of women showed that there was no case in which the women were foreigners or were trafficked from one State to another through Albania. This came out also from contacts with partners of neighbor countries. The following table gives the:

Total number of women harmed by criminal acts during 2003-2007 and kinds of offences.

No.	Year	Total number of harmed female	Criminal offence					
			Murder	Crimes against health	Sexual crimes	Crimes against a person's freedom	Crimes against moral	Other Criminal offences
1	2003	587	22	14	84	10	3	454
2	2004	558	15	12	64	0	4	463
3	2005	664	21	6	70	9	0	558
4	2006	921	23	18	64	28	3	785
5	2007	551	24	9	78	14	0	426

**Source:** General Directorate of State police

109. The establishment in Albania of a court with the special jurisdiction (Court of Heavy Crimes) in 2004, and the procedural amendments made later, caused old cases of trafficking of people to be addressed in the court of heavy crimes and no longer in that of ordinary jurisdiction. The establishment of the court of heavy crimes, with the special jurisdiction for cases of trafficking and other kinds of organized crime, increased the effectiveness and the degree of State reaction towards this phenomenon. The sources of the court of heavy crimes showed that the number of cases of trafficking that were treated by this court in the first half of 2005 appeared very high compared to the number of cases of trafficking treated by the court with the normal jurisdiction in the 3 years prior to establishment of this institution.

### **Prostitution**

110. Having the purpose to include the contemporary standards, to meet the obligations deriving from Albania's membership in different international acts, and in response to CEDAW Committee recommendations (paragraphs 30-31), in order to fight the exploitation of prostitution, continuous amendments and improvements were made to criminal legislation. So, in implementation of UNO Convention against organized transnational crimes and the relevant protocol, amendments and addenda were made to the Criminal Code of Republic of Albania, which provide for severe sentences against those who organize, fund and exploit prostitution. Concretely:

111. Pursuant to article 114 of Criminal Code of the Republic of Albania, urging mediation or reception of payment for practice of prostitution is punished by penalty or by imprisonment up to 5 years. Article 114/a was added to this Criminal Code; it provides for 7-15 years of imprisonment in cases of "exploitation of prostitution made with minors, against some people, with people of close lineage, in-laws, guardianship relations or by



making use of official relations, by fraud, coercion or making use of physical or mental disability of the person; against the person who is urged or coerced to practice prostitution outside the territory of the Republic of Albania; made in cooperation or more than once by people commissioned with State functions.”

112. In Law No. 9686 of 26.02.2007, “On Some Amendments to Criminal Code”, among others, Ministry of Justice provided for aggravating circumstances when the discriminating motive is a motive for the crime perpetration. Concretely, in article 50 of Criminal Code “Aggravating circumstances”, after point e), point j) is added with the following content: “*Commitment of offence starting from motivations related to race, gender, religion, nationality, language, religious beliefs, or social and political beliefs*”.

113. In order to have a better cooperation among key stakeholders in the fight against trafficking of human beings, the “*Agreement of cooperation to create the national reference mechanism for identification and improved assistance for victims of trafficking of human beings*” was signed on 18.07.2005. This agreement provides for responsibilities of parties involved in identification, reference, accommodation, assistance and rehabilitation of victims of trafficking. The National Coordinator’s Office works intensively to guarantee the implementation of this agreement by the parties in accordance with the obligations and rights that it stipulates clearly.

The following tables show the exploitation of prostitution and the aggravating circumstances during the years 2006-2007

<b>2006 - Criminal Offences</b>	<b>Cases</b>	<b>Perpetrator</b>	<b>Arrested</b>	<b>Detained</b>	<b>Free</b>	<b>Wanted</b>
Exploitation of prostitution with aggravating circumstances	24	31	10	5	15	1
Exploitation of prostitution	18	30	2	1	16	-

<b>2007 - Criminal Offences</b>	<b>Cases</b>	<b>Perpetrator</b>	<b>Arrested</b>	<b>Detained</b>	<b>Free</b>	<b>Wanted</b>
Exploitation of prostitution with aggravating circumstances	32	41	6	9	25	1
Exploitation of prostitution	40	53	26	4	16	6

**Source: Ministry of Interior.**

114. Regarding compensation and treatment of victims, implementation of obligations deriving from provisions of international acts ratified by Albania, is underway. But since this process has a high financial invoice, the solution is being discussed with Ministry of Finance in order to raise a fund for compensation in advance. In general the same way is followed for measures to be taken for compensation programs with a view to provide social assistance and social integration of victims. However, in order to assist the victimized

women, Centers for Trafficked Victims were established and they are working and partnership relations have been created with organizations and centers whose object of work is protection of trafficked victims. Likewise, the program for protection of witnesses has been offered and a number of specific activities were undertaken with a view to prevent these criminal activities.

115. In order to protect victims of trafficking and to give them concrete assistance, a State center was created in Albania called National Reception Center for Victims of Trafficking (NRCVT). Based on the action plan and the national strategy for the fight against trafficking of human beings 2005-2007, this center pays special attention to improvement of rehabilitating work quality, in accordance with possibilities and conditions that the institution offers, by using maximally the donors' support. This center offers qualitative services for three principal groups: **1).** Women and girls who are trafficked or risk being trafficked, **2).** Unaccompanied children in risk of trafficking, **3).** Irregular migrants. For specific needs (technical and financial assistance, training, etc.) NRCVT cooperates also with other donors, like IOM, UNICEF, UNHCR, OSCE, USAID and Soros Foundation. In addition to NRCVT, there are other specialized centers is managed by NPOs, which besides housing, offer various services to help the women and girls, victims of trafficking, or those who risk trafficking.

116. In cooperation with other stakeholders involved in this process, these centers offer the following services: temporary housing, covering all emergency needs that the beneficiary presents, like food, clothing, psycho-social assistance (given by the qualified staff of social workers, Legal Clinic For Minors), medical assistance (offered by IOM Center, Institute of Public Health, University Hospital Center "*Mother Teresa*", etc.), to legal assistance (the staff trained in legal field, legal clinic for minors, etc.), guaranteed security and protection of witnesses (Ministry of Interior, State Police), professional, rehabilitating and integrating activities, union with the family and, when it is possible, follow up of victims even when they leave the center.

117. We have also worked to create these standards for the legal and physical protection of victims of trafficking/witnesses of justice during the criminal process in the court and we have proposed for a possibility to compensate them by using the financial resources that are collected by neutralization of criminal activity of traffickers.

118. Among rehabilitating and integrating measures for women and girls who have been victims of trafficking, worth mentioning is the cooperation of MLSAEO with NPOs that offer preventing, supporting, rehabilitating and reintegrating services for victims or women who are in risk of trafficking. The most well known organizations in this regard are: UNICEF, "Vatra" Center, "Another Vision", "Different and Equal", "International Social Service", "Terre des Homes", "Help For Children", "Community Center Ballsh", "Catholic International Commission For Migration", "Save The Children", "Legal Clinic For Minors", "To The Benefit Of Woman", "Shelters", "International Organization For Migration", "Advice Line For Women And Girls", "Albanian Center For Protection of Rights Of Children" And NPOs Coalition "Together Against Trafficking of Children".

119. Another helping measure in this direction is also the issue of the Order of Minister of Labor, Social Affairs, and Equal Opportunities, No. 782 of 04.04.2006, "On Tariffs of Professional Formation System". This order stipulates no registration tariff for jobseekers and unemployed people registered in employment offices, who want to follow the professional formation courses, for special groups, including the trafficked women and girls. These courses are offered by Professional Formation Public Centers.

120. One of the most important projects of this field is project ILO-MIGRANT, "*Possibility of employment, professional formation and measures of migration policies to prevent and reduce trafficking of women in Albania, Moldavia and Ukraine*". International Labor Office, International Migration Program (ILO-MIGRANT), implemented this project and the Irish Government funded it. We may mention among the achieved results:

- In March 2007, project implementers signed with Besa Fund a Service Contract regarding implementation of micro credits for victims of trafficking (final objective: micro crediting of 6 to 10 girls, victims of trafficking).
- In April 2007, Besa Fund made a training session on establishment and management of small business for 15 victims of trafficking referred by NPOs, "Different and Equal", "Vatra Center" and "Another Vision". The program was coordinated with a similar OSCE program in Tirana.
- In June 2007, the crediting Committee made up of representatives of Besa Fund, of reference centers and ILO and OSCE program, examined the applicants' business plans. 3 loans for the account of ILO project were approved, namely for *fast food*, hairdressers and sale of new or used clothes. The three others were approved for the account of OSCE project.

121. In order to help those who are willing to return to their families, social workers offer help by mediation and family union of all victims of trafficking. The National Coordinator's Office for anti-trafficking is commissioned to solve rehabilitation and reintegration problems. This office is also committed to raise additional funds for professional training and creation of employment opportunities for victims of trafficking. This process is realized with the mediation of local Committees, employment offices, local enterprises, and in cooperation with MLSAEO and other stakeholders to ensure their contributions for this purpose.

122. State institutions and reception centers in particular, have made a very good work to raise the awareness of victims of trafficking, regarding the importance of their cooperation with relevant authorities. While following all the cases, the competent of bodies guarantee protection of their rights, their informing about their legal rights and services made available to them. The centers report that they have cooperated closely with Ministry of Interior to guarantee the security for victims of trafficking.

Cooperation with international agencies and organizations.

123. Following the fulfillment of CEDAW Committee recommendations of (paragraph 31), special importance was paid to close cooperation with international agencies and organizations operating with projects drafted specifically against trafficking. Concretely:

**a).** Training of police officers was organized with UNICEF on the best practices to interview the children categorized as possible victims of trafficking;

**b).** IOM and UNO office against drugs and crimes assisted National Coordinator's Office For the Fight Against Trafficking of Human Beings to establish a free telephone line for reporting of trafficking cases and information on regular migration. The telephone line was active in November 2006 (telephone number: 08001212);

**c).** OSCE assisted National Coordinator's Office to set up a database for victims of trafficking, which will serve for following, assessment and analysis of cases of trafficking of human beings. OSCE assisted National Coordinator's Office also to carry out some cross border meetings in Macedonia and Kosova, which had the purpose to intensify the cross border efforts regarding improvement of identification, reference and supporting actions for victims of trafficking;

**d).** Regarding improvement of provisions of Criminal Code and Criminal Procedural Code of the Republic of Albania, in accordance with international standards, Ministry of Justice, required the expertise of experts from the Council of Europe/PAMECA, (Police Assistance Mission of European Community in Albania), with the purpose to review these provisions entirely. Criminal legislation review process continues and depending on suggestions of national experts, legal reform commission will conclude with concrete proposals for the review of provisions for the above-mentioned codes. (PAMECA mission completed its final mandate at the end of 2007).

Bilateral and multilateral agreements

124. Albania has also undertaken some initiatives for the region and beyond regarding the drafting and signing of bilateral and multilateral agreements, which intend to prevent criminal activities related to trafficking of females, children, exchange of information, etc. Such agreements were signed with Macedonia, Kosova, Greece, Italy, etc.

125. Albanian Government continues to strengthen relations with neighbors and bilateral international and regional cooperation with other countries of origin, of transit and destination for trafficking of women and girls. The principal aim is to create a functional mechanism to protect, repatriate and reintegrate victims of trafficking. Special importance was paid to intensification of cross border cooperation, and for this purpose, two cross border meetings with Macedonian and Kosova authorities were organized in 2007. Albania signed with the neighbor countries' Governments some cooperation protocols, among which we may mention:

- Additional Protocol was signed with Ministry of Interior of Macedonia, *"On intensification of cooperation in the fight against trafficking of human beings through*

*State borders and intensification of identification, notification, reference and return of victims and people suspected as victims of trafficking of human beings”.*

- The same additional protocol signed with Macedonia has been drafted and is ready to be signed with Kosova.
- “*Agreement for protection and assistance to children, victims of trafficking*”, was signed in February 2006 with Greece and Albanian Parliament ratified it in May 2006. Ratification of this agreement by the Greek side is expected currently in order to enable the further concrete measures to be taken for its further implementation.
- Official meetings were scheduled to be held very soon for this purpose also with Montenegro.

126. In the framework of enlargement of this cooperation, a number of readmission agreements have been signed and ratified. But the most important to be mentioned is the Agreement between Albania and the European Community, “*On Readmission of People*”, signed on 14 April 2005, which has now entered into force for Albanian citizens and in a later stage for people from the third countries.

127. Bilateral Readmission agreements were signed also with: Italy, Belgium, Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland, Hungary, Macedonia, Bulgaria, Romania, Croatia and Switzerland. In 2006 police authorities of foreign countries deported 978 females, out of which 228 under 18, whereas the border police structures hindered 49 females to go outside the country, among which 8 under 18, who were suspected that they might be victims of trafficking for the purpose of prostitution.

128. Albanian Government has adopted in principle the Agreement with the Government of the Republic of Poland “*On Cooperation in the Fight against Organized Crimes and Other Crimes*” (Decision No. 264 of 05.03.2008). The agreement is ready to be signed by Albanian party, whereas the Polish party regarding the completion of internal legal procedures for the agreement signing expects a response.

129. In this framework, National Coordinator’s Office for issues of fight against trafficking has undertaken concrete steps to prepare new agreements for the protection of victims of trafficking with other countries of the region as well, enlarging the range of activity not only for the children, but also for other vulnerable groups.

The close cooperation with civic society and international organizations involved in this process played an important role in prevention and fighting of this phenomenon, such as CAAHT-USAID, OSBE, IOM, ARSIS (Greek NGOs), ICMPD, ILO, UNICEF, Terre des Hommes, etc.

### Protection of witnesses

130. National Reference Mechanism provides clearly not only for the obligations that the parties have for the protection of victims of trafficking, but it offers also protection programs for witnesses when it is judged that the situations are dangerous and they comprise a serious threat for the victims. Measures have been undertaken to guarantee as

best as possible the necessary protection and support for women and girls in order to enable their testimony against traffickers.

131. Only in 2006 training sessions were carried out in the entire country in the field of granting legal assistance and psychological assistance to victims, witnesses and those who are in the risk of trafficking in a minor age. In this context, National Coordinator's Office organized *workshops* in three principal regions of the country, that is, in the north, the south in and the middle Albania with the topic, "*Increase of cooperation between police, prosecution, court and social services for a fair legal process in protection of victims of trafficking*". The stress was put on the profile of victims of trafficking and the increase of awareness of prosecution and court so as to prosecute the traffickers and perpetrators of criminal acts, which are related to trafficking.

132. In 2007, at the approval of the State Police General Directorate, a new structure was established, Directorate of Protection of Witnesses and Special People. Until 2007, the Sector for Protection of Witnesses and Collaborators of Justice in Directorate against Organized Crime carried out the functions, which from that moment on, are being carried out by the Directorate for Protection of Witnesses and Special People. This directorate guarantees protection for a large range of people as witnesses and collaborators of justice, and their relatives or people who are connected to them. Implementation of protective measures is made for heavy crimes and only in those cases when the people are situated in a real and serious situation of danger for life. Sector for Protection of Witnesses started the implementation of protective programs since April 2005.

#### Border Police Training

133. Adoption of Law No. 9669 of 18.12.2006, "On Measures against Violence and Family Relations", played an important role in training of police forces that deal with cases of violence in families. Article 6, point ç of this Law provides for organization of training courses about violence in families, **a)** with the employees of social services who are attached to every local unit, **b)** with public order police structures and **c).**NPOs the staff, licensed for offering social services.

134. Whereas, Ministry of Interior, pursuant to articles 7/1/a and 7/1/ b has the duty: **a)** To create special sectors for prevention and fight against violence in families in police directorates; **b)** Training of police forces that will handle cases of violence in families.

135. In order to proceed with the improvement of the new Law on Violence in Family, efforts were made to urge foreign donors in order to guarantee their assistance for training of law enforcement structures. Concretely, *Women's Legal Rights Initiative/USAID* made 3 seminars and meetings in 2005 and 2006 with professionals of various fields, who will be responsible for treatment of cases of violence in family. Employees from Ministry of Interior, Tirana Police Directorate Durrës took part in these seminars in the period October 2006 - September 2008. The project "*Violence against women, not only a family problem*" started and continues to be implemented. This project is implemented by UNDP, in cooperation with some other organizations. Ministry of Interior, as one for the partners of this project will benefit the training of about 150 police officers in these principal aspects:

- For identification and reporting of violence in families.
- To offer support to women against which there has been physical abuse.

Special training was made also with Border Police.

136. The principal aim of border police training was the increase of professional level of this force for provision of assistance to victims of trafficking. Continuous training was made also with border police officers that had also the main goal to strengthen identifying capacities for potential victims of trafficking.

137. Border police and migration made the selection of personnel that will deal with the interview of females that are considered possible victims of trafficking. Border and migration stations personnel were trained informing them about legal acts, secondary legislation, agreements and protocols signed. Likewise, in order to know the procedures, training was organized in every border police station and border crossing points (BPC), in which meetings were organized to guarantee and strengthen the cooperation of various State Police sectors with Regional Offices of State Social Service and NGOs.

138. These training sessions inside and outside the country were organized by Border and Migration Department and representatives of international organizations, like IOM, UNHCR (United Nations High Commissioner For Refugees), ICITAP, (International Program of Assistance For Training and Criminal Investigation) took part in them, Project AENEAS, (European Union Project For Readmissions, Visa, Migration, Asylum), OSCE, etc. Border Police made an important step for drafting of standard interviewing procedures in the Airport "Mother Teresa"; registration of relevant data in one single system and establishment of necessary logistic infrastructure for this purpose. These standards will be established in all principal border-crossing points in Albania and for this, training sessions have been carried out and are being carried out with the staff of principal police structures involved in this process.

139. Centers for reception of victims of trafficking have been identified, contact numbers have been set up in most of border crossing points, especially in those with the highest intensity of readmissions and the presence of their representatives in interviews was guaranteed. In 2007, Border and Migration Police staff managed to identify 125 possible victims of trafficking of human beings, demonstrating attention not only to interviews of citizens returned from the other States but also to those who enter/exit as ordinary travelers in border crossing points. For this process, standard procedures have been prepared for their reception, escorting, accommodation, registration, interviewing, and identification in TIM's system (Total Information Management System) in State Police and recently the *Database* was drafted for victims of trafficking of human beings. For this, two orders of State Police General Director were prepared and approved No. 871 of 27.12.2007, "On procedures to be carried out for interviewing foreign and Albanian citizens returned from other countries" and Order No. 865 of 26.12.2007, "On entering of victims of trafficking in database".

140. Magistrate school in cooperation with OSCE and the Council of Europe in 2007 carried out a cycle of training sessions “*On new legislative developments in the field of violence in family - role of judges, prosecutors and police*”. With the idea to create the teams of protection for victims of violence in family, these courses trained judges, prosecutors and police officers. In September, 2007, OSCE office in Albania organized with police officers of various levels a course for trainers regarding police role for cases of violence in family”.

141. In November 2006, the center “Human Rights In Democracy” started the application of the project “Training of police officers on violence in family relations”, the implementation of which coincided with the adoption of Law “On Measure Against Violence In Family Relations”. This project was implemented in all Tirana region police stations (6 police stations in Tirana and Kavajë). Police Training Department in General Police Directorate scheduled for 2008 to carry out the training cycle with police officers of twelve regions on “Police role in cases of violence in family”. The police school introduced for the first time in academic year 2006-2007 the subject Gender Parity and Violence in Family.

142. State Police programmed and implemented special measures for training border police inside and outside the country regarding the fight against trafficking of women and protection of victims of trafficking. So, in 2006 the following training sessions were carried out:

- February 2006, in cooperation with IOM, 12 border police officers were trained for issues of fight against trafficking of human beings.
- June 2006, in cooperation with IOM, 30 border police officers were trained for responsibilities of airlines and return of irregular emigrants.
- July 2006, OSCE trained two officers for investigation of cases of trafficking of human beings.
- August 2006, two officers were trained in Cairo-Egypt for the fight against illegal trafficking.
- Center MARRI (The Migration, Asylum, Refugees, Regional Initiative) carried out the training session for identification of forged documents and the fight against trafficking of human beings in the framework of Stability Pact for Southeastern Europe in November 2006.

## **CHAPTER II**

### **Article 7**

### **POLITICAL AND PUBLIC LIFE**

#### **Legal framework against discrimination of woman in political and public life**

143. The right to vote and to be elected is guaranteed to Albanian citizens by the Constitution without distinction of sex. This right is guaranteed for elections and public referenda. In addition to these, Electoral Code provides for: “*Every Albanian citizen, without distinction of race, ethnicity, and gender has the right to elect and be elected, in accordance*”



*with the rules established by this Code” and “Voters exert freely their right to vote in accordance with the rules established in this Code”.*

144. In addition, Republic of Albania ratified a number of other international instruments that guarantee women’s political rights, as for example, Protocol of European Convention on Human Rights. Albanian Constitution uses a neutral language regarding gender aspect, guaranteeing everyone the right to organize, which includes creation, or union in nonprofit organizations (NPOs), political parties and other organizations in political and public life. Such a language is used also for other important functions, including the head of State and ministers. Article 12 of Law “On Civil Servants Status” provides for: *“Every Albanian citizen, with full capacity to act and meeting legal requirements, regarding the educational level and has the professional qualification required by the job, has the right to be employed in the civil service”.*

145. We may say that women in Albania have participated in public life more actively, in particular, after the issue of Law “On Nonprofit Organizations” and the creation of a considerable number of associations led by women, which exert their activity in the entire country. Law No. 8788, “On Nonprofit Organizations” was adopted on 07.05.2001<sup>4</sup>. This Law regulates relations of NPOs and it provides for the rules of their constitution, registration, working, organization and activity, aiming at the good and interest of the public. Articles 6 and 7 of this Law provide for the principle of independence by the State, NPOs relations with State bodies, according to which “NPOs exert their activity independently from the State bodies and State interests”, whereas “State bodies do not interfere in NPOs activity “.

146. Draft Law “On Gender Parity in Society” considers equal gender representation, the representation of each gender with no less than 30% in one institution, management level, nominated body or political party”.

Regarding decision taking, article 20, Chapter III of draft law provides for:

**1.** Equal gender representation in all bodies of legislative, executive and judicial power and other public institutions is achieved when:

- a)** 30% representation of each gender is guaranteed, including management bodies;
- b)** When competition procedures and criteria during nomination in these bodies are observed equally for each gender;
- c)** When the inclusion of over 30% of each gender is guaranteed in the list of candidates for elections in local representational bodies. Names of female and male candidates are listed alternately from top to bottom.
- ç)** When the inclusion of no less than 30% of each gender is guaranteed, in the list of candidates presented by political parties or political coalitions, for the proportional system of elections in the Parliament of the Republic of Albania, which reached a representation of

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<sup>4</sup> This legal act is not reflected in the Combined Report I and II.

over 10% in recent elections for the Parliament of the Republic of Albania. The female and male candidates' names are listed alternately.

**d)** When inclusion of no less than 20% of each gender is guaranteed, in the list of candidates presented by political parties or political coalitions, for elections proportional system of in the Parliament of the Republic of Albania, which reached a representation of over 10% in recent elections in the Parliament of the Republic of Albania. The female and male candidates' names are listed alternately.

**e)** When inclusion of over 30% of each gender is guaranteed in the administrative bodies for central and local elections.

**2.** Political parties define methods and measures to meet requirements provided for by paragraph 1 of this article.

**3.** If political parties and NPOs violate provisions of article 20 of this law, they cannot receive State funds to exert their activity until the violation correction.

147. The increase of women's participation level in political and public life found concrete support also by the highest institutions of the country, the President and the Prime Minister of the Republic of Albania. Concretely, the President of the Republic of Albania, taking part in the promotion of the report "*Women and children in Albania in 2007 - double cost of imparity and gender discrimination for women and children*", (an activity organized by the cabinet of the President of the Republic and UNICEF on 18.01.2008) *stressed the need to strengthen the role of woman in Albanian society in daily life and decision taking as a concrete help for children to improve their situation sensitively, guaranteeing survival and well being.*

148. Stressing that, "the institution of the President shall be very much cooperative with UNICEF for this issue, - the President of the Republic of Albania said, "I believe that, with our ever increasing cooperation there will be an increase of the number of institutions which should have a specific concrete program to serve this very important moment related to the future of children in Albanian society. Based on these data, which are considered as basic data for the situation, we all together should build concrete, realistic policies, absorbable for the our society, in order to make progress from day to day".

149. Albanian Government proposed recently (04.02.2008) the drafting of a national action plan, which will enable the proper representation of women and girls in decision taking. Albanian Prime Minister declared, "He considered very important this national project to change the current situation quickly. This is the duty of all political parties, that he invited to break away forever from those practices that narrow the room for women and girls in decision taking, because these practices arise from mentality and they are not declared in the legislation. This should start with the Electoral Code, which should provide clearly for representation percentage of women in the parliament. There were more females in Albanian Parliament in 1996 compared to their current presence. It is very important that women and girls take their percentage in the Parliament and it is determinative that they play their role also in decision taking".

150. *Albanian Prime Minister considers the minimal percentage of 30% as the first necessary step and he invited leaders of all political parties to observe this percentage rigorously. This will be valid in politics, in society and in science, while these percentages will work in the same way also in the universities. If that is decided, it cannot be reversed, but it will recognize greater progress and higher levels”.*

151. *“Real gender parity in society, declared Albanian Prime Minister-comprises perhaps the principal indicator of society’s emancipation extent. This parity comprises a determining condition for our national emancipation; it comprises one of the most important factors or levers of development of the country, the use of half of human potential of the nation. This implies that the space occupied unjustly by the other party should be freed.”*

### **Measures for elimination of woman discrimination in political and public life**

#### ***(a) Right to vote***

152. There is an ever-prevailing idea in Albanian society, especially in recent years, that there is no tolerance towards the violation of the right of individual to vote. Though women in general practice their voting right, data received by NPOs representatives show that in some areas, the respect for the spouse makes the women vote for the candidate that he recommends. Worth mentioning is a tendency observed more in rural community, in which voting is more an expression of the “consensus” process in family, imposed by men, rather than a practice of the right of woman to express her opinion in secret. A specific mentality for the gender that regards women as suppliers of family care and men as the leaders in politics makes women to withdraw to some extent from the participation in political life. Therefore more care should be shown for a balance between the quality and quantity of candidates engaged in politics.

153. In response to CEDAW Committee recommendations (Paragraphs 38 and 39), we may say that, in general, the participation of women in political life and public life of the country has ever increased in certain sectors of decision taking process, particularly in public life. In the recent decade, the participation of women in Parliament was almost in the same level, between 6 % and 7% (Table 7.1 - INSTAT). International organizations, like UNDP, etc., made efforts to raise the awareness regarding participation of women in politics. For the first time equal participation in decision taking is sanctioned and temporary special measures are foreseen like percentages in political and public decision taking.

154. Regarding the running of elections, all candidates are supported equally financially, regardless of gender belonging, because the interest of a political party is for the candidate to win. In the same way, in some cases, NPOs have assisted the women by making campaigns for candidates and raising funds for them, but we should say that this is not a regular and systematic effort. The opinion prevails that women involved in politics may serve as a model, or a concrete example of participation in political and public life. In fact, the political parties do not have a declared preference that women should not run for elections. On the contrary, there were cases when women were invited to become part of a

certain political structure and they did not accept to become candidates. However, for the loss of candidates in elections, political parties in most of cases blame the constituency, which does not show preference for women. There are rare negative images of women that enter politics in high levels. In the level of small towns and villages, the women hesitate to be involved in politics, whereas in some other cases, the women themselves show less trust in their women colleagues, who try to join politics.

**(b) The right to formulate policies and to have State functions**

155. Albanian legislation guarantees the participation of women in all levels of drafting of policies, strategies and programs. Currently, we may say that a model of “woman politician” or “leader woman” has been created in all levels of central and local power. Creation of equal opportunities for participation in politics was always considered as part of human rights and an expression of democracy level. Likewise, the participation of women more and more in public and political life of the country and in the decision taking process created the possibility to include better the women’s interests in taking initiatives to protect their rights (Table 7.3 & 7.5, INSTAT). Participation of women in politics is fundamental to achieve the third goal of millennium development (on gender parity) for Albanian society.

156. Analysis of the political parties’ electoral programs and platforms unfolded in recent elections of 3 July 2005, showed an increase of awareness of political forces regarding the importance of participation of women in politics and management (However this is not valid for all political forces). This is included in their programs, in their electoral platforms and in the introduction of percentage in the statute of political parties.

157. The Democratic Party (DP) statute states that, “the number of women, ladies should not be less than 20 % of the number of members of presidency that comes out of polls. If this criterion is not met in the listing issued after the voting, then their listing is separated from the general listing.

158. The Socialist Party (SP) statute states that: the list of candidates for members for Party management forums and Party representatives in legislative and executive power bodies in all levels should contain no less than 20 % females. This Party program mentions gender parity in the part “Our Fundamental Values”.

159. The signing by political forces of Code of Conduct (27.05.2005 – an initiative of the President of the Republic) demonstrated *de jure* the approval by these political forces of the process of increase of participation of women in politics and management. But this situation appears differently *de facto*. Referring to the organization of political parties, we observe that the males dominate the management positions. So, in SP as members of Presidency, women comprise 25% whereas in General Management Committeewomen occupy 16, 7%. In DP – the 9 Secretaries are males, whereas regarding the Presidency, the women occupy 27.7%. In LSI (Socialist Movement for Integration) – out of 14 Presidency members 3 are women, 21.4%. There is a lower participation of women in other political parties. The number of women in the one name and multi names lists was very low in recent national election compared to commitments undertaken by these political forces.

160. Electronic media and written press were more aware regarding gender belonging aspect for parliamentary election of 2005. Press monitoring before elections indicated that

the biggest number of articles addressing gender imparity in politics were written by women (journalists, analysts, civic society representatives, candidates for members of parliament, women engaged in politics, etc.). Journalists and analysts who were men wrote a small number of these articles also.

161. In the period 2003-2005, Committee for Equal Opportunities carried out some activities to promote the increase of number of women present and active in decision taking. As such we may mention:

- Training in 12 districts of the country “On Promotion of Participation of Women in Politics”, which intended to train around 315 women and girls, who were possible candidates for local elections of 2003, supported by NPA (Norwegian people Assistance).
- Round tables in various districts with the Foundation “Friedrich Ebert” regarding the raising of awareness of local Government for the increase of participation of women in politics.

162. In the framework of Stability Pact, in cooperation with the grouping of associations “Millennium”, training sessions were organized with political activists and women with managing positions in public decision taking sector. These activities were organized in many districts of the country during general and local electoral campaigns. In the framework of the project “Women In Leadership”, founded by SIDA (Swedish International Development Agency) and UNDP (United Nations Development Programme), training of women candidates for local elections was organized, who were members of political women’s forums, which intended to make the training and support of women candidates. In this case, about 1100 women and girls were trained from the entire country. Regardless of these training sessions and awareness campaigns, the concrete situation speaks for presence of women that is not high in political decision taking.

163. However, the Government makes continuous, positive efforts to strengthen the woman and increase her participation in this public and political decision taking. One of the direction in the Strategy Of Gender Parity 2007-2010 (approved by DCM, No. 913 of 19.12.2007) is the increase of gender balance in decision taking and for this, it states, “One of actions that we should undertake (according to the Action Plan) is the review of Electoral Law and support of actions that aim at the increase of the number of women in Parliament or in decision taking structures in the local level.

164. Currently, Albania marks the lowest standard of representation of women in Europe and she has only 7.1% women deputies in Parliament, though the Ethics Code, signed by all political parties in the framework of parliamentary elections of 2005, stressed expressly that, “We will promote and support concretely full participation of women either as candidates or as commissions’ members in the electoral process.

165. Some of the most significant facts for participation of Albanian women in all levels of drafting of policies, strategies or their nomination in public functions in all instances of governance are the very high positions that some of them have in legislative power and executive and judiciary power. It is worth mentioning among them: the parliament speaker, the head of parliamentary group of Socialist Party, the General Prosecutor of the Republic of Albania, some Ministers of recent years Government Cabinets, General Inspector of

Higher Inspectorate of Declaration and Control of Properties, Head of State Committee of Minorities, etc. Tables No. 7.2-7.4 (INSTAT), in Annexes chapter, show the figures of participation of women in Parliament and Government.

***(c) Right of women to take part in NPOs and public life of country***

166. The women are largely represented in their associations and NPOs, which offer social services to them, mainly to the most vulnerable society categories. In fact, women's NPOs are the largest and the oldest group experienced group in civic society in Albania, which dates back to 1990. Currently, Albania has 100 women's registered NPOs, which are recognized as the most active part of civic society and have played an important role in the democratic developments in Albania, though frequently they had to operate in an environment of conservative society.

167. In addition to NPOs, 614 associations have been registered in Albania, from which 112 (18.24%) are managed by women, which means that Albanian women responded immediately to the changes in the country, by even taking their responsibility and role in these democratic developments. A country in transition as Albania has a lot to profit from participation of women in this sphere, consequently also from her contribution in the continuation of development of market economy and democratic society. This participation shatters the stereotype of male domination. A consequence of limited possibility for participation in decision taking organizations, women managed to create management possibilities through other alternatives, especially in the nongovernmental sector, as in medias, universities, etc. (Table 7.6-7.7- INSTAT). Women in this sector found more room and freedom for an active commitment to help with the issues of women and children in particular but also with the community in general.

168. The women's associations and NPOs managed to realize and continue to realize many activities related to rights of women and children, social and health care, economic development (mainly for small business for women and girls), fight against trafficking of human beings, etc. Since 2000, a national movement has started and has ever been consolidated for the political strengthening of women, who managed to have their impact on social and political climate of the country in favor of gender balance. Albanian NPOs played a useful role to increase the participation of women in politics. Though sporadically, some women NPOs, helped to raise funds for political candidates and encouraged the participation in voting, and the voting of the candidates supported by them. NPOs lobbied with international organizations and attracted their attention regarding the better representation of women in politics. Even the very important factor of media started to focus on issues of gender parity, especially on participation of women in politics and this progress culminated in the parliamentary elections campaign of 2005, with some programs and debates in the principal media of the country. An important element in women's NPOs evolution is also the improvement of their organization.

169. On the one hand, NPOs supported some of their powerful representatives, which were absorbed later by State structures, on the other hand the State needed and required the support of NPOs, because they have good specialists, the recommendations of which were valid in drafting of State legislation and policies favoring women. It is worth mentioning the fact that National Report of Human Development of Albania of 2005 mentions the data taken from the "Center of Gender Alliance For Development". In 2007 and on, more priority

was given to cooperation State-civic society. Concretely, this cooperation brought effectiveness and increase of quality of cooperation in drafting policies and laws, exchange of experience, performance of common activities, etc.

170. The expertise given by NPOs representatives is evaluated in particular in these directions:

1. Drafting of policies. NSGP & VF 2007-2010 was drafted during an inclusive process, in which the expertise given by NPOs representatives of the field played an important role.

2. Drafting of laws.

(a). Law “On Measures for Prevention of Violence In Family Relations”, an initiative of 20.000 citizens’ signatures, was drafted by coalition of associations: Office for Protection of Citizens, Albanian Center for Rights of Children, Citizens Legal Initiative, Advice Center for Women and Girls, Reflections, Housing for Violated Women, Legal Clinic for Minors, Association to the Benefit of Albanian Women, Center of Population and Development and Center of Gender Alliance for Development.

(b). The new bill “On Gender Parity in Society” and the bill “Against Discrimination”. In order to take opinions for these bills improvement, with the support of UNDP and the OSCE, round tables were organized with experts, NPOs representatives, etc. The cooperation was also intensified through the participation in various activities organized by NPOs. NPOs participation according to the topics was always satisfactory even in the activities organized by the State.

The following table shows NPOs field of activities and the role played by NPOs expressed in percentage

<b><u>NPOs field of activity in Albania</u></b>	<b><u>Percentage that NPOs activity occupies</u></b>
Drafting of laws	23 %
Women, children and families	18 %
Economy	11 %
Culture	10 %
Information	9 %
Advice and direct services	6 %
Village women	6 %
Political forums	4 %
Decision taking of women, religion, education, media, employment and anti-trafficking	2 %

**Source: USAID**

171. One of the principal challenges of NPOs remains the better coordination of their work. The other women’s NPOs challenge is the financial stability. Regarding NPOs funding,

chapter VII of law “On Nonprofit Organizations”, speaking “for licensing, income and economic activity” and article 35 (“Source and use of income”), States that, “resources are income from dues, when applicable, funds, local or foreign grants and donations offered by public subjects and income from economic activity and property in owned by nonprofit organizations”. In the meantime, article 41 stipulates that, “When NPOS carry out their activity with funds of State budget, then the State has the right to supervise NPOS regarding implementation of tax and customs legislation and social insurance legislation”. It is worth mentioning here the fact that the donors’ withdrawal from Albania threatened the existence of those NPOs that depend mainly on donors.

#### **Article 8 INTERNATIONAL REPRESENTATION AND PARTICIPATION**

172. From the legislative aspect, all Albanian citizens with no distinction between men and women enjoy equally the right to represent the country in international organizations, if they meet the criteria for external services. Law No. 9095 of 03.07.2003 “On External Service in the Republic of Albania”, article 27, provides for, “Everyone who meets the following criteria may be employed in the external service”:

- a) S/he has Albanian citizenship and is a resident in Albania;
- b) S/he enjoys full capacity to act;
- c) S/he has never been sentenced for the criminal acts;
- d) S/he has not been dismissed from any position in public administration;
- e) S/he enjoys good health;
- f) S/he has an Albanian or foreign university diploma;
- g) S/he speaks a foreign language according to the job.

173. According to the data of Ministry of Foreign Affairs, women in Albanian embassies and diplomatic missions occupy 31% of the representation. (The following tables contain information updated until March 2008).

#### Representation in Embassies and Diplomatic Missions of the Republic of Albania

<b>Position</b>	<b>Total</b>	<b>Males</b>	<b>Females</b>	<b>Females %</b>
Ambassadors	36	31	5	14
General Consul	5	4	1	20
Plenipotentiary Minister	2	2	-	0
Minister Counselor	8	6	2	25
Counselors	27	22	5	18.6
First secretary	36	24	12	33.4
Second secretary	15	1	14	93.4
Third secretary	3	2	1	33.4
Attaché	1	-	1	100
<b>TOTAL</b>	<b>133</b>	<b>92</b>	<b>41</b>	<b>31%</b>

**Source: Ministry of Foreign Affairs - March 2008**



174. Various international organization (NATO, UNO, EC and OSCE), in which Albania has her representatives, Albanian missions in UNESCO and in the Council of Europe (in Strasbourg), are managed by females. In accordance with the statutory Resolution of Congress of Local and Regional Authorities of Europe, adopted by council of ministers and with the decision of the council of ministers No. 855 of 19.12.2003, 2 women are in the composition of Albanian Delegation in this Congress, with the quality of the deputy member of delegation. In addition to that, female representative from Albania, but with the quality of deputy member of delegation is part of the Delegation of Chamber of Local Authorities of the Congress of Local and Regional Authorities of Europe.

## Article 9

## CITIZENSHIP

### **Legal framework on citizenship**

175. Citizenship of women. Albanian legislation, regarding the citizenship of married women is in accordance with article 9 of CEDAW Convention. Concretely, article 19/2 of the Constitution provides for “Albanian citizen cannot lose the citizenship, when s/he resigns from it. This formulation places men and women on an equal footing and requires the expressed will of the citizen to resign from his/her citizenship. So, the marriage with a foreign citizen does not automatically bring the loss or acquisition of Albanian citizenship. Law on Albanian citizenship provides for, “if a foreigner, married to an Albanian citizen for no less than 3 years, is willing to acquire Albanian citizenship, s/he can acquire it by naturalization”. In addition to this, the divorce does not cause automatically the loss, change or retake of Albanian citizenship.

176. Citizenship of children. Law on Albanian citizenship provides for an automatic acquisition of Albanian citizenship by the child who has one of the parents Albanian, without making a distinction between the mother and the father of the child. If one of the parents changes later the citizenship, the child may change the citizenship, if both parents give their consent. The law does not make any distinction between the mother and the father as well.

### ***1. Equal rights to gain, change or maintain the citizenship.***

177. Nationality of females is defined with the same criteria as those for the citizenship of males. In the previous 15 years, there was a tendency for males and females to change the Albanian citizenship by marrying with non-Albanian citizens. The females may be provided with a passport and they are not required legally to have permission by the spouse for the guardianship to travel abroad. However, differently from males, the females, especially in rural areas, require very frequently the consent of the spouse too if they need to travel abroad.

### ***2. The females have the same rights as males for the citizenship of their children.***

178. Law provisions found implementation also in practice. In general, in Albania there are no problems regarding the establishment of citizenship of the child. The minors may travel

with the passport of each parent, but after the Law amendment some years ago, the children may have their own passport as well. In this case, in order to issue this passport, permission of both parents is required.

### **CHAPTER III**

#### **Article 10**

#### **EDUCATION**

##### **Legal frame work on education and professional formation and national strategies**

179. Education is a guaranteed right without distinction for girls and boys and we may say without hesitation that there are no discriminations in the field of education in Albania. A proof of it is the very current legal framework on education and professional formation and concrete achievements, to be shown later, according to special points that article 10 of CEDAW Convention contains.

180. The new Albanian legislation in education was drafted by considering the gender parity as one of the important principles provided for in the Constitution of the Republic of Albania (article 18 of which guarantees the right of education to everyone without distinction of race or sex) and commitments coming from international agreements and treaties that Albania ratified. Albanian legislation for this article is singled out for a very good *de jure* compatibility with CEDAW. Among the laws that were adopted starting from the moment that Albania signed and ratified CEDAW Convention, we may mention:

181. Law No. 7952 of 21.06.1995<sup>5\*</sup>, “On Pre-University Educational System, amended”, article 3 provides for “Albanian citizens enjoy equal rights for education in all levels that this Law covers regardless of their social conditions, nationality, language, sex”. This Law hinders also the abandonment of school without distinction of sex for all compulsory education pupils. Article 8 of this Law provides for “the children 6 years of age should register in the school for compulsory education which continues for no less than 8 years.” Whereas article 24 stipulates that all parents of school age children should send their children to institutions of the public or private compulsory school education”. In the meantime, article 59 of the same Law stipulates that, “when pupils abandon the school, their parents are fined for administrative contravention up to 10.000 Lek (approximately 120 US dollars)”. This Law takes gender parity into consideration also in the process of drafting of programs for education, development, which are made in accordance with international educational tendencies and developments and national, regional, social economic and demographic specifics.

182. Law No. 8387 of 30.07.1998<sup>5\*</sup>, (drafted by amendments to Law No. 7952 of 21.06.1995), article 3 provides for, “citizens of the Republic of Albania enjoy equal rights to be educated in all levels of education that this Law provides for, regardless of their social condition, nationality, language, sex, religion, race, political beliefs, health condition and economic level.”

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<sup>5\*</sup> These legal acts are not reflected in the Combined Report I and II.

183. Law No. 8461 of 25.02.1999\*, “On Higher Education in Republic of Albania” which is currently amended totally, gave great development to Albanian higher education including that of the European zone of this field. This law contains the principal of gender parity. All the subjects that are part of this law or affected by it are treated equally and no gender distinction. Likewise, this Law guarantees the possibility to learn during the entire life by guaranteeing equal means and opportunities for all, possibilities for free movement and possibility for recognition of studies made in the entire European area.

184. Law No. 8872 of 29.03.2002\*, “On Education and Professional Formation in the Republic of Albania”, point 3 of article 1, in addition to other purposes, expresses that, “this law guarantees the right expressed in the Constitution of the Republic of Albania for education and professional formation during the entire life, the possibility to carry out the initial professional education and to acquire professional knowledge, necessary for employment by creating equal opportunities for all”. The other articles of this law have the same gender parity spirit, because equal treatment is guaranteed for all subjects, affected by this law, “On Education and Professional Formation in the Republic of Albania”, regardless of sex. So, the benefits from this Law regarding the admission in professional education and formation or advice and orientation of individuals in this field are equal for males and females.

185. Pursuant to this law (point c), in addition to the pupils and people who are 18 years old, “*special groups, which are willing to have a professional rehabilitation, as the people with disabilities, mothers with many children, people under 18, the long term unemployed people, people from families under the poverty line and every other category that will be defined as such by the Decision of Council of Ministers*” benefit from this law.

186. Law No. 9741 of 21.05.2007, “On Higher Education in the Republic of Albania”, article 2, point ç, provides for “Higher education mission is to contribute to the increase of democracy and civilization standards in society and preparation of young people for such a society. Whereas article 3, point 4 provides for “Higher education in the Republic of Albania is carried out in accordance with the rules and principals of European higher education zone.”

187. In the framework of Association and Stabilization Agreement and approximation of our legislation to the EU legislation, Law “On Pre-University Educational System” was foreseen to be amended by adopting it to the current legislative spirit with the international agreements and treaties and basic European laws. Considering the issue of approximation of legislation in this aspect, the principal goal is to formulate gender parity aspects in contemporary levels.

188. The legal framework that regulates the three levels of education and formation not only uses a neutral language regarding gender aspect with such terms as, “everyone”, “specialists”, “scientists”, “individuals”, etc., but in some provisions it prohibits the discrimination and promotes parity, providing expressly for “This law guarantees the right expressed in the Constitution of the Republic of Albania for professional education and formation, by creating equal opportunities for all”.

189. In some cases, Albanian legislation shows special care for women's education. Concretely, the Constitution declares education of women in economic or social difficulties as one of the social objectives of the Republic of Albania. Likewise, the category of people who benefit from the Law "On Professional Education and Formation" includes unemployed girls-mothers, trafficked girls, girls and women and divorced women with social problems. In the same aspect, we may mention Order No. 394 of 23.02.2004 of Minister of Labor and Social Affairs "On tariffs of professional formation system", which provides for "free tariffs of registration for such categories as: Roma community, trafficked girls and women, etc. for professional courses offered by professional formation public center".

190. During the period 2003-2007 legislative amendments occurred in the field of sports as well, which among others had the aim to observe the gender parity. Concretely, Law No. 9376 of 21.04.2005, "On Sports", article 5, point 3 guarantees gender parity regarding participation in sports activities. This point states expressly that "discrimination in sports activities for such reasons as political or religious beliefs, race, ethnicity, language, gender, economic or social condition is prohibited".

#### National Strategies on Education, Sports and Youth

191. Based on this legal framework, on changes and progressive development of Albanian society, in particular during the recent decade, the Government of the Republic of Albania drafted some national strategies with the purpose: a) to promote gender parity; b) to create equal opportunities for qualitative education with no gender distinction; c) to improve in general the educational system and its institutions, etc. Among the principal strategies, we may mention:

192. National Strategy on pre-university education for the period 2007-2013. This strategy in chapter "Rationalization of schools distribution, creation of equal opportunities", states that "*In school documentation and teaching process we should treat with very much care the development of ratification of important international documents as "Law on gender parity" and changes in "Family Code", which reflect the issues that accompany them*".

193. Strategy on gender parity and violence in family. Among the objectives of this strategy is the strengthening of woman and increase of her possibilities for professional qualification and promotion of equal access to qualitative education by women and girls. The objectives and actions are very ambitious and for the period 2007-2013 we aim at:

- 1-** Improvement of school programs that promote gender parity and improvement of participation of women and girls in teaching, education planning and management.
- 2-** Strengthening of educational institutions capacities in order to integrate gender parity issues and concepts in education planning, implementation and monitoring.
- 3-** Improvement of social and cultural attitudes of communities and families that promote values on importance of education of girls including roles and contribution of girls in education.

194. Likewise, Ministry of Education and Science (MES) is monitoring the implementation of two other strategies which are:

a) National strategy “On improvement of Roma minority living conditions”

b) Strategy on “People with disabilities”, which aims at increasing the participation of pupils and in particular of girls in educational system.

195. With a decision of Council of Ministers (DCM), No. 782 of 16.11.2006, Strategy of Youth 2007-2013 was approved, which provides for raising awareness of young people for their role and participation in formulation of policies and the process of decision taking in national level. This strategy defines youth as a group, not creating differentiation based on gender and expressing clearly the parity between males and females. In some certain field, in which the differentiation is distinct, as trafficking and exploitation of young people, in which the young girls are the principal victims, policies and activities have been foreseen to promote females to be included directly in the fight against violence.

196. National Draft Strategy of Sports 2008-2013 was drafted, which is expected to be passed for adoption in the Council of Ministers within June 2008. In the range of objectives for 2013, this strategy provides for the guarantee of gender equilibrium in two specific aspects: **1)** Encouraging women to participate in sport activities; **2)** Increase of active of participation of women in decision taking and important sports management boards. This strategy provides for sanctioning in statutes of sports federation, making it compulsory to elect 30% females in Executive Committee members.

197. The Gender Studies Center is working of social sciences and the academic year 2006-2007, the post-university studies branch was opened for gender studies. This was one of CEDAW Committee recommendations (paragraph 10).

### **Measures for elimination of discrimination in the field of education**

#### ***(a) Reception with no discrimination of guidelines for schooling and professions***

198. The right for the education is one of the fields in which Albania has achieved successes. No girl pupil or boy pupil is denied the right for education. The education is the field in which there were good achievements regarding access for females and for males. There are more girls than boys registered in schools, partially, because boys migrate abroad and look for possibilities to be employed in younger age (Table 3.1-INSTAT). Based on MES statistics and GER - Gross Enrollment Ratio, registration of pupils in compulsory education and secondary education and of compulsory education attendance level by female pupils appears to be in the following figures: elementary education, 99%, the lower secondary education 102%, compulsory education 101%, secondary education 64%. Referring to NER - Net Enrollment Ratio, compulsory education and secondary education are attended in the following levels: elementary education, 89%, the lower education 98%, compulsory education 94%, secondary education 53.4%.

199. Some of the girls do not attend compulsory education and the reasons relate chiefly to mentality, absence of security in general for those schools, which are far from the place of residence of pupils and because they are engaged in work chiefly inside the families. The net registration percentage during the period 2001-2006 speaks for an increasing of participation of females, in particular in the university level, in which the number of females is bigger than that of males, which is reflected also in the number of graduated people (table 3.4-INSTAT). The difference between males and females is not significant even in other levels of pre-school education and 8-year education, though in favor of males (table 3.1-INSTAT).

200. Participation of women is low in the higher level of education (49% against 51% of men), in all levels, as in administration and teaching staff. There is a representation of 59% in educational directorates and offices of men and 41% of women. In management positions, 92% of directors are males whereas 8% are females. In regional offices, 83% of directors are males whereas 17% are females. Though the women have a higher percentage in these institutions in the level of specialists and assistant employees, they remain lower than males (48% female specialists against 52% males). And 40 % of assistant employees are females and 60% are males.

201. Regardless of higher percentage in universities, we observed this disproportion in special branches as in those of Engineering, Faculty of Forests and Academy of sports because the existence of the male mentality in these professions. With the purpose to orientate better the graduates of secondary schools towards the higher education and consequently to eliminate the gender preferences in various professions and branches, MES undertook the initiative "Days of secondary school pupil in universities". Based on this initiative, secondary school graduates visit various universities and get to know the room of the employment for each branch, creating naturally the conviction that the opportunity of attendance is the same for all. For the school year 2007-2008, attendance appears as follows:

- Compulsory education was attended by 410.077 pupils, from which 197.963 (48.2%) are females.
- General secondary education was attended by 144.824 pupils, from which 49% (70897) are females.
- Professional secondary education was attended by 27.288 pupils, from which 35.3% (9637) are females.
- The higher education was attended by 80.069 students from which 55.6% (44.454) are females.

202. Regarding the number of teachers who serve in the educational system, we noticed the domination of female sex. Concretely, for the school year 2007-2008, there are:

- 24.418 teachers in compulsory education from which 68.5% (16.732) are females.
- 7405 teachers in general secondary education, from which 60.3% (4468) are females.

- 2017 lecturers in higher education, from which 43.5% (914) are females.

203. With the aim to increase attendance of pupils in compulsory education and consequently that of females (Net Enrollment Report), MES realized simultaneously 2 studies:

- Study on “Collection of statistical data and identification of situation of Roma education in Albania”.
- Study on “Reasons that favor illiteracy and measures to be taken in the fight against this phenomenon”.

204. Based on recommendations that came out from these studies, MES built special working platforms on:

- Special training of teachers for the work with pupils that come from marginalized strata (500 teachers each year) and improvement of relation pupil-teacher for pre-university education. (Table 3.3-INSTAT)
- Differentiated treatment (payment for additional teaching hours) of teachers who work with children that have abandoned the school, differentiated transport for pupils with disabilities.
- Construction of ten new boarding schools for areas in need, which compared to other regions have a high number of pupils who abandon school.
- From these, 7 have were planned in 2008 budget and realization is ongoing in districts Kruje, Kukes, Diber, Durres, Tropoje, Sarande and Shkoder and 3 others in districts Korçe, Elbasan, Fier, for which efforts are being made currently to find their funding.

***(b) Equal access for the same school programs, teaching textbooks, exams, teachers' qualifications, training and environments and teaching aids***

205. One of the social criteria in legal documentation on drafting and approval of programs of school texts is that of gender parity. In urban and rural areas, girls benefit from the same teaching syllabi, the same premises and the same teaching aids as the boys. Policies for assessment of knowledge are the same for boys and girls.

***(c) Common education and elimination of gender stereotypes in schoolbooks and programs***

206. MES, supported by various donors made the gender analysis of programs and texts in use. After this, in the framework of the initiated reforms, MES is implementing the reform of “*Altext*” (Alternative Text). According to this reform authors who are not chosen prior to different publishing houses competition for their publication draft textbooks. Regarding the textbooks to be used in school, they are chosen by the teacher himself/herself. The basis of this reform is the free publishers' competition. MES takes part in this process with presentation of programs and criteria that should be taken into account during the

textbooks drafting and approval. At the same time, MES made known clearly also the criteria for gender parity, which should be taken into consideration by textbooks authors. In cooperation with NPOs, MES trained textbooks authors and publishing houses as to the best way to reflect gender parity in schoolbooks.

***(d) Access to scholarships and other grant for studies***

207. There is no discrimination regarding the awarding of scholarships. The criteria to receive the scholarships are the same for boys and girls. In some studies made on this issue, we observed that girls benefit more from scholarships and grants than boys because the girls are inclined to stay in school for a longer time than the boys. In urban areas, while parents expect their boys to be employed, they are more inclined to encourage the daughters to stay in school and attend studies.

***(e) Access to continuation of education for adults***

208. Education for adults is a local Government competency. Part-time schools are available for all citizens who have not completed schooling. Males usually attend these schools since most of the females tend to continue the secondary school. Likewise for current mentality if girls cannot manage to complete the secondary education, they should be orientated towards the care for family and to raise the children. Therefore, in these conditions, their further education is not their principal target. Now and then, the NPOs made efforts to train the adults and especially the marginalized women to help them be integrated in the labor market.

***(f) Decrease of school abandonment by females***

209. Whereas the registration of girls in schools in general is in a considerable level, the phenomena often encountered in practice are factual school abandonment and secret abandonment of school. The phenomenon of school abandonment is decreasing, but poverty, problems of infrastructure, absence of security, in particular for girls, influence on the school abandonment.

210. In order to show the gender differences in the level of school attendance for males and females, we may refer to results of 2005 MICS survey. According to 2005 MICS survey<sup>6</sup>, the degree of attendance of school by children of age 14-17, in rural zones is lower (51%) against children who live in urban zones (69%). Results<sup>7</sup>, which relate to GPI-Gender Parity Index, calculated in NAR-Net Attendance Ratio), show the fact that gender parity is near 1.00 which shows that there are no differences in school attendance between girls and boys that attend elementary school in the 8 year school. For the secondary education, this indicator falls in the level of 0.96. Characteristic for rural area is that NAR of boys is 0.6% higher that NAR of girls, whereas in urban areas, NAR of girls is 0.4% higher. Net Attendance Ratio of school relates to the well being level. Families, which have a low well-being level, tend to send boys to school (NAR boys is 0.8% higher that NAR of girls).

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<sup>6</sup> MICS Survey - 2005, INSTAT & UNICEF.

<sup>7</sup> MICS Survey - 2005, INSTAT & UNICEF.



Regarding this phenomenon, we may say that we observe abandonment from females in absolute value and in percentage (out of about 217.950 girls of 9 year education, 1.1% of them abandoned school in school year 2005-2006).

211. In order to achieve the gender parity in education, efforts should be focused on Albanian rural zones and those families affected more by poverty. The destroyed or the inexistent infrastructure that leads to lack of security of traveling, absence of sanitary environments (toilets) and absence of potable water are some of the factors that compel girls to abandon school. A real challenge for school attendance are the “informal” education costs, which give a financial burden on poor families, which may relate to school nonattendance by children, especially in rural areas and the poorest areas of the country. Moreover, this social and cultural reality supports the opinion that girls abandon school more often and more quickly than boys in order to contribute to family economy or to be married at a very young age.

212. In order to fight school abandonment, NPOs gave a great help. Concretely, in order to enable education of girls coming from remote areas (in the concrete case settled in the northern city of Shkoder), an agreement was concluded with the school for professional qualification, which is licensed to give 8 year and secondary education. Pursuant to the law, after a certain age, the girls and the boys cannot continue any longer the secondary school. However, starting from the fact that these girls are settled in the city by migration from one remote area, where they had no possibility to be educated, the Foundation “Reflections” facilitated their registration in the school, regardless of whether they were in the age provided for by law. Women of Roma community usually, did not attend the secondary school, but the foundation “Reflections”, in cooperation with Regional Education Directorate enabled the opening of an elementary school for the Roma community of that region.

213. In many areas in Albania, where there was a considerable internal migration, the population was not registered yet and it contributed to the under valuation of the importance of the problem. UNICEF created a database to document this phenomenon dimensions and is working with UNDP to build a strategy of intervention. This strategy will be concentrated especially on policies for training and raising awareness for marginalized groups including here the Roma community.

#### ***(g) Participation in sports and physical training in school***

214. Though Albanian legislation does not contain discriminating provisions on gender belonging with regard to participation in sports, in practice this remains a field dominated by males. It is worth mentioning the example of a private 8-year school in which a football team is created for girls. There are some concrete achievements in the teaching field, for example, the fact that the number of physical training teachers is higher than that of males. Albanian Government was always interested to draft specific programs that encourage the females’ involvement in sports. One of priority policies in the field of sports is the encouragement of women’s participation in sports qualified as sports for men, in which men dominate participation. We may mention here the discipline of wrestling,

whereas in the sport of weightlifting, the participation of females is increasing even with qualitative level, representing themselves and the country in the international arena. It is worth mentioning the achievement of an Albanian sportswoman R. Begaj in the discipline of weightlifting, who received a golden medal in the pressing style and silver medal in two competitions in the European championship of weight lifting in Italy (April 2008).

### ***(h) Health education and family planning***

215. In the 10 recent years, the concepts of health education and family planning were presented in State schools, but there is still work to be done in this direction, because more attention should be paid to teaching programs. In the meantime, there is a class of sexual education integrated in the teaching program. Certain topics are difficult, especially for teachers, because education on sexual health is not encouraged as such by Albanian mentality.

216. In the suburbs and rural areas of Albania, speaking about sex is a taboo. Likewise, the teachers face a mentality that defines the pupil as molded and responsible if s/he knows a foreign language or have good computer knowledge. This is the principal ambition of parents in nowadays. In the meantime, the education on health and family planning is overburdened with issues; experts believe that there are no legal obstacles to treat this issues related to health in schools. The subject of biology and health education of the 8 classes treats in a special chapter the sexual education as well. With the introduction of psychological service in school, the school psychologist also treats this topic. It is worth to mention the fact that the schools have an educational plan, in which they plan extracurricular activities for sexual education too.

217. Intending always to improve gender parity in the field of education, MES in cooperation with the civic society carried out a number of other activities for this purpose, among which we may mention:

- Creation of a trainers' team regarding gender integration in education - 2004;
- Publication of the theoretical and practical manual with the title "Gender integration in education" - 2004;
- Organization of training courses with teachers and representatives of Educational Directorates in different districts of the country (elementary, eight year and secondary level) - 2005;
- Gender analysis of texts of elementary school, which is an activity that was realized for the first time in Albania. This was a challenge also for the experts themselves, who worked for its preparation and realization. The positive reaction received by professionals, who work in the field of education and gender parity in Albania, together with the comments and recommendations that they offered, served as a good basis for the integration of gender prospective in the educational sector - 2005;
- Publication of some essays: "Gender belonging and education" - 2005;

- Creation and strengthening of capacities regarding gender integration in education in centers of democratic, civic education (constituted in pedagogical institutes) in cities of Shkoder, Elbasan, Gjirokaster and Korçe - 2005;
- Analysis of national strategies for pre-university education 2005, in the perspective of gender future;
- Preparation, publication and inclusion of resource package for gender belonging as part of the official curricular of pedagogical universities - 2006;
- Organization of training sessions for gender belonging for teachers of elementary schools in districts Shkoder, Korçe, Gjirokaster, Elbasan, Tirana regarding the use of resource package of gender belonging – 2007;
- The organization of courses for trainers in cooperation with UNDP, regarding gender integration in education - 2007, in which members of school textbooks assessment board took part, representatives from Curricular and Assessment Institute and MES representatives;
- For 2008, we are implementing the project: “Promotion of sensitive gender curricula for elementary and 8 year education”. In the framework of this project, we have first in to prepare and publish a guideline for the gender education and organization of the training sessions with the authors and evaluators of school textbooks on the mode of the use of this guideline in their work.

## Article 11

## EMPLOYMENT

### Legal Framework on Employment

218. Albanian legislation prohibits discrimination in the field of employment, professional activity and benefits from social insurances. Without hesitation, we may say that legislation has improved continuously in accordance with changes that occur in the labor market and in order to fulfill the CEDAW Committee Recommendations (paragraphs 34-35).

219. The Constitution of the Republic of the Albania in the article 18 provides for all the citizens to be equal before the Law and nobody can be discriminated against for reason of race, gender, religion, philosophical and political beliefs, economic, educational and social condition. Further in chapter IV, “On economic, social and cultural freedoms and rights”, the fundamental law of Albanian State, in article 49/1 provides for the right to employ. *“Every person has the right to gain the living means by a legal work that s/he has chosen or accepted himself/herself. S/he is free to choose the profession, the place of work and his/her system of professional qualification”.*

220. Article 115 of Labor Code contains the same principal likewise, article 9 of this Code sanctions that very kind of discrimination is prohibited with regard employment and profession. Labor Code prohibits discrimination based on sex that infringes the right of the individual to be equal in employment and training, in employment procedures, in labor conditions, in performance of duties, in remuneration, social assistance, in signing the

employment contract and participation in trade unions. Labor Code, which covers most of the working relations mentions expressly in one of the principal provisions “*Equal salary for work of the same value*”.

221. In article 146 paragraph 2, Labor Code treats the protection of cases of dismissal from job. This article provides for cases of contract cancellation by the employer without reasonable causes. In these cases, the employee has the right to bring a lawsuit against the employer in the court within 180 days from the day of notice deadline expiry. The court decides in cases of dismissal for unreasonable causes that the employer should indemnify the employee in a compulsory way up to one year of payment or return to the job. Labor Code prohibits differentiation for selection of employees on the basis of race, age or sex.

222. Likewise, Law on Civil Service regulates employment in civil and State administration avoiding employment by direct nomination. Competition, testing, interview and careful selection of criteria brought about the employment of intellectually and professionally qualified staff without gender discrimination. Protection is guaranteed by Albanian legislation and Conventions ratified by Albanian parliament. As identified above, pursuant to Constitution of the Republic of Albania, the agreements ratified by law, by the parliament are part of internal legal system and they prevail over national legislation, when this is not compatible with international agreements. On the other hand, pursuant to CEDAW Protocol, every person or group that feels himself/herself discriminated regarding the rights provided for in the Convention has the right to complain to the Convention Committee pursuant to a certain procedure. Consequently, when individuals or group or individuals are discriminated against in their right of employment, the right for equal remuneration, the right for a job with equal value, the right for social insurances, etc., they have the possibility to address to the Convention Committee after they have exhausted the judgment instances in the country.

223. Article 253 of Criminal Code, on “Violation of citizens parity”, imposes sanctions, penalty or imprisonment up to 5 years, if because of the duty and when practicing it, employees with a State function or in public service, make distinctions based on origin, sex, health condition, religious, political beliefs, trade union activity or because of belonging to one ethnicity, nation, race or certain religion, which led to unjust privileges or refusal of right, or a benefit that derives from the law.

224. For professional training and formation, in addition to Law 8872 “On Professional Education and Formation in the Republic of Albania”, it is worth to mention the Guideline of Minister of Labor No. 2222 of 31.10.2002 “On Advice and Orientation in Professional Formation”. National employment service is commissioned to implement this guideline by Employment Offices in which employees have been appointed to realize the professional orientation and advice for all people who need and require these services. Special care for advice and orientation is devoted to certain groups which according to the law provisions are the jobseekers which include: mothers with many children, people over 50 years old, young people under 18, long term unemployed people, people from families under the poverty line, victims of trafficking, people who benefit income from support programs, people who become unemployed in the reformation process, from restructuring and privatization, unemployed girls-mothers, divorced females with social problems, people who return from migration with economic problems, people who have just graduated and

are not orientated in the labor market, people who have served the sentence with imprisonment, people with disabilities, Roma people and orphans who have acquired this status.

225. Albanian legislation is not discriminating as regards the provision of an equal payment. For the same work between men and women, article 5 of Labor Code, paragraph 3, provides for the employer to give equal payment to men and women. This formulation is in accordance with all international instruments, in which Albania is a party. (ILO Convention, No. 100, "On Equal Payment -1951). Again, pursuant to Labor Code, in case of violation of this principle, the employer is obliged to pay to the discriminated employee a payment that includes all advantages that the employee of the other sex has (article 115, paragraph 4, Labor Code).

226. Equal rights for men and women are provided also in the new bill "On Gender Parity", which consists in placing both sexes on equal positions in the employment field and equal provisions for sexual harassment in the place of work. Currently, MLSAEO is carrying out a study regarding equal payment, which is expected to be concluded in June 2008. It is expected that this study will give an analysis of situation and recommendations. National Strategy on Gender Parity and Violence in Family (NSGE&VF) as an inter-sector strategy, which is supported by UNDP (United Nations Development Programme), OSCE dealing with economic strengthening of woman gives these recommendations:

- 1- Increase of the number of projects and programs that promote female's professional formation and employment and extension of these projects in rural zones.
- 2- Increase of the number of business women and girls, by providing the possibilities for more access to property, capital and crediting.

### **Measures for elimination of discrimination in the employment field**

#### **1- Elimination of discrimination and promotion of parity in employment**

##### ***(a) The right for work***

227. The right for work is guaranteed without any kind of discrimination for all the Albanian citizens of the age for work. This right is expressed clearly in article 32 of Labor Code. Employment is one of the most important indicators for gender parity assessment but for the strengthening of the role of the women in society, non-discriminating social policies, programs and supporting services have a considerable impact, which comprise another priority of Albanian Government's program.

##### Situation of labor market in Albania

228. Women in Albania continue to experience transition consequences; emigration, unemployment and they bear the burden of negative phenomena as trafficking, prostitution, and violence in family, etc. In addition to these, transition to market economy in Albania was accompanied by a drastic fall of participation of labor force in the new market. (Table 4.1-INSTAT). In 2000, less than 2/3 of the population capable for work were active in the labor market, whereas in 2005 this indicator went down. Participation of women capable for work in labor market in recent years appears as follows: 46.7% in 2003, 47.2% in 2004 and 46.3% in 2005. This low participation in labor is explained by the still high employment in informal sector, disappointment by long waiting to have access to

work, emigration of young people and withdrawal of considerable part of women from the integration process in the labor market.

229. According to the methodology in force, the unemployment currently is 13.2% and women comprise 49% of general number of unemployed. The long term unemployed people comprise 65% of registered unemployed people, in which the women again occupy almost half of them. Family heads occupy 40% of the number of registered unemployed people. According to the following table, at the end of 2007, 14.871 unemployed people were registered, from which 69.801 were females.

Number of unemployed, registered according to gender (2000-2007)

Year	2000	2001	2002	2004	2005	2006	2007
Total number of registered unemployed people	215.085	180.513	172.385	157.008	153.250	149.739	142.871
Number of unemployed females	101.919	85.420	81.326	75.150	74.031	72.102	69.801

**Source: Ministry of Labor**

230. Analysis of the structure of unemployed jobseekers according to gender shows that females occupy a considerable weight in the total unemployed jobseekers. This came chiefly:

- 1) Giving up work and engagement with raising of children and administration of family economy,
- 2) From closing of many industrial enterprising specialized for female's employment. In addition to this, this labor force, differently from males, found it more difficult to adapt to the new labor market situation in the country.

231. Analysis of the group of unemployed according to gender and educational degree shows that the unemployed with 8-year education and secondary education comprise respectively 54% and 32%. This phenomenon is observed also in the group of female unemployed, in which those with 8-year education and secondary education occupy the biggest part. This indicator is higher in the young age groups, whereas the difference female-male is present in all age groups. The difference in the degree of unemployment between female and males is more accentuated in urban zones compared to rural zones. Females comprise 46% of the total unemployed jobseekers. The possibility to find job for this contingent is bigger in the sector of clothes and services. But even in this case, an obstacle is the age because the long term unemployed jobseekers belong to that age group. This percentage varies in different regions of the country; in the rural areas it reaches the figure 44% of the total, in the central zone 50%, whereas in the southern zone it comprises 54% of the total.

232. The level of unemployment marks a higher figure for the category of females compare to that of males (80% females against 12.8% males). This indicator is higher in the young age groups, whereas the possibility to be employed in the age groups above 45 is almost

the same. (Table 4.2-INSTAT). Likewise, the difference becomes more sharpened in the urban zone against the rural one. In addition to that, in the northern zone and northeastern zone of the country, this difference is deepened more, not only for the fewer employment possibilities for females of this zone, but also because of males' massive migration.

233. The female jobseekers, which are also heads of families, comprise 12% of their total number. Most of these families have a high poverty level (Table 6.2-INSTAT) and are treated chiefly with economic aid. Females' educational level of these families compared to that of males is higher. Studies show that 27% of females in the age of 16 and above have graduated from the secondary school, whereas 13% of them have completed the higher studies. Females who attend higher school comprise 62% of these students. This happens because after completing the 8 years school or the first years of secondary school males start working or emigrate, whereas females prefer to carry out higher studies. In different demographic zone, this conclusion is not the same. In the marginal zones and northeastern zone the females' education level is lower. In these zones, after carrying out the 8-year school cycle, females tend to create a family and become housewives. It is difficult for educated females be employed because State sector is ever reforming, closing many jobs, suitable for this category. Whereas the private sector in these zones prefers the field of construction, but in this sectors the possibility of females to be employed is too low.

234. For women's employment programs have been implemented to promote employment, favoring women and girls and tariffs of professional formation system have been facilitated for women and girls in professional formation public centers. Subjects have been also licensed which offer chiefly courses for professions that adapt to women and girls and qualify them. In districts, Tirana, Berat, Elbasan, etc, NPOs opened employment centers, centers of information and mediation for women and girls. Whereas a number of institutions have been established for employment issues, from which we may mention 12 regional and local employment offices.

235. Regarding the professions that unemployed jobseekers master, according to statistics for 2007, division of the total jobseekers was made not only according to their educational level but also to the professions that they have. From this division, it appeared that 2% of registered unemployed jobseekers were specialists with higher education dominated by teachers (514 people), economists (440), agriculturist (302) officers (374) and engineers, chiefly geology and mining engineers (245 people).

236. 9500 unemployed jobseekers benefited from the unemployment payment scheme, whereas 95.781 unemployed jobseekers benefited from the economic aid scheme. 8036 jobseekers appeared to be from the special groups, from which 3380 are Roma, 33 trafficked girls and women, 1838 people with disabilities and 3059 from other categories, registered in employment offices in a country scale.

### **(b) Equal employment possibilities**

237. Labor legislation does not discriminate women, but it gives priority in the employment sphere for some categories of women, as for example mothers with many children. The women comprise 51% of the population in the country and they are involved in these forms of economic activities: a) employed in State sector, (education, health, public administration, institution of local Government); b) employed in private sector (companies,

small and medium enterprises, services); c) self employed in small businesses or in family businesses; d) employed or in a private work in agriculture; e) employed at home. Employed females occupy a high percentage in State sector (telecommunication, financial activities, public administration, education, health and social activities), whereas in private economy, the principal sectors are processing industry, textile-clothes industry, food industry, agriculture, industry of shoes and leather, collective services. It appears from controls made by the State labor inspectorate that women occupy a) about 47% of people employed in services and small business enterprises, b) about 12% of the employed in construction and production of the construction materials; c) about 71% in the sector of clothes production.

238. In Albania, women employed in private sector (table 3.3-INSTAT), in the processing industry, textile-clothes industry, food industry, health industry, shoes and leather and collective services are chiefly with 8 year education, whereas the average level of salaries there is from 11.000-25.000 Lek per month (approximately 250-270\$ USD). Women respondents complain for monotony in their working place and low technological level, which requires greater concentration in the place of work. These gaps have an impact on psychophysical conditions of the employed and in particular on females. An interesting indicator of females employed in these sectors is their young age, which varies from 16-30. Employers' interest for this category is explained by greater agility of these ages to carry out better the materials processing and their quick adaptation to the job and means of work.

239. In addition to educational level and reception of limited professional qualification, some subjective factors influence in the employment of females in these categories of works, like unemployment level, economic factor, Albania society patriarchalism and impact of family authority which compels women to be employed in difficult sectors. In this aspect, the needs for integration of people who have moved to more civilized zones and limited capacity of people for education in an average level have an impact as well.

240. Projects for Employment Promotion Programs and in particular those of formation by employment is one way to mitigate informal labor market. The program for employment promotion of unemployed female jobseekers is a program prepared in the framework of Albanian Government's objective for development of active social policies through employment promotion. This program aims at encouraging Albanian managers to make efforts to employ in different periods female unemployed jobseekers. This program was drafted in implementation of Strategy of Employment and Professional Formation adopted by DCM No. 67 of 10.01.2003. Ministry of Labor treated women with priority in employment promotion programs implemented in 3 recent years.

241. Considering female's unemployment level high, regardless of their large participation in employment promotion programs, Ministry of Labor took concrete measures for implementation of active policies for women's employment. The employment promotion program aims at employing unemployed women and encouraging employers to employ unemployed female jobseekers. Though it seems that this comprises discrimination for males, in reality it responds to the solution of situation of women's high unemployment. This support consists in funding the amount of obligations for insurance insurances, whereas for females who above 35, trafficked women, women from Roma community and women with disabilities, the compensation is made for a part of the salary up to minimal



wage level. This program is supported by State budget from Ministry of Labor and it started to be implemented after 1 January 2004. The program aims at long term employment, promoting the employer to be activated to select a regular labor force. The female unemployed jobseekers are included in concrete activities where they have possibilities: a) to be employed temporarily and benefit more income; b) to benefit qualification through working; c) to have real opportunities for employment, if they demonstrate good capacities for work and business.

242. Calculating the effective use of funds for economic aid, unemployment payment, State budget subsidies for social and health insurances funds, direct and indirect financial benefits, the real cost of this program is lower than corresponding expenditures for its implementation. On the other hand, the economic social benefits are bigger taking into account the critical situation in unemployment and poverty field. From implementation of employment promotion programs and chiefly of program for female unemployed jobseekers in 2004, about 1200 females were employed, which continued also in 2005, whereas in 2006, 2040 females were employed, that is, 92% of total employment from these programs. (Table 4.5-INSTAT).

243. Women are guaranteed equal employment opportunities in Albania and this is seen also in competitiveness opened for positions in State or private sector. However, in the private sector, this depends much on employer's preferences. Employed females currently occupy 46% of total employment. Analysis of employment level in years shows that females' employment level was evidently lower than males during the entire period 1993-2007; this difference continues to be preserved and to remain in the same levels. As a consequence of the rural-urban movement that continues in our days, for the females who have migrated, difficulties are created to enter the urban labor market. In the processing industry, their representation is 68%, in services 58%, in banks, education and health 54% whereas in construction 18%.

244. According to the age groups, the employed of the age 16-25, with eight-year education occupy the highest percentage and the number of employed females is higher. In the older age groups, the number of employed with higher education is big and majority here are females. This speaks about the difficulties that young age encounters for entering successfully in the labor market. In addition to this, the new entries in labor market occur massively until the age of 30 for males and females. This caused a fall in level of participation in labor for older ages and an increase of level of participation in labor for young ages. The reason for this is the ever-increasing tendency of this age to gain material goods through labor and consequently the decreasing tendency for study. This phenomenon is sharper among males.

245. Disproportions are observed in participation of women in labor, in various levels of central and local administration. Females occupy 40 % of the employed in Ministries and other high State institutions. Whereas in local administration, females percentage is lower (31.6%). This participation is somewhat high in municipalities, in which females occupy 45% of the employed. In the meantime, in the communes, the females' participation in public administration is 22%, in prefectures they occupy 25% of the employed of this sector. (Table 4.4-INSTAT). The activities, in which the females of urban zones occupy the highest percentage in employment, are: 64% in education, 77% in health, whereas in the sectors of industry, restaurants, hotels, there is a dominant presence of males. The latter

is more evident in other urban zones, whereas in Tirana only 18% work in industry. While, in rural areas females occupy 52.6% of the total number of the employed in agriculture.

246. The women who were settled in recent years in principal cities, by internal migration and Roma women, who manifested frequently stressed absence of capacities to increase professional level, were helped with training courses for dressmakers and courses for agricultural products processing. In the Social State Service, there is a unit that works to increase the level of Roma women and children literacy. Supported by NPOs, these women manage to be integrated in labor market.

247. In the conditions of informal economy flourishing, many Albanian women started to work at home, but conditions in which they practice their capacities are not well known. Like Finland, Ireland and Netherlands, Albania ratified ILO 177 Convention, "On Labor At Home" which recommends the drafting of a national policy for this kind of employment with the purpose to improve conditions of people who work at home, the majority of which, as known, are females. However, a special campaign should be made for steps, to be taken for implementation of Convention recommendations.

***(c) Free choice of profession; equal criteria for promotion and benefits including professional training and uninterrupted re-qualifications***

248. Women in many regions remained behind men behind their education achievements in all levels. Though most of formal education systems are based on principles of creation of equal opportunities with participation of boys and girls, in reality it is accompanied with evident differences in the places where this occurs. The possibilities for development frequently depend on gender belonging. Everywhere, the determined role of women is to marry and to make children, therefore education may not be in their focus or wished for by girls. In addition to this, many parents see more priority in professional formation. This is explained also by the fact that women do not expect to find a good job and consequently, their interest falls and there is little need to take measures to reach a higher education level.

249. The ever-increasing labor market needs for qualified people and new professions in accordance with the current economy developments necessitated the increase of the training number and quality. A concrete indicator is the care of the Government to reconstruct professional formation public centers and start their working within this year in the districts Fier and Elbasan. The Government supported the creation of capacities for professional formation in quantity and quality through development of the system of public professional formation. Professional education courses are licensed by Ministry of Labor.

250. Currently, 10 Regional Directorates Of Public Professional Formation (RDPPF), and concretely RDPPF No. 1 dhe No. 4 in Tirana, RDPPF in Shkodër, in Elbasan, Korçë, Durrës, Vlorë, Fier, Gjirokastër and Public Professional Formation Mobile Center for the northeastern zone of the country. These directorates offer courses of professions, chiefly for the category of unemployed job-seekers and for other people of various ages and educational levels, who are willing to continue these courses and to take a certain profession, who are no longer working for restructuring reasons or who are willing to maintain their job through development of knowledge and capacities. The directorate of Labor Relations regulates conflict solving and undertakes agreements with private sector and trade unions and this helps to solve conflicting issues for individuals with disability

and those who work in difficult sectors like miners, pilots, etc. The Institute of Public Administration Training (ITAP) organized training courses for gender parity also. Institute of Social Insurances is part of ITAP trained staff.

#### Projects of foreign donors for Professional Formation

251. Foreign donors gave and are giving a great contribution to support professional formation system in Albania. Currently, the Government evaluated professional formation as a priority and this was materialized in the assistance that Albania receives from the EU, in the framework of CARDS Program "Support for reform in the field of AFP". In cooperation with the Ministry Of Labor, the National Agency of Professional Education and Formation was created (AFP), which is supported by a twinning project funded by CARDS program in 2004. This agency is a very important institution in the field of professional education and formation and it is playing a great role in the reform started in this direction. MES is cooperation closely in the twinning project, supporting this agency for its strengthening and for the increase of effectiveness of national council of professional education and formation. MES is cooperating also in the project "Support for the reform in the field of AFP- stage II), which is funded by the EU in the framework of CARDS program. For this project, the Albanian qualifications framework and relevant laws are being drafted.

252. Based on the project "ALBVET", which is funded by Swiss Government, Ministry of Labor created the mobile center of professional formation for the northeastern zone which is a zone of high level of unemployment. This center started the activity by aiming to offer a professional formation service with courses of professions demanded in labor market and helping the unemployed jobseekers with the purpose to integrate them in the labor market. This was realized by opening different courses of different qualifications such as the course for plumbers, dressmakers, electric installations, electro-domestic repairing and hairdresser. These courses circulate every six-month from one region to the other. The German Government also, through the foundation "PARSH" funded the implementation of the project "Life long Learning". The implementation of these projects by different donors helped indeed the improvement of professional formation system and solution of problems related to finding equipment, development of curricula, trainers, courses, drafting of standards, etc.

#### Professional Formation in Public Centers

253. With the State budget fund, the started work continues in the direction of investments to enlarge the network of public centers of professional formation. In addition to centers in the cities of Elbasan and Fier, we are working to establish them also in the cities of Durres and Gjirokaster, whereas in cooperation with the project "Support for reform in the field of AFP-stage II", a professional formation center is being reconstructed in Korca city. In 2006, 6200 people were trained, from which 3700 were females. The 2007 tendency was opening of new courses for those professions, which offered greater employment opportunities after the course completion. Such courses for professions of plumbers, electricians, dressmaker, cook, etc. were opened in Gjirokaster, Elbasan, Tirana, Vlore, etc. In 2007, in these courses 7.400 people were registered. At the completion of the courses, 7028 people received certificates, from which 1700 were unemployed jobseekers. From the special groups, 72 Roma, 35 orphans, 10 trafficked females and 29 people with disabilities were trained. Public professional courses were attended by 4923 people of the

age 16-24, who comprised 66.5% of the total number of trained people. In 2007, 3899 females were trained or 53% of the total. The age 25-34 comprises 20% of the total, whereas the age over 34 occupies only 13.5% of the total. According to the educational level, the biggest weight of people who followed the public professional formation is occupied by secondary education with 3400 people (or 46% of the total), after them, the 8 year education comes with 2032 (28%) and the higher education with 1968 (26%).

#### Private Professional Formation

254. In a country scale, for the period January-December 2007, 166 subjects were licensed. From these, 92 are renewed licenses and 74 are licensees. From the total licensed subjects what strikes the eye is the fact that 100 of them (or 62%) are licenses for hairdressers-esthetics. 1921 people were trained and certified in hairdresser-esthetics courses (or 23% of the total), 2378 people were trained for computer (or 28.5%), 1545 people for foreign languages (18.6%) and the rest were trained for different courses in the field of tourism, clothes, mechanical industry, social courses, etc.

255. For the period January-December 2007, private centers trained 8308 people, from which 5421 are females (65% of the total) and 5204 are unemployed people (63%). The age up to 21 occupies 45.4% (or 3777 people), whereas the age 21-34 occupies 41.2% (or 3426 people). The people with secondary education comprise 44% of the total, those with 8-year education 35.1% and those with higher education 20.6%. Most of licensed subjects (86 or 51.8% of the total) are in Tirana. From the total licensed subjects in Tirana, only 51% subjects are only in hairdressing-esthetics or 57.3% of Tirana total. Private subjects in Tirana trained 4037 people or 48.5% of the country scale total.

#### 256. Increase of employment level and participation of females in labor forces was achieved through:

- Different motivating and supporting forms, like training for new professions required by labor market, promotion and opening of small businesses, etc.
- Better recognition of unemployment problem among women and men by collecting full and exact data, which enabled the better identification of unemployed females/males contingent, the level of education and other characteristics. This made possible a more efficient response and drafting of more successful programs for their employment.
- Taking into account the gender prospective in the field of professional formation enabled an increase of the number women and girls present in the labor market.
- Enlargement of possibilities for crediting by the creation of facilities, in particular for women, was considered an efficient way for stimulation of activities in agricultural sector and non-agricultural sector and the increase of the number of women that manage these businesses. In order to monitor the progress of these programs, common programs were drafted between the Ministry of Labor, Ministry of Economy And Energy, and Ministry of Finance and Ministry of Agriculture in cooperation with international agencies.

257. In general, the advancement in career is more difficult for women and in some cases it is not based on criteria related to profession. For example, in educational sector, teachers are recruited through competing procedures, which create possibilities that their individual professional capacities are evaluated but when it comes to school principals, no competition procedures are organized. The question is that in the final analysis, that are more school principals that are men, whereas women occupy the largest number of teachers. However, the Law “On Civil Servant Status”, (chapter IV of article 15) provides for the development of career including promotion for civil servants with no distinction of sex. This Law provides for procedures to promote people through competition.

**(d) Equal payment for equal work**

258. In many regions, informal sector rivals employment and payment of formal sector. Being a source of work for men and women, who are more present in the informal sector, employment for women in informal sector occurs more in those jobs which are not secure and do not guarantee full time employment, but they generate low income and a relatively low productivity. The *de facto* program is to identify that there is a low participation of women in management positions. Regardless of the fact that females are educated and qualified, in general, men hold management positions in public and private sector are held by who consequently have a higher remuneration. *De facto*, women work in sectors in which the remuneration is lower (table 4.6-INSTAT). The work in such jobs as nurse, employees in pre-educational system, teachers in 9-year educational and secondary education, whereas in the private sector in general, they make the less paid jobs.

**(e) Social insurances and other benefits**

259. Regarding social insurances and benefits from them, the Constitution of the Republic of Albania guarantees to everybody the right of benefits from social insurances when reaching the retirement age or in cases of disability for work, and it guarantees the benefits in case of unemployment. The Law on social insurances follows the same line, though it does not make a distinction regarding payment for compensation and benefits from social insurances for pregnancy that include pregnancy and the period after the child birth, which are applied only for women.

260. Maternity leave is another distinction element between female and male employees. Albanian legislation does not give maternity leave for the father, though it recognizes the right of 3 days holidays for the new father. In the meantime, other holidays and annual leave are applied equally for men and women. Another example of the different treatment of men and women is also article 31 of Law “On Social Insurance” which provides for insured people to have the right to receive full retirement pension when reaching the age of 65 for men and 60 for women. Number of working years is the same for both gender (35 years work). So, in order for the individual to enjoy full pension, one should have paid at least 35 years of contributions in social insurances scheme.

261. Taking into account family conditions, women’s role in family, law provides for some other distinctions by favoring women. Concretely, mothers who have given birth to 6 children and more and have 30 years of work may retire 10 years in advance, that is, since 50 years of age. Another distinction is the family pension given to the widow when she reaches the age of 50 and at the same time does not meet conditions for retirement for her work. The widower receives pension from the work of his spouse only after he reaches the

age of 60. Regarding unemployment, sicknesses or invalidity, women say that there are no differences between genders.

262. Albanian legislation provides for special protection by the State for new mothers and pregnant women. Pursuant to Labor Code, pregnancy should not comprise a reason of discrimination in the field of labor; so, for example article 105/a prohibits the pregnancy tests before employing a woman. Moreover, when a woman is dismissed from the job during pregnancy period or after her return from maternity leave, the responsibility and obligation rests with the employer to convince the court for the fact that contract termination did not come as a consequence of pregnancy and the birth of children.

***(f) The right for health protection and security in working conditions including security of reproduction function***

263. Labor Code prohibits the employer to place the employee in difficult and dangerous conditions for pregnancy or the baby. DCM No. 207 of 09.05.2002 “On Definition of Difficult and Dangerous Jobs” provides exactly for the list of hard and dangerous jobs. According to this decision, only employees who present the medical certificate, stating that they are clinically healthy, maybe employed in such jobs. Maternity leave is calculated as a working year for the woman and she does not lose the years of work because of pregnancy or birth of a child.

264. In Albania, women are committed in the family and society, but we should say that such commitment is observed more in urban zones. On the other hand, their role is very important in producing and reproducing aspect, therefore from this point of view labor inspectorate supervises the observance of legislation related to working conditions and guarantee of their health. The renewed Labor Code has improved measures for protection of workers, women and especially of pregnant women. Chapter 10 of this Code protects in particular pregnant women and breastfeeding women and prohibits night shift jobs to pregnant women. However, there are cases when pregnant women undergo bad working conditions and pressures from their families to make supplementary work.

265. Regarding sexual harassment in the work place, Albanian legislation treats this issue in Labor Code and in Law “On Gender Parity in Society”. Though, Labor Code includes also a provision on sexual harassment in the work place, again there are no precise procedures providing for her to start procedures in case of sexual harassment in the workplace. In additions to this, there are no official statistical data that show whether these issues have been brought and solved or not in the court. However, this does not mean that these cases did not exist. Sometimes, the media wrote about the phenomenon and the way this issue is treated by public opinion and legislation.

266. Labor Code, in article 32, paragraph 3, gives the definition of sexual harassment in the working place, according to which “sexual harassment means every harassment that harms evidently the psychological condition of employee because of sex”. The employer is prohibited to carry out any action that comprises sexual harassment against the employee and he should not allow such actions to be carried out by other employees. The new bill “On Sexual Parity” has special provisions providing for protection of employees form discrimination, sexual harassment in the work place especially in educational institutions.

267. Difficulties encountered in finding a job discourage women to report cases of sexual harassment. Women are not very much aware that law protects them if they report such cases. Labor Code prohibits expressly every action on the part of the employer that may be considered as sexual harassment of the employee and imposes on first the obligation that the employee should be protected from this sexual harassment of the other employees. Law on Gender Parity compels the employer undertake disciplinary and other organizational measures to fight sexual harassment against his employees.

## ***2. Prevention of discrimination based on marriage and motherhood***

268. Though legal provisions prohibit discrimination on the basis of marriage or motherhood, there are cases when the employer refuses to employ pregnant women or place restrictions for women regarding maternity leave.

### ***(a) Prohibition of dismissal for reasons of pregnancy, maternities leave, or change in the marital status***

269. Labor code prohibits employers to require from women to make pregnancy tests before employment or to terminate the employment contract during the time when women are pregnant. So, the employer should expect until women return from maternity leave. For more, article 146 of Labor Code considers unjustifiable the cancellation of employment contract for motives that relate to pregnancy, marital status, family obligations, etc. Regarding discrimination because of marriage, it does not exist as a phenomenon, and for this reason, this point is not mentioned in particular in Albanian labor legislation. However, article 9 of Labor Code prohibits discrimination because of family relations. The employer cannot collect personal information on the employee, save when the information relates to professional capacities or if it contains important data that relate to execution of the contract. Employment contract cancellation without reasonable causes is invalid and the employer pays to the employee an indemnification equal to the annual salary.

### ***(b) Right for paid maternity leave and benefits***

270. Albanian legislation offers special protection for women's reproduction functions. The work is absolutely prohibited 35 days before and 42 after the childbirth and when the woman is pregnant with more than one child, this period is longer. After the elapse of these days, the employee is entitled to choose if she is willing to return to work or to continue to care for her child. If she chooses the second, the employer is obliged to maintain the job for a period of 12 months. The maternity leave is guaranteed also to women who adopt a child.

### ***(c) Social supporting measures to help parents share obligations in family and work***

271. State services for children care are missing in many urban and rural zones. There are private initiatives for the childcare but these do not cover all the needs of communities. Foundation SOROS (Open society) offered training and opened centers for child care in many areas of Albania. Ministry of Education and Science approved their teaching programs.

### ***(d) Protection of the pregnant women in their working place***

272. Directorate of Public Health makes periodical studies to determine the works that are harmful for pregnancy and publishes their results in order to help the State and private institutions to take preventive measures in protection of pregnant women's health.

### **3. Legislative review of protective measures**

273. Regarding the frequency of protective legislation review in order to include recent researches and scientific conclusions, women say that Albanian legislation may be reviewed and improved further in order to be more and more compatible with CEDAW requirements. So, for example, the review of categories of working places that are considered dangerous for women may be made more frequently with the initiative of the relevant ministry in cooperation with NPOs or international organizations.

#### **Article 12**

#### **HEALTH CARE**

##### **Legal framework on health care**

274. Albanian legislation offers special support and health services to mother and child. Article 55 of Albanian Constitution guarantees to everyone equal rights for health care that is offered by the State. *“All pregnant women benefit free periodic medical follow-up of pregnancy, labor and after labor care, especially compulsory examinations before labor and after birth, which are decided by an act of Minister of Health”*.

275. Law No. 8876 of 04.04.2002, “On Reproductive Health”<sup>8</sup> has one provision about article 6, which uses the term “discrimination” and provides services with no gender distinction or other demographic category. Concretely, article 6 it states that, *“free and exempt from any kind of discrimination, obligation or violence, every woman has the right to be examined and to decide freely for all issues regarding her sexuality and sexual and reproductive health”*. Article 8 of this law generalizes this principle further, including both sexes and it states for this that, *“This law guarantees decision taking to each individual for the practice of reproduction rights according to their wish and interest, free from any discrimination, obligation or violence”*. Law “On Reproductive Health” offers special support for services of health care for mothers and children (Article 13/12) and periodical medical checks before and after the birth, especially compulsory checks before and after labor (article 24/1). This Law provides for the right of everyone to information, advice, education and social services, necessary for a good reproductive health.

276. The purpose of this Law is recognition and acceptance of reproductive rights and protection of reproductive health of each individual. This law, which is based on the Constitution of the Republic of Albania, CEDAW Convention and Convention “On Rights of Children”, stipulates *“reproductive health is an important part of health in general. It is not only a reflection of measures to protect health during adolescence and adult age but it provides for the basic principles of health care during the reproductive years for women and men”*. The Law observes also the principle of nondiscrimination sanctioned in the Constitution and important international documents. It has also important effects on the coming generations. Article 37 of the law, which speaks about the use of technological reproductive assisted methods, prohibits the selection of child sex, with exception of cases when there is a possibility to inherit diseases related to sex. According to article 10, paragraph 2 of this Law *“all individuals and couples have the right to benefit suitable services of health care in order to have pregnancy and safe labor and a healthy child”*.

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<sup>8</sup> This legal act is not reflected in Combined Report I and II.



277. Chapter 6, Article 37 states that “*during the years of reproductive assisted technologies is not allowed to select the future child sex*” and this provision again relates to the implementation of the principle of nondiscrimination based on sex. The Law provides also that the child acquired through different methods, other than the natural ones, may not be used for industrial, commercial purposes, etc. Article 11, paragraph 3 provides for “*every woman has the right of health protection during her pregnancy, for assistance during labor and to benefit the implementation of methods and practices that minimize the danger to her health or the health of the fetus, the newly born and the child*”.

278. Whereas article 3, point “c” provides for services for the education of the child, adolescence, etc. Article 7 of this Law provides for safe motherhood, which is the right of every woman to take the needed care so that she enjoys a good health during pregnancy until the childbirth. In some articles, it says that the adolescents and young people enjoy the right of information and services for reproductive health, for information and programs that aim at prevention of undesired pregnancy, abuse and everything related to their active sexual behavior in accordance with their age. These legal provisions not only attribute special protection to fetus but they guarantee a safe labor and continuous good health.

279. Law on Protection of Breastfeeding was drafted to discourage the substitution of breast milk with the artificial one, in order to regulate trade of food for children and distribution of information on priorities that breastfeeding has. Protection that Albanian legislation guarantees to breastfeeding is relatively limited and in general, we feel the need to draft new provisions or contemporary programs to guarantee the suitable food for young mothers.

280. Interruption of pregnancy was illegal in Albania until 1992, whereas now, the abortion is allowed until week 12 of the pregnancy and after this period, depending on the health of mother and fetus, special permission is required, which is given by a specialized medical commission. Criminal Code provides for sanction up to 5 years of imprisonment when: **a)** pregnancy is interrupted without the woman’s consent; **b)** when abortion is made in unauthorized environments; **c)** when abortion is made by unlicensed people; **d)** and when the pregnant woman is given special means so that she carries out pregnancy interruption herself.

281. Some of these aspects are treated also in those ILO Conventions that Albania ratified, from the first report and the second combined report submission. Among the most important Conventions, which have direct or indirect relation to protection of mother and child’s health, we may mention:

**Title of Convention, number, year, date of ratification**

- Convention on Protection of Motherhood, 183-2000, 24.07.2004.
- Convention on Labor Inspection, 81-1947, 18.08.2004.
- Convention on Labor At Home, 177-1996, 24.07.2004.
- Convention on Security and Protection Health on Mines, 176-1995, 03.03.2003.
- Convention on Prevention of Big Industrial Accidents, 174-1993 03.03.2003.
- Convention on Part Time Labor, 175-1994, 03.03.2003.

- Convention on Security and Protection of Health at Work, 155-1981, 09.02.2004.
- Convention on Workers Representatives, 135-971, 18.08.2004.
- Convention on Fixing of Minimal Age, 131-1970, 18.08.2004
- Convention on Night Work, 171-1990, 28.06.2004.
- Convention on Rural Workers Organizations, 141-1975, 18.08.2004.
- Convention on Protection of Workers Claims, 173-1992, 03.02.2005.

282. In March 2008, Ministry of Health submitted to the Government for adoption the basic Law of health system, renewing Law No. 766 of 17.12.1963 “On Health Care in the Republic of Albania”. Preparation of this Law is a necessity because of the Albania’s inclusion in the process of stabilization-association, because as in other fields, it has the obligation in the health sector to implement relevant commitments and national legislation approximation to that of EU countries.

283. The bill “On Health Care in the Republic of Albania”, (composed of 15 chapters and 52 articles) provides for general provisions, through which it gives the purpose of the Law that is the implementation of the Constitutional rights of local and foreign citizens in the Republic of Albania for health protection and health care and the range of action of the health sector. The basic principals are also treated, such as the right of health care, as a fundamental individual’s right, the efficiency and the quality of health care services, transparency and protection of poor strata and groups from harmful factors that relate to health.

284. Very important are the provisions, which provide for responsibilities that the State and citizens have and their rights related to this system of offering and benefit of health care in the Republic of Albania. It provides also for the citizens’ obligation, which comprises a new declaration that was not represented before in Albanian legislation, about the responsibilities that the people resident in the Republic of Albania have about heir health and their obligation to contribute to healthy living conditions by co-funding.

285. This bill gives the structure and the organization of the health system as integrating system of services, which is made of: primary specialized care (outpatient), hospital care, and a number of other specific services such as emergency service, public health, pharmaceutical sector, labor medicine, sports medicine, alternative medicine, mental health, dental service, optical service, etc. At the same time, it provides for the mode of creation and organization of health institutions, as a planned network of public, private institutions or another form of ownership, support for preparation of institutions network plan and the right to found these institutions. This bill provides also for health sectors, in which the private activity is practiced.

286. It provides also for standards of special services of health care, their approval and implementation and standards that these institutions should meet regarding the building of infrastructure, medical equipment and human resources. National Quality, Security and Accreditation Center provided for the process of accreditation of institution, registration of health employees, licensing of institutions and their employees as an obligation, which gives them the right to practice medical activity. This comprises practically something entirely new for Albanian legislation and in general for the health care in the Republic of

Albania. It treats the concept of accreditation, which intends to improve the performance of health care providers. It provides for accreditation as a continuous assessment process in a periodic way as it aims to maintain high standards in health service offered to individuals. At the same time, it provides for the obligation of Ministry of Health to create and maintain a suitable national system for accreditation.

287. In addition to these, this draft law provides also for a reconfirmation of citizens' freedoms to choose themselves the provider of health services, placing Albanian patients as every citizen of Europe on an equal position regarding health care rights. Special importance is attached to provision of health policies for health service planning and funding. It provides for the responsibility of Ministry of Health (MH) to draft midterm and long-term strategies for action plans, for assessment of sources and human resources.

288. Some other strategies of Ministry of Health have also been worded, which have the principles of nondiscrimination and gender parity in their foundations. We may mention here:

- Ten year Strategy for reform on health system 2000-2010, which provides for priorities and strategic interventions for population's health improvement. This strategy, again gives priority to health improvement of mother and child.
- National Strategy for HIV/AIDS, which aims at maintaining Albania as a country with a low prevalence for sexually transmitted infections.
- Strategy of Health Promotion and Education, which includes the objectives and activities for health promotion and education related to health of mother and child.

### **Measures of elimination of discrimination in health care field**

#### **1. Access to health care**

289. Access to health care is the same for men and women. In fact, in some cases, legislation is gentler to women because of women's health specifics, including diseases of reproductive organs or examinations, as mammography, Pap test that helps the diagnosis of serious diseases.

290. In response to international protocols for health protection, institutions of this sector in Albania have created continuously specific services for protection of women's health. One of these specific services is offered through the network of women's consulting units, which operate in the entire country (Table 5.4-INSTAT). The principal aim always was to make the transition from a curing medicine to a prevention medicine, making women take responsibilities for them and contribute actively and continuously to their health protection. In this context, of special importance were the measures programmed to create the possibility of coordination of women's demands, not only with regard to family life but also in their working places. Reception of information of health care for males and females is made in public services offered by Ministry of Health and donors, which include international organizations like UNFPA (United Nations Population Fund), USAID, UNICEF and different NPOs).

### Woman's health situation

291. Ministry of Health (MH) always considered woman's health protection as a priority of its work. For this reason, the policies and strategies of Ministry of Health, supported by UNFPA, as one of the principals donors in this field place the woman and the girl in the center of reproductive health service, intending to integrate these services in 3 levels of health care, giving priority to primary health care. Continuous health improvement remains a big challenge for women and girls and boys and men. Reception of qualitative health care is a key factor for the well-being, development and general programs of entire society. With regard to presentation of the situation and combination of gender parity issues in health sector the big challenge is that there are no data divided by gender. For this reason, presentation of gender parity situation in health service is based chiefly on reporting that is not frequent and the information collected not systematically from various organizations on a community or nonprofit basis.

292. Women in Albania represent about 50.1% of the population (Table 1.2-INSTAT). From years, now, Albania is one of the States that has signed the action plan of the international Cairo conference on population and development which required that, "*the country should enlarge the integration of reproductive health and services of care for children including a safe motherhood for the entire population and especially for most vulnerable and less served groups*". Based on this action plan, the policies and strategies of Ministry of Health considered the health of woman and the child as very important part of human rights and placed it in the center of reproductive health services, aiming at the integration of services that relate to reproductive health in 3 levels of health care, with priority to primary healthcare. Ministry of Health aims at improving continuously the health of mothers and the children and their life quality, influencing on the progressive decrease of mortality and their morbidity.

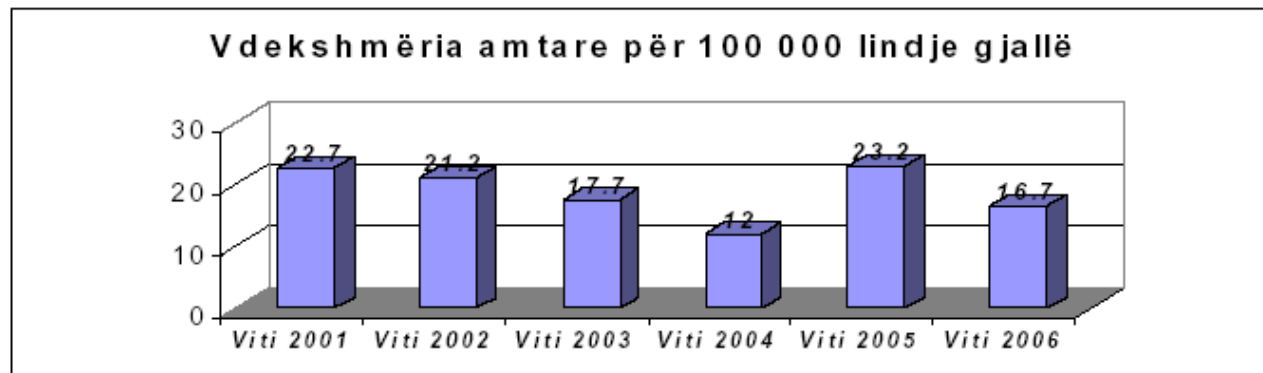
293. In order to give a more exact picture on health situation of pregnant women, we have taken into consideration such indicators as: fertility, mother's mortality, abortion and strategy of Ministry of Health on this issue. The prenatal care and relevant protocol care in labor and after it, family planning, breastfeeding, sexually transmitted infections and issues of reproductive health.

### Fertility.

294. Albania is one of the countries with a high fertility in Europe. Before 1990 the fertility indicator was very high, about 6.9 and during these ten years, this indicator continues to have a sensitive fall from 6.9, in 1990 to 2.0 in 2006 but it still remains a country with high fertility (Table 2.2-2.3-2.4 - INSTAT). According to the survey on reproductive health in Albania, carried out by Ministry of Health, Public Health Institute, USAID, UNFPA and UNICEF, in 2002 the highest levels of fertility in Albania were among the women of the age 20-24 and 25-29, occupying respectively 33% and 32% of the total fertility index (TFR-Total Fertility Rate). The fertility level of adolescents is very low, only 35 births alive for 1.000 women of 15-19, a figure that comprises 7% of total fertility rate. However, the number of births in the country continues to suffer a sensitive fall in average 5.000-7.000 births less annually, Albania continues to have a high birth rate in Europe (table 2.3 and 2.4 - INSTAT).

### Mother's mortality

295. One of the most significant indicators of mother's health is mother's mortality. The study of dynamics of mother's mortality speaks about a decrease of its level from year to



Burimi: M.Sh.

year, reaching  $\frac{1}{2}$  of 1990 level (Table 5.2 and 5.3-INSTAT). Concretely: according to data of Health Statistics Directorate in Ministry of Health, mother's mortality from 50 per 100.000 births alive in 1990, reached 2.3/100.000 births alive in 2005. In 2006, it was 16.7/100.000 births alive whereas in 2007, this indicator was 14.6/100.000 births alive.

296. Direct causes of mother's deaths in recent years in Albania appear to be the same with those reported in the other countries of the world and concretely, among them we identify:

- Hemorrhage during and after labor,
- Eclampsia,
- Difficult labors and difficult pathologies in which pregnancy overlaps.

Other indirect reasons that have an impact on the mother's health are:

- Health and nutrition situation of the woman from the childhood till pregnancy period.
- Little knowledge, attitudes, unsuitable behaviors of woman, their family and community regarding health.
- The status and position of girls and women in society and family, especially in rural areas.
- Level of access of woman for use of health services.

### Abortion

297. Currently, the interruption of pregnancy is regulated by law. Abortion number reported to Ministry of Health by public institutions has reduced in the recent decade. For

2006, the reported ratio of abortions to births was 1:4.1. We may say that reported figures about abortion initially came only from public health institutions and figures of abortions carried out in private clinics were missing until 2006 (Table 2.5 and 2.6-INSTAT). Ministry of Health in cooperation with INSTAT and Public Health Institute started to work in July 2007 for collection of information on abortion from private clinics that offer this service too. Currently, every private clinic has the obligation to collect and report information on abortions carried out in its premises in its criteria for license. Likewise, personal file on abortion has been reworked, which started to be used by all private and public institutions in Albania. Starting from 2008, the interruptions carried out by private health institutions shall be calculated in the total number of abortions carried out in Albania.

298. In order to improve the quality of health care services and to offer a safe abortion, Ministry of Health drafted a special strategy with the following aims:

- To adapt the care for a safe abortion for each woman according to her social and individual needs.
- To improve the work for giving advice and exact information that supports women in their choice.
- The use of recommended and contemporary medical technologies, especially the manual aspiration with vacuum and medical abortion.
- Application of contemporary standards implementing the new protocols on prevention of infections, management of pain, complications and other clinical elements of care.
- Enlargement of services of family planning after abortion, including contraception of emergency to help the woman to prevent the undesired pregnancy, to practice the distance between births and to avoid repeated abortions.
- Integration with other reproductive health services, like checks and diagnosis of sexually transmitted diseases, advice on violence, special services for adolescents, etc.

#### Family planning

299. At the approval of the Government after 1993, family planning services started to be offered in Albania. The main purpose of offering of these services was and remains improvement of mother's and child's health, because family planning plays a role in reproductive health. After approval of family planning activities, a policy and strategy was drafted for it, which is followed and implemented in the entire country (table 5.5-INSTAT). Protocols and guidelines for FP have been drafted and are used in all clinics specialized for this purpose.

300. The level of FP primary service is represented by FP centers in districts, which are opened in 36 principal cities of the country. FP centers have been equipped with training means and specialized staff for this service. Likewise, 28 maternities and hospitals of the country have included FP service and they give contraception. Women's advising units in cities also offered FP services. It is more than a decade that contraceptives are distributed

free of charge in the entire public health services. In 1996 and on, there is a social marketing of contraceptives in the entire country.

301. In its policies, Ministry of Health aimed at the extension of FP services in primary health care and especially in health centers of rural areas. For this purpose, with cooperation with international donors and organizations like UNFPA, USAID, Albanian, American Red Cross, etc. Family doctors and nurse-midwife staff are trained in a commune level regarding the mode of giving advice and offering contraception methods. Since 2003, Ministry of Health has established the LMIS system (logistics management of contraceptive information), which collects information from 36 districts of the country, regarding the issues of contraceptives, their distribution, etc. Most of FP services including the information for these services are offered free of charge, but not all women benefit from these services as they are not sure that their secrecy will be maintained by the health personnel. Women may go to various places from the place of residence, where they are not known, in order to get free contraceptives. Family planning as a measure of leaving a time interval between children is not yet accepted, especially by men and for these topics many campaigns should be carried out in order to increase the awareness degree.

302. Pursuant to the opinion of women and males of age 15-44, regarding FP, the decisions for the family size should be taken chiefly by both spouses. However, the percentage of males, which agree with this assertion, is lower than that of women (approximately 96% against 89%). There are no studies to report gender differences regarding the knowledge and attitudes for fertility decisions. However, in these 3 recent years, we observed an improvement of the situation regarding indicators of the use of modern methods of contraception and we observed that the percentage increased from 8% in 2002 to 22 % in 2005 (according to a study of INSTAT and UNICEF). This was a result of the policies that were implemented by Ministry Of Health to increase the quality FP services of and in large these services in the rural areas. Number of public health centers that offer FP services were also tripled compared to 5 years ago. Contraception methods are offered free of charge in these services.

#### Use of contraceptive methods

303. In recent studies made on contraception it appears that 97% of the people were aware of some methods, 90% knew a modern method and 84% the traditional method. The study showed that the degree of knowledge on contraceptive methods was relatively high respectively 75% for married women and 77% for married men. In the first years, the degree of use of modern contraceptive methods had a low level, about 8% (year 2002) <sup>9</sup> according to the MICS's Survey - 2005 made by INSTAT and UNICEF and men, compared to women had a lower level of modern contraception use.

304. Taking into account, these low indicators on modern contraception, Ministry of Health in 2003-2006 and on, drafted a strategy, which provides for some interventions that aim at: a) enlargement of FP services in rural areas, b) training of health personnel regarding the use of modern contraceptives and c) realization of national promotion campaigns in media and community regarding FP. Application of these measures in 2 recent years increased sensitively the number of users of modern contraceptive methods and the number of centers offering FP services. There were 430 FP centers in 2007 as against 97 in

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<sup>9</sup> MICS Survey - 2005 made by INSTAT and UNICEF.

2000 in a country scale. A study carried out by UNICEF in 2005 (MICS-Multi Indicators Clusters Survey) showed that the percentage of use of modern contraceptive methods increased from 8% (in 2002) to 23%.

305. In 2004, Albania approved the national strategy on contraceptive security, which had the following principal aims:

- Provision of contraceptives by a guaranteed long term supply of qualitative contraceptives.
- Financial independence, which means that the country will afford and guarantee contraceptives until 2010 with its own financial purchasing resources. Starting from 2005, Albanian State financial contributions afforded for contraceptives distributed free of charge in public health services and this contribution will reach 100% in 2010.

306. However, there is still much room for improvement regarding access to health care services for women and this relates chiefly to improvement of the very structure of health service in general. According to the opinion of specialists, the insufficient access to health care is justified usually with the fact that health care system is in a crisis. Special attention was devoted to the fight against corruption to minimize and avoid as much as possible the cases when the medical personnel is paid under the counter, which means that they do not show the same health care attention to all patients.

## ***2. Supply of free services and proper feeding during pregnancy and lactation period.***

### Care before labor (antenatal)

307. The principal aim of the antenatal care in Albania was always the guarantee of support for pregnant woman and provision of necessary guidelines not only for her but also for her partner and her family. For this reason help was offered to spouses in the transition period when they expect to become parents. The prenatal care protocol in Albania includes the general risk assessment through lab checks, controls for sexually transmitted infections, iso-immunization, Rhesus, health education for risk indications during pregnancy, breastfeeding, etc. (Table 5.7-INSTAT).

308. An important indicator, speaking about the improvement of prenatal care is the increase of the number of pregnant women, which receive antenatal care from qualified medical personnel. According to a study made on 2002 on the reproductive health (RHS-Reproductive Health Survey), it appeared that all mothers received prenatal care, in 31% of births that occurred at the time interval 1997-2002. The MICS-INSTAT and UNICEF study (MICS-Multi-Indicator Cluster Survey), made in 2005 reconfirms again this observation because it appeared that 97.1% of women benefited care by qualified medical personnel during pregnancy. This figure is the same with that found out in reports made by Department of Technology and Health Information in Ministry of Health. Concretely, 97% of women benefited health care during pregnancy and from this, 43% started medical checks in the 3 first months of pregnancy.

309. Prenatal care not only started early but in accordance with periodical recommended standards, it continued throughout the pregnancy. In order to assess the efficiency of care



offered in recent weeks before birth, the time of first consultation and the number of prenatal care checks was monitored. These studies made by UNICEF, UNFPA and USAID for 2003-2007, showed that most of women made 1-3 health checks and the average number of prenatal consultation was around 3.

310. An important component in the prenatal care package offered by health care centers for mothers was also the health information distribution. During the advice, information materials were given in order to protect the mother against exposure that may affect fetus health, on feeding, rest and early indications and symptoms of the pregnancy complications. With the approaching of labor time, the advice intended to prepare the women for the situation that she would face during labor, the distribution of exact information regarding the activity of birth and the advice of woman on the techniques to reduce pains and anxiety during labor. During the prenatal period, women were given advice on breastfeeding and family planning after birth.

#### Care in labor

311. Regarding the labor place in Albania, it is recommended that all labors be carried out in the health institutions, and the care of the professionally qualified medical personnel, which should monitor the labor activity progress and the very act of labor. In the period 2003-2007, according to Ministry of Health reports, it appears that 93% of births were carried out in health institutions whereas only 7% of them at home. From the births, labors at home; about 7.8% had the medical personnel assistance and 0.2% with no medical assistance. These studies made in 2005 (MICS in 2005) showed the same results with those of RHS<sup>10</sup>, PHI & INSTAT - 2002 (Reproductive Health Survey) that was carried out before.

312. According to Ministry of Health data, from the total number of births in 2006, (35.186) it appeared that 33.134 births were carried out in country's maternities, from which 2.081 were carried out in maternity houses integrated in health centers in villages. For 2003-2007, it appears that the births underweight (1000-2500 gr) comprise 8.5% of all labors. The labors occurred at home may be explained with:

- Mother's wish to give birth at home, when the birth is physiological.
- The uncontrolled movement of population, which changes addresses very frequently and consequently, the zone caring midwife cannot follow them.
- Lack of specialized personnel especially midwives in villages and in particular in northeastern zones of the country.
- Bad conditions of maternity houses which very frequently lack water, heating and electrical power.

#### Postnatal care

313. An important element in the care for the mother was also her follow-up in the first weeks after birth. It is not only the woman's health but also that of the child that is

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<sup>10</sup> Reproductive Health Survey, ISHP & INSTAT - 2002.

followed periodically by one doctor in the advisory units of mother and children (Specialized centers for mother and child). Mothers are provided with a data notebook for all the vaccinations, which are free for the mother and the newly born child. A principal concern is the fact that the young mothers do not have special training in all cases regarding the care that they should take for the newly born child, and there are cases when they are encouraged to leave maternity within 24 hours after labor.

314. Conclusions drawn from some surveys demonstrate that only a small percentage of women had the postnatal routine check made by the doctor in the first week after labor. It is not only before birth but also after birth that the number of the medical checks is low and reasons are almost the same with those that we mentioned above (access, quality of services for mothers, social cultural obstacles, and role of woman in family especially in rural areas). On the other hand, these influences indirectly, also on babies' mortality level, because the child is far from medical care. However, a decrease of babies' mortality indicator is observed in recent years, in Albania (table 5.1-INSTAT).

315. National programs on Safe Motherhood and Effective Prenatal Care that MH implemented together with WHO and UNICEF (World Health Organization) in the 5 recent years played an important role to inform and educate mothers regarding postnatal care importance. The percentage of women who received postnatal care in 2005-2006, according to data reported by public health institutions of the country is about 60%, an increased figure compared to 2002.

### Breastfeeding

316. Breastfeeding in Albania has been a tradition, but after 1990, industrial milk started to be introduced, as a substitute for the breast milk. This came as a result of the use of tranquilizers and other means (which may cause refraining of milk coming), during labor in maternity is, and from the opening of the country to market economy. In order to monitor the situation of breast-feeding, in cooperation with UNICEF and various associations, MH realized some studies in a national scale during the period 2001-2006. Conclusions of these studies showed that percentage of the exclusive breast-feeding for the first six months is about, 38%, whereas continuation of breast-feeding in the second year of life reaches up to 74%.

317. In order to improve feeding during pregnancy, measures have been taken to distribute supplementary iron and folic acid during this period. Relying on recommendations of World Health Organization and International Marketing Code of Breast-Feeding Milk Substitutes, the law was drafted to encourage breast-feeding. This law provides that during the first six months of their life, women should breastfeed their babies. The law does not prohibit the substitutes marketing, but it regulates the sale of these products, prohibiting at the same time the people that serve, in the health care institutions to issue prescriptions for them without the physician's recommendation.

318. The hospital does not take measures regarding pregnant women's feeding, but it promotes breast-feeding. If the mother cannot breastfeed, other healthy women who are able to breastfeed feed the baby. We should say that it is necessary that the women should be provided more economic aid during pregnancy and the lactation period. Though women

receive information on how to feed themselves and their babies, very frequently the suitable means are not provided to make feeding properly. In general, the practical actions may during the training sessions for women to check the breast are correct and yield results. The women who have participated in these training sessions consult the doctors' more than those who do not take part in such training sessions.

### Sexually Transmitted Infections (STI) and HIV/AIDS

319. There are no discriminating laws for people infected with HIV/AIDS, whereas with regard to confidentiality of treatment, we may say that it is guaranteed. HIV/AIDS infection was registered for the first time in 1993, whereas after a long period of no diagnosis of such cases, in 1995 cases with syphilis were found out. Albania is one of the countries with the lowest percentage of HIV/AIDS and until present (year 2008) 266 cases have been reported. On the other hand, though not for frequent as a phenomenon, transmission of HIV infection from mother to child has been detected in 13 cases<sup>11</sup>. There are no exact data on the number of women that are tested for HIV, and for this reason, it is difficult to forecast the expectancy of transition of infection from mother to the child in Albania. In total, the number of females infected with HIV is lower than that of males and the continuous prevention efforts, made in the form of campaigns to raise the awareness of women, played an important role for this. Pregnant women and women of the age that can give birth to children receive information for HIV/AIDS testing, on consequences of the infected by the virus and the retroviral therapy. However, the level of awareness for HIV/AIDS remains low, especially in the Roma female population.

320. HIV/AIDS/STI National Program was drafted since 1997 and it was established in the Public Health Institute, with a view to coordinate the national response to HIV/AIDS. The drafting of National Strategy for prevention and control of spread of HIV/AIDS in Albania, for the years 2004-2010, came as a result of the manifestation of some such factors as: the increase the number of cases found out, evolution of behavior of population, as for example the tendency to have sexual relations at a young age, the use of drugs, etc. National Strategy for prevention and control of spread of HIV/AIDS in Albania, for the years 2004-2010, emphasizes the to risk of infection from HIV/AIDS of women and girls in the country and it aims at applying prevention measures of awareness character, and contemporary methods for the treatment of infected females.

321. The other Sexually Transmitted Infections (STI) have a tendency to increase in the population, though the quality of reporting leaves much to be desired and in many cases it is not possible to assess precisely the infection degree. Diagnosing of these infections is made in Tirana, in public health laboratories and the microbiological laboratory of University Obstetric-Gynecologic Hospital. Public Health Institute is the National Reference center for HIV/AIDS and syphilis.

322. After the 90s there was a massive wave of emigration from Albania chiefly towards the neighbor countries (Greece, Italy) and 40% of these emigrants are assessed to be females. A new emigration model of women alone, without the other family members, has been

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<sup>11</sup> Information source: Public Health Institute (PHI).

observed in recent years. And in these circumstances the prostitution has increased as one of the forms of trafficking of human beings. Prostitution, coupled with the lower level of condoms use comprises a possible threat for the spread of STI. In addition to trafficked females (which very often come from rural zones), emigrants' wives are also among the categories of women who present a high vulnerability.

323. Services focused only on STI treatment have the negative aspect - that of obstacles for access on the part of women to these services. Social changes relate also to the internal migration of population towards the big cities and in particular towards the capital. The internal migration of these years brought about the change of urban/rural population ratio. In 1989 urban population comprised 36% of the general population whereas in 2001 it increased to 42 %.

324. During the decades of Albania's isolation (1960-1990), such STI, as syphilis and gonorrhea were virtually eliminated. However, until the ends of 2003, 138 cases of syphilis were found out, to in which the females comprised 48% of the cases and males 42%. From these, 138 cases (45%) had primary syphilis (PHI - 2004). In the 3 recent years 4.5% of people with syphilis was also HIV positive. Currently, a lab follow-up has been established for gonorrhea because we observe an increase of the number of cases with gonorrhea detected during the routine hospital check. Studies of recent years testify also for the presence of *herpes* virus in the females of reproduction age. Another study, made by PHI, documents the vaginal bleeding and presence of *Chlamydeous trachomatis* to 25% of a contingent of 527 examined women in Tirana. STI follow-up is included in the compulsory reporting. HIV Infection, Syphilis and Gonorrhea are part of 73 transmittable diseases nosologies that are reported in a compulsory way. Until the end of 2006, 211 HIV positive cases had been diagnosed. Whereas with syphilis, during 2005, 157 cases were diagnosed, in 2006, 14 cases were reported, whereas for 2007, 32 cases were reported, from which 81% our males and 19% are females.

325. The conclusion is that the STI that are compulsory to be reported are presented in low figures and they do not show the real epidemiological situation. The low reported figures for syphilis and gonorrhea relate to under reporting and unreliable data. Of course, these data are missing also because control all dermal - sexual diseases is not working. Tirana maternities and those of the districts do not report about positive cases to Public Health Institute (PHI). Controls made by PHI for a contingent of women with gynecologic problems and examinations and made in Microbiology Laboratory of University Hospital Center, "Mother Teresa", in Tirana (TUHC) testify for STI high levels.

326. In order to complete the biological follow-up of cases that present a risk for STI and HIV/AIDS the following index cards have been used: **1).** Index cards for the people who are tested for HIV/AIDS, **2).** Index cards for drug users, **3).** Index cards for people who are tested for syphilis and **4).** Index cards for females who practice prostitution. These index cards with the data on behaviors with risk towards HIV/AIDS/IST have been and thirteen special computer programs to make possible the future analysis and processing of their information.

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Prevalence of gynecologic routine consultations for the women with sexual activity

327. The study of reproductive health in Albania shows that only 32% of women who have a sexual activity and made a routine gynecologic examination. The recommendation has been made that the women should make a routine gynecologic examination every year after the age of 18, even at an earlier age, if the woman has started the sexual life. When questioned for the routine gynecologic examination of the recent year, only 16% of the respondent women in the survey with sexual activity had made this examination.

328. The urban place of residence, especially in Tirana increases the possibility to make frequently the routine gynecologic examination, as compared to the women of rural zones (20%, the against 14%, in 2007). The frequency of this examination appears different, if we make comparisons, between married women, unmarried women and women married before and seemingly this is connected to the role that age plays in this issue. When I asked about the most important reason why they had never made a routine gynecologic examination (only for the women with sexual activity), Many of them selected responded that they were healthy, we're they need not make a gynecologic examination. A very small percentage (2%) and mentioned issues related to the service provider. This shows a low level of women's awareness regarding the importance of prevention of cancer and lack of information on their part for the need of routine gynecologic examination.

329. The low prevalence of routine gynecologic examination may have a negative important impact on the direction of health control, advice and education. These findings speak in favor of the fact that more efforts should be made to modify the trust and general attitude for the health care and women's education about the health check of procedures and prevention of diseases. These efforts should be accompanied by other interventions, with the purpose to increase the access to services, increase of their quality and enlargement of the extent of geographical covering. The studies on reproductive health made by USAID, MH, UNFPA in the period 2003-2007 showed that the prevalence of inflammatory pelvic diseases in women with sexual experience in Albania is the lowest compared to the other countries that have similar characteristics. So, this prevalence in selected countries of Eastern Europe and Caucasus is 17%-44% (Information of Center for Control and Prevention of Diseases in Atlanta - CDC - 2004), whereas in Albania this prevalence is about 11%.

330. Voluntary Counseling and Testing Centers (VCT) are a new phenomenon in Albania. Confidential Voluntary Counseling and Testing is made in PHI and TUHC Tirana. These centers were planned to be spread in all prefectures of the country during the period 2007-2008. TUHC offers also free medication with anti-retroviral (ART), for people who live with HIV/AIDS. Regarding AIDS and the people who live with HIV/AIDS, we may say that they have the feeling of shame, (stain), discrimination and non-acceptance in all levels of society. This situation and makes the individuals and their family people not to attempt to speak about HIV/AIDS.

331. The Study of Reproductive Health made in 2002 is recognized as the first systematic effort to collect generalizing data in a national scale on the population and issues of reproductive health in Albania. With regard to the degree of risk that cases of HIV/AIDS

present, this study showed that only 16% of the people of age 15-24 use condom. 1/3 of young women (32%) and 29% of young males reported that they had had sexual relations. Only 17% of women and 33% of men were informed about where HIV test could be made.

332. In 2002 and 2004 two other studies of the type RAR - Rapid Assessment Response were carried out with young people from vulnerable groups, such as the Roma young people, homosexuals, females who practice prostitution, drug users and the mobile population. In a sample of 170 drug users, about 64% of them injected drugs. Likewise, 2 in every 3-drug user with injection reported the exchange of needles and syringes, whereas disinfections with chlorine was used a little. Exchange of syringe was not perceived as a risk for HIV, and this population had very scarce knowledge on HIV and STI. Many drug users reported also that they had many sexual partners and a few of them reported for the condom use.

333. In 2005-2006 in Tirana the biological and behavioral study regarding HIV and STI was made with risk groups in the capital. In general, the prevalence of biological infections in the populations sampled for study was low. No cases of HIV infection were detected, in intravenous drug users (IDU), and general population. Prevalence in Roma population appeared to be 0.3%, whereas among the homosexuals 0.8%.

334. Syphilis prevalence appeared to be higher in Roma population (2.5%), which shows a possible risk for transmission of HIV infection, whereas in the other groups it was lower, respectively 0.6% for the drug users and 1.2% for the homosexuals. Approximately 30% of Roma females reported that, they were compelled by one partner to have sexual relations against their will in 12 recent months, compared to 8.7% of females in the general population. A high percentage of respondents reported that they are informed about the possibility of confidential testing in Tirana (61.1% of Roma population and 81.1% of the general population). However, though the degree of awareness was high, only a small part of respondents in the study had made the HIV testing (3.1% of Roma population, against 7.7% of the general population).

335. Reporting made to PHI showed that, 254 cases with HIV/AIDS were recorded in Albania until 2007. 43 new cases with HIV/AIDS have been reported for 2007, from which 30 males and 13 females. In total, females comprise 29% of HIV/AIDS cases in Albania. Based on the number of diagnosed and reported people, Albania is considered as a country with a low prevalence of HIV infection. In the meantime, other data show that the country is facing a quick increase of the number of cases.

336. In response to CEDAW Committee recommendations (Paragraph 33), Ministry of Health, together with other institutions gave priority to measures related to elimination of violence against women in family and in society. In particular, the emphasis was put on the awareness of health bodies for cases when women have become victims of violence in family. *In addition to the fact that violence in general is considered as a violation of human rights, violence in family is treated more and more as an issue of public health.*

337. Most evident health consequences of victims of violence in family consist in physical injuries, continued diseases and psychological or mental disorders. For this reason, health

workers are among the few people in the lives of patients, victims of violence in family that may change and save lives that are in danger. Pursuant to National Study on Reproductive Health made in Albania in 2002, 11.5 % of Albanian women of age 15-44 appear to have experienced the abuse of their parents and 27.2% of them reported that they had abuses during their childhood. Prevalence of these two indicators was bigger among the inhabitants who live in rural zones as compared to those who live in urban zones. Prevalence of people witnesses of abuse and those who experienced violence in childhood was bigger among women with four or more children, with a low educational level, with a low social-economic status and among those who were unemployed.

338. Further, one can observe that only 7 of the females that reported physical injuries caused by violence had consulted a doctor and 4 had been hospitalized. These figures demonstrate to the underreporting of violence consequences even when they comprise a risk to health. They speak also about the limitation of care only to the physical health and underestimating the mental health. The above figures show Above all the “shame” from stigma and the skepticism of patients-victims towards health care workers. More than an issue of health personnel awareness, the fall of predisposition of medical staff to face the victims of violence relates more to the barriers and personal experiences of violence which until the end of 2006 were coupled with the absence of legal obligation to treat and supports the victims and survivals.

339. The decrease of this negative phenomenon is influenced sensitively also by some other sectors as the specialized medical service and training of medical personnel to identify the cases and give the qualified first aid, the long term treatment of this topic in the family, etc. A study of National Association of Social Workers (NASW - 2006) made in the districts Dibër, Shkodër, Pogradec, Tirana and Vlorë found out that health workers are characterized by ambiguity with regard to the attitude towards violence based on gender. Questioned in writing, 37% of them considered violence as an internal issue of the family, whereas in open discussions they oppose it by considering it an issue of the entire society. On the one hand, healthcare workers have the potential to identify, assess and treat victims of violence, but on the other hand they lack the awareness and basic skills to overcome personal barriers towards issue of violence in family. World practice in the field of medical treatment of victims of violence in family proved the effectiveness of multidisciplinary teams. Absence of these teams is one of the factors that has had a direct impact on limitations for assessment and full treatment of victims of violence in family.

340. According to a study of National Association of Social Workers (2006) only 13% public health workers stated that they documented cases of violence, from which only 4% state that they documents not only the case, but also the cause of violence. So, the entering made for patients relates only to diagnosis and personal data. The reason for this is: **a).** No legal obligation to documents cases of violence, **b).** Lack of clear protocol, **c).** Lack of knowledge on the values of documentation and **d).** Lack of precise, professional skills to treat these delicate issues with the patient without endangering him/her.

341. In order to diagnose and treat the cases of violence in family, general practitioners have been trained and are being trained, but though this training has special importance to fight violence in family, it is made in a sporadic way. Albanian Medical Deontology Code,

among doctor's General Duties, in article 8 states that "...if the doctor finds out that the (imprisoned) person has had maltreatment, after approval of this fact by the concerned, the doctor should inform the legal authorities". Whereas among them the Duties towards the Patients in the same Code, in article 43 states that, "When the doctor finds out during the visit, that the child has been maltreated, should take the necessary measures to protect the child. He should do this carefully and prudently, but if he deems it reasonable, especially for the children under the age of 15, he should notify the competent authorities". This code does not provide for the doctor's duty to make a special treatment of patients/victims of violence in family and in the above case of children's maltreatment, maltreatment from members of the family members is not specified, and moreover it remains "in the hands or judgment of the doctor" and it is not considered as an obligation to report the victims to competent authorities. Moreover the "competent authorities" are not described clearly. This is linked to the absence of a certain legal, social, cultural and economic context to address the violence phenomenon in family. A special course was made with general practitioners in Tirana through cooperation with Montreal University to qualify them in diagnosing and treating and of those cases, against which there are different abuses.

342. The new law "On Measures against Violence in Family Relations" (No. 9669 of 18.12.2006) in separate articles provides (as in article 5 - four responsible for it is often the line and article 7-duties of responsible authorities of the line) for the obligations that health sector has for identification, treatment and reference of victims of violence in family. Four the implementation of articles 7 of this law, MH under two that the series of measures, among which, we may mention:

- Preparation of secondary legislation (Orders, DCM, etc.) for law implementation by health personnel,
- Preparation of protocols and guidelines for identification and management of forms of violence in family by the health care personnel. These guidelines include the follow-up, treatment and counseling of victims of violence by primary health care personnel,
- Training of services personnel for their Care of Mother and Child for the issues related to violence in family. Training was organized on violence with gender basis with family physicians, nurses, doctors of consulting units for mother and child in some districts of the country under the leadership of UNICEF and National Association of Social Workers,
- Drafting of a National Strategy 'On Gender Parity and Violence in the Family 2007-2010' and the Action Plan for its implementation, which describes clearly the targets and activities to be carried out. This strategy devotes one special chapter to health.

## Article 13

## SOCIAL AND ECONOMIC AID

### Legal framework on social and economic care

343. Albanian legislation in recent years recognized improvements in the direction of guarantee of parity or non-discrimination of women in the field of civil right. However, the Civil Code, banking legislation and other laws use a neutral language from the gender perspective, such as "every person", "parties", "and natural persons". So, Civil Code



provides for all people who have the capacity to act when reaching the age of 18 and from that moment the person may carry out freely every legal action. There are cases when Civil Code uses such terms as “creditor” or “owner” in masculine gender. But this happens everywhere in legal texts in Albania and all, (including lawyers as well) mean both genders with these terms, whereas in the new laws there are efforts to use a special new provision for both genders and the drafters have become more conscious about gender issues. In the same way, Albanian Constitution guarantees to everybody the artistic and creative freedom, and participation in scientific researches (article 58). Whereas article 59 provides for freedom of participation in sports and entertainment activities. Again the language used is neutral from the gender aspect; therefore, the drafting of special provisions has been taken into consideration for parity and non-discrimination of women in these fields of economic and social life.

344. It is worth to mention here Law No. 8889 of 25.04.2002<sup>12</sup>, “On Some Addenda and Amendments to Law No. 7703 of 11.05.1995, “On social insurances in the RA”, since this law was not commented in the First And Second CEDAW Combined Report that Albania submitted to UNO. This law brought the following changes:

**1-** decrease of the norm of contributions that employers and employees should pay from 42.5% to 38.5% starting from 01.07.2002 and

**2-** changes in the pension age, by realizing a gradual increase from 55 to 60 for women and from 60 to 65 for men. *So, there is still a sort of positive discrimination of woman regarding their benefit for tension, betting here also the fact that because of the longer life expectancy than men, they enjoy their retirement pension for a longer period of time.*

345. With the voluntary insurance, which is realized by regulation No. 35/1, of 2005, the social insurance system responds to those citizens’ demands that wish to join the social insurance scheme, without being economical the active and in this regard to the women comprise the biggest the specific weight of the population who are not economically active. This scheme created also the possibility that the insured person for maximum benefits, in this case the females, as the less paid in the labor market, can increase the benefits social benefits for maximum pensions by the insurance. A third person can make her voluntary insurance without her being necessarily present.

346. The changes that occurred in the country and the need for new social services necessitated the drafting of the new law “ on social aid and services “, (No. 9355 of 10.03.2005, which substituted the previous law No. 7710 of 18.05.1993 “On Social Aid and Care”. The new law was later completed by guidelines and secondary legislation. (All these DCM and relevant guidelines included in the Annexes of this Report)

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<sup>12</sup> This legal act is not reflected in Combined Report I and II.

## **Measures for elimination of discrimination in the economic and social field**

### ***(a) Benefits for family members***

347. The political and economic reforms of the 90s were accompanied by an increase of the number of people exposed to poverty and social exclusion. To mitigate these consequences, a special system of social protection was established based on the programs of: **(1)** Social insurances, **(2)** Economic aid, **(3)** Support with income to people with disabilities, **(4)** Social services. Assessment of vulnerability and social problems of individuals, (women/girls and men/boys) very often means definition of the degree of their social exclusion from normal life of society, absence of policies and measures to protect their rights and absence of possibility to use the services that exist in their community.

348. The listing of vulnerability defined unemployed women and girls as one of the principal groups in risk and with social problems. The number of women who are head of family has increased in recent years, which are mainly the widow women, the divorced women and those whose husbands are in emigration. The women head of families benefit economic aid or family pension when the spouse was employed. These women benefit also the humanitarian aid and employment services by NPOs. Only for the 3 first months of 2007, we may list the following figures: The number of unemployed women is 7688, 1141 women are treated with unemployment payment, 5598 women with economic aid, whereas the number of families with women as head of families is 5844.

349. Demographic changes in Albania brought about changes in the very structure of Albania family. First, the families aim at being smaller than before the 90s, in which the families with many children were more frequent and enlarged families were an important form of social and economic support. Albania was characterized by a demographic profile, which distinguished for marriages at an early age, the birth of children in a relatively young age and stable marriages. These tendencies have not changed but some new phenomena are introduced as social issues in Albanian families. So, the remaining of women as the only parent is a new phenomenon coming as a result of international emigration. The lonely women as head of families face very difficult challenges; very often they encounter unemployment and lack of care system for the children. To balance the head of family role and the lonely care is a difficult task, which requires the presence of social protection skills.

350. For the groups of women in need the principal reasons for being in social disadvantage are:

**(a)** Unemployment in the country, which makes most of women to be employed in private/informal sector

**(b)** Undertaking of family responsibilities to guarantee the food and care to children. This compels women and girls to be employed in jobs with shortened hours, which do not require mobility or extended timetable and advance professional knowledge. Consequently, the groups of women in need have low wages (benefits for males and females are given separately and based on the work duration). Insecurity of jobs, having no social and health insurance. They are also overburdened (by payment in labor market

and without payment at home), they are underpaid, they are the only caretakers and often the only providers of food, they are consumed psychologically and consequently they reflect it on their children and families.

**(b) Bank loans and other forms of financial credit**

351. Women rarely apply for loans, because they are usually presumed as if they have a supporting role in business activities. For many banks, loans policy requires that the applicant should have a capital whereas in fact a few women have such a capital. The right of women to property usually is lost when the property is registered on behalf of men. In many cases, it happens that the marriage house of the couple is registered (illegally), in the name of the husband, though both spouses have ownership rights on the property. Usually women do not have the support of men in taking the business initiatives or in some cases they do not have the courage to undertake such initiatives. The absence of information contributes also to the disability to use the banks effectively.

352. Women and girls have constituted their businesses chiefly in economic activities like trade, wholesale, shops, different services like dentist, notary, lawyer, hairdresser, agricultural business, industry, production of dairy, textile, books publication, dressmaker and craftworks.

353. The low access of property (only 8% of women possess properties legally) and the absence of favoring policies that promote private undertaking of women and girls led to the low level of number of those women who manage small, medium or big businesses.

354. According to INSTAT statistics, 17% of private business managers are women and girls. The biggest number of registered businesses, managed by women and girls, is concentrated in Tirana (31%), in Durrës (8.7%), Elbasan (6.2%). In the urban areas, there are 85% of businesses managed by them, whereas 15% are in rural areas. Granting agricultural loans, with more facilities for women would help a quicker increase of the farmer women number.

355. From 2 studies made by Albanian Center for Economic Studies (ACER), it appears that males of the families make 78% of applications for loans, whereas 5-7% of (women) farmers received loans from their relatives. NSGP & VF (National Strategy of Gender Parity and Violence in Family), recommends concrete actions to increase the number of Albanian entrepreneur women and girls by creating facilities for more access to property, capital and loans. The welfare State guarantees social protection to families with many children, to Roma families and Egyptian families, families with orphan children, the orphans after the age of 18, etc. through 2 principal mechanisms: **(a)** Cash transfers for monthly economic aid, **(b)** Public or private services for people in need.

356. Disadvantage of cash transfer for women. Cash transfers intend to guarantee a dignified life above the living minimum limit (retirement pension, invalidity, disability payment, economic aid for poverty). Many cash transfers relate to social insurance and are given in the form of family pensions for people under the insurance holder. Cash transfers relate to the man holder and are given to him for the family, if his incomes reduce. It leaves out of benefit the women head of family, which are not employed because of traditional gender model that encourages the women to stay at home to take care of children. Women, who have been working, were not heads of family at the moment of family creation because

the head of family is the husband and consequently, they are not encouraged frequently to have a well paid and full time job, but a part time job or a job that is paid a little. Therefore the contribution for their insurance is low.

357. Economic aid program represents an important component of social support of poor families, which, in market economy conditions are more affected by poverty and risk of social marginalization. This program offers to guarantee a minimum of income with monetary means, (monthly transfers in cash) to meet the most elementary living needs for families with no income or with income below the level defined as “official poverty line”. Economic aid is given to families of Albanian citizens who have insufficient income or who do not have material living income from their economic activity, from family members, who are abroad, etc. For this issue, the NSGP & VF recommends:

- 1) Support to poor families and individuals and groups in need for poverty reduction with cash payment and social services having as a priority the families whose heads are women, mothers with many children and orphan children.
- 2) Extension to the entire country of community services to women and girl with social problems.

358. In the framework of strengthening and improvement of capacities and qualifications to guarantee the progress of woman in economic field, about 150 training sessions and seminars were organized during the period 2003-2007, distributed in different zones of the country with the topic “Women in business”. These training sessions were funded chiefly by foreign donors, in which Foundation SOROS” played the most important role. These training sessions intended to create a support to woman in order to develop her in the economic field, to receive the basic and most important information regarding the business world and its rules. The result of these training sessions was the strengthening of woman’s position in the economic life, by the increase of their capacities in taking initiatives and business management, with a view to achieve fair equilibrium between the number of females and males that operate in the business field.

359. Council of Ministers the Republic of Albania approved sometimes ago the strategic program of development of small and medium enterprises for the period 2007-2009. Point 2.4/A of this program provides for the objective, “*Promotion of enterprise culture*”. This program is an integral part of the sector strategy of business and investment development for the period 2007-2013. This objective intends to draft a strategy of promotion of enterprise with a concrete action plan that will focus on introduction of formal and non-formal education by various training sessions. The measures foreseen for this are:

- Creation and improvement of management and training capacities with a view to develop a new behavior for the woman,
- Promotion of creative enterprise through programs for promotion of enterprise with the specific groups, as women and young people.

360. It is worth mentioning also the renovation of the agreement of cooperation between the Albanian Government and UNICEF in 2006. This agreement had the main purpose to support Albanian Government to meet the obligations and responsibilities of Convention

for Rights of Children and CEDAW Convention. According to the commitments undertaken in this agreement, Albanian Government and UNICEF worked to provide basic services to groups that are mostly in need in Albania, in particular for women and children, ethnic groups and habitants of rural areas. This program was implemented in, national, regional and local level in cooperation with Governmental institutions, UNO agencies, NPOs and other international organizations that exert their activity in Albania.

***c) Participation in sports, recreational activities and all aspects of cultural life***

361. Females in Albania may be involved in every sport and other recreation activity that they choose for themselves. Economic resources may have an impact on equal participation of males and females in recreation activities. However, females are active in some of these fields. There are a number of associations led by women that organize different activities (pictures, exhibitions, musical festivals, etc) that are funded by the Government and other donors that help actively to organize these cultural activities.

361. National Strategy on Culture was drafted. It guarantees equal treatment of artists without gender distinction. One of the priorities in the field of culture for ministry of tourism, culture, youth and sports is also the support to the artist female in different fields as the visual arts, the book, etc. This is expressed chiefly in the support that MTCYS gives to cultural projects, with the participation of women and a number of the cultural organizations that are managed by females. Among the principal activities organized for promotion of gender parity, we may mention:

- a)** Organization of informative days with the topic “recognition and implementation of human rights”, in which gender parity issue occupies an important place,
- b)** Annual organization of film festival “On Human Rights”, an activity supported by MTCYS, in which gender parity occupies an important place.
- c)** Annual organization of an activity with the topic “Cinemas of Rights”, which promotes human rights and gender parity. One of the principal aims of these activities for women is to know and face international culture.

363. Parity of participation in sports activities of females and males in all school levels was and is a priority of the policies of Sports Directorate in MTCYS; this is clearly expressed also in the National Sports Strategy 2007-2010. It is important to stress that participation of males and females in the fields that MTCYS covers as sports, art or culture, first of all is based on individual merits and we cannot speak of establishment of percentages or for special measures to be taken in order to create gender parity. The concrete step that is undertaken is the guarantee of gender parity as a value of Albanian society, which should be promoted.

364. Referring to CEDAW Committee opinions for the First and Second Combined Report, which expressly states “the participation of females in sports is low as a consequence of prejudices, family responsibilities and financial conditions. It is worth to clarify another important concept, participation of females in sports activities and participation in sports institutions. There is a fundamental difference. For this issue, we may say that participation of females in sports activities is considerable and this depends on sports disciplines. The institute of statistics does not separate the data for participation in sports according to gender belonging and this makes the exact definition more difficult for

participation level of women and girls in various sports. In the same way, we can observe the fact that in individual sports, like athletics, gymnastics, etc. the number of sports woman is bigger than the number of sports males. However, we may say that the absence of funds and stereotypes for participation of women in certain sports discourages the females to take part more massively in these kinds of sports.

#### Article 14

#### VILLAGE WOMAN

##### **Legal issues for village woman**

365. Albanian legislation does not make a distinction between women in rural and non-rural areas, though in practice, the life of village girls may be more difficult. There is no distinction in CEDAW implementation for village and non-village women. Taking into account the absence of special legislation for village women, these women or organizations of civil society that will represent the women may present a complaint to the court and may require from the State to implement CEDAW Convention directly. The Law drafted by the Ministry Agriculture, Food and Consumer Protection (MAFCP), No. 9039 of 27.03.2003, "On Some Addendum and Amendments to Law No. 8088 of 21.03.1996 "On Companies of Mutual Cooperation", among others, states that, "Women like men have equal rights to open a private activity in the field of agriculture".

366. Ministry of Agriculture is cooperating with the Spanish Cooperation for Help and Development through the project AECI, in the field of agriculture cooperatives and in particular in the improvement in the field of legislation. Though the existing Law in general provides for parity of woman and man in creation of associations, not all the women manage to benefit from this Law because of the very economic, educational conditions. We are thinking to introduce special articles when the Law will be reviewed which provides for the role of gender role in it.

367. "Schemes of promotion in agricultures" have been applied successfully in 2 recent years, in accordance with the Guidelines of Ministry of Agriculture (Guideline No. 1 of 16.01.2007 and No. 1/1 of 13.02.2008). These guideline were given for the implementation of DCM No. 3 of 10.01.2006 "On promotion of development of vineyards, food trees and olive trees" and DCM No. 10 of 04.01.2005, "On support of agricultural products" in which women are treated as equal in remunerations or subventions given by Ministry of Agriculture. Even bank legislation offers possibilities to receive loans to everybody without distinction of sex or residence. The State offers more favorable conditions for payments of agricultural loans but again there is no distinction depending on gender.

368. Some articles of Civil Code refer to agricultural families. Ownership of this family belongs to all members who contributed the creation and maintenance of this common economic activity by work and other rights have. Pursuant to article 224 of Civil Code, its head in commercial and ownership relations with the thirds represents agricultural family. Agricultural family members choose their head, which though may be legally a farmer and male in practice and with the tacit agreement is almost always a man. Cases of property registration, in the name of man are frequent. If we take into account difficulties in daily life that village women encounter, it would be better that some legislative and other secondary measures be taken to offer them practically more real possibilities. Institutions

and authorities commissioned with this specific task to monitor the implementation of legislation that protects rights of women in rural areas and local level, should work better.

369 In its sector agriculture and rural development strategies for 2007-2013, Ministry of Agriculture defined as a priority the village woman role in formation of production cooperatives. This strategy provided for a priority of equal treatment to be made for women regarding the granting of loans of direct payments. The inclusion of a big number of women in the cooperatives process is considered as primary, because their role is known (though not evident), in decision taking and inside the farmer families themselves. Agriculture strategy for the years 2007-2013 provides for cooperation programs with the local Government to promote the rural woman, especially in her direct activation in decision taking and the guarantee of financial aid for development of activities organized by them. This strategy drafted as a need of the Government of the Republic of Albania for and integrated, coherent regional policy has the strategic objective, exactly to reduce the current economic and social imparity between regions of the country.

### **General situation of women in the rural zones and measures to eliminate discrimination against them**

#### **1. General situation of women in rural zones**

370. Discrimination of women in rural zones is evident, because in these zones, people still cherish many backward customs and cultural practices that hinder women in their achievements. We should stress that the implementation of rights of women in daily life and real enjoyment of them in rural areas face difficulties, obstacles, prejudices and discriminating practices inherited from the past and revived by circumstances of social, economic life of the country. According to some analysts and scholars of social issues, women in rural areas in general are not treated with the same respect that is observed for women in urban zones, because rural zones do no progress with the same development pace like urban zones. Many old norms and customs have been routed in the way of thinking and all accepts acting and these. In a country like Albania, discriminating culture based on gender is not simply an issue of relation of rights of women and girls, but gender imparity comprises serious obstacles to the process of acceleration of poverty reduction.

371. Figures show that poverty in Albania is present and in particular in rural areas. (Table 6.1 and 6.3-INSTAT). According to recent observations of LSMS 2005, it appears that 18.5% of Albanians are poor. This figure is higher in rural areas, in which it is 24.2%. Compared to 2002, rural poverty decreased by (-18%), so with lower rates than the urban poverty (-38%). Referring to absolute poverty, LSMS 2005, we may say that the percentage of poor women of 15 years old and above in rural areas is twice higher (21%) compared to level of poverty of women in this age living in rural zones (10%). In the framework of social policies for mitigation of poverty and support to poor families, social protection system plays an important role. A constituent part of it is the economic/social assistance aid scheme, which works since 1993 in Ministry of Labor. This program offers a minimum of income by the State to meet necessary needs for families with no income or with insufficient income in urban and rural zones.

**2. Measures undertaken to fight discrimination against village women**

372. Women traditionally keep the main burden of works in the family in Albanian society and in particular in rural zones. However, they have lower access than men to resources and opportunities needed to meet family and social responsibilities. Seen in this aspect and in an effort to respond to CEDAW Committee recommendations (paragraphs 36 and 37), official institutions, in cooperation with NPOs, have undertaken a number of measures with a view to mitigate and eliminate discrimination against village woman. Though all are conscious of the fact that there is still more to be done in this regard, we should identify the measures undertaken to fight discrimination against village women, among which we may mention:

**2. (a) Active participation in village development and advantages that it brings about**

373. Women in rural areas of Albania may be more interested to take part actively in planning and development in all levels but structural changes and changes in technology are a supplementary burden in particular for them. Many community and social facilities like kindergartens for example do not exist any longer, while before they worked and they were free or services easily affordable. Agriculture is not mechanized as to create the real possibilities to reduce productive working hours and to increase free hours for personnel rest and care for children or other works in the family. Consequently, the double burden of production and reproduction work leaves less time and energy to women to take part actively in community issues. However, data on ground show that women are involved in meetings in a community level and decisions issued from these meetings take in consideration women's comments as well.

**2. (b) Benefit of suitable health services in rural areas**

374. Possibilities exist in rural areas to receive specific information on health care. When medical professional care is not available for women, they refer to medical centers in cities where these services for women's reproduction health, family planning, mother's health, etc. are free. NPOs in cooperation with local Government work to fill in the informational gap with regard to general health care and in particular for reproductive health care. Remote zones experience a large migration and some years ago, there was even abandonment of duty on the part of medical staff and consequently a number of health centers were obliged to be closed, but this phenomenon almost disappeared currently. In addition to this, large communities of 2.000-3.000 inhabitants are building new health centers.

375. In order to encourage general practitioners to serve in remote areas with no health care at all, an additional salary is given. Regarding dentists and pharmacists, these are totally privatized services and offering of these services depends on individuals' interests and therefore these services are more present in the field zones, as compared to the remote mountainous zones of the country. Since the doctors and surgeons migrated to principal cities of the country, absence of medical personnel in these small and remote zones created difficulties in these services. Most patients still go to Tirana to solve health care problems. Woman and man face equally the difficulties regarding the provision of services for health care. We should say that 98% of births are carried out in health institutions and only in some cases (0.2%) there are data for women still giving birth at home and without medical



assistance. This may be explained with the educational level and social-economic status. The groups with the lowest social-economic status have less access to services of prenatal care and women with the higher education understand better the need to require health service before birth.

376. Conditions of health centers in rural zones, very often are not optimal. Though the medical staff in rural zones takes part in frequent training sessions, individuals may find specialized health service only in urban zones. Choice based on the information is not yet usual for women in rural zones. In particular, they have no information on mental health, while there are cases when society, family and their spouses hinder women, who want to be informed. According to observations made by NPOs, it appears that if a woman has to receive information advice for family planning, she has often to take permission of the spouse or mother-in-law. Poor access to health services and health education, absence of freedom to use methods of family planning being an object of violence, maltreatment and arbitrary actions inside the family have an impact on aggravation of poverty in this category of population.

377. Since work in rural zones is more difficult, systematic campaigns are needed to raise the awareness for the increase of health care degree. The women usually require help only when they are fall sick and in general they avoid periodic checks. 35% of women take the care during pregnancy whereas 15% of women in rural areas do not go for periodic examinations during pregnancy whose regular performance helps to avoid many complications that may appear during and after birth. Regular medical examinations have not become part of the health care for old women and those with disabilities. Female patients may choose these services and in this regard they may prefer women doctors for examination and male doctors for surgical interventions, more attention should be given also to old women during the menopause, direct benefit from the problems of social insurances.

### **2. (c) Direct benefit from Programs of Social Insurance**

378. Law No. 7708, "Social Insurance in the Republic of Albania" and DCM No. 167 "On Some Issues For Implementation of Law No. 7703 of 11.05.1993 "Social Insurance in the Republic of Albania amended", among others, treats the problem of direct benefit of village women from programs of social insurances, concretely, in DCM No. 167 of 29.03.2006, it states that " since the self employed in agriculture, in rural zones (including the village women farmers) have land (pursuant to Law on Land), they carry out agricultural activity and livestock activity and pursuant to social insurance scheme they are considered insured, consequently they benefit retirement pension, invalidity pension, family pension and payment in case of pregnancy. The contribution of social insurance for the self-employed in agriculture are paid partially by the self-employed in this sector, whereas the most considerable part is paid by State budget. "Men and women with no distinction, who are self employed in agriculture benefit from this program".

### **2. (d) Education**

379. Culture of village family in the village is closely linked to education of its members. In this period, the education issues in the village, as many other issues, manifest the contradictory tendencies and we observe a negative sense. There is a tendency in the village to neglect schooling of minors and the principal reasons are: economic factor, desire

to be employed in their farms and other social motives like obstacles from families, enmities, insecurity of girls to continue school, etc. For these reasons, the girls in the rural areas find it more difficult to continue the education in the secondary schools and this caused the continuous fall of the number of girls, which attend secondary school in village areas. The facts show that the new generation of women in the village, in rural areas, shall suffer “the additional punishment” of illiteracy, which is still a present phenomenon among village women. 7% of women in rural areas are littered and this figure is twice higher compared to urban zones (3.5%, according to LSMS 2005). We observe from an ethnographic point of view, that abandonment of school by girls with the age over 14 is in high figures in Albania’s north.

380. Educational discrimination of girls in the village has a tendency to be deepened for other reasons, moral reasons like marriage in young age, rules and customs that accompany them, hard and daily house chores, etc. In addition to this, the closest secondary schools are frequently in the city and the real fear of attacks of kidnapping girls makes attendance of schools to be considered more dangerous in the eyes of many parents. In the framework of Law on Local Government, and decentralization of local Government, communes have solved issues related to the girls attending school, equally like boys, individually. For example, though it is not a legal obligation, services with buses worked, which collect the pupils and send them to school every day, in some remote mountainous zones, like the communes of Fushë-Arrëz, Malësi e Madhe, etc, while in the south of the country, the commune of Delvinë. This service has not been spread in the entire country but such initiatives occur only in the areas where local Government is more aware of the gender parity issues.

381. More should be done regarding integration of rural women, which have immigrated recently to urban zones. These women who have only the elementary education and work in difficult conditions have big families with 5-6 small children, who need parents care. On the other hand, the absence of the regular urban transports makes this issue more difficult. For integration of this category into society, there is a need to draft a new concrete policy without making a distinction between urban and rural areas.

382. It is worth to mention as a positive example the way that National Sports Strategy was conceived for implementation, with a geographic extension to the entire Albanian territory, with no distinction between urban and rural zones. At the same time, this strategy pays special attention to decentralization of management and organization of structures for sports, giving to the prefectures and municipalities considerable competencies for organization of sports in the areas that they cover. Though not in a direct way, National Sports Strategy 2007-2013 increases opportunities of equal treatment between woman and man in these sports activities, in urban zones and rural zones alike.

## ***2. (e) The right for economic opportunities by employment or self-employment***

383. Existence of a high degree of employment, performance of many works in agriculture, absence of qualification possibilities and low educational level makes village girls very much affected by unemployment and poverty. Since there are no big enterprises, women have less possibility of employment. This is not the same for men who may emigrate for seasonal work and be employed in the city or abroad. Though some development agencies

help women to start their business, in general, there are a few real possibilities for men and women alike to carry out the same business by loans.

384. With its policies, especially in recent years, Ministry of Agriculture promoted and supported those projects that create possibilities to village women to undertake a management role in different community activities. We are working systematically with certain programs in cooperation with USAID, SNV (Dutch Organization for Development), GTZ (German Organization for Technical Cooperation), Spanish Cooperation, Italian Cooperation, FAO, etc. to include village women in production businesses or in agricultural products processing. According to National Report For Human Development (2005), there are no official data for the rural areas with regard to joining loans programs and financial institutions and number of self-employed women in these zones. In the interviews made for this purpose, women report that all properties belonging to agricultural cooperatives were distributed equally to females and males according to official rules when the privatization of the land and other objects happened.

## **2. (f) The right to take part in the entire community activities**

385. There is no doubt that woman, who lives in rural zones, lack the desire to take part in activities of social and cultural character. On the other hand, women maintain the burden of care for children and the need to meet this important family obligation affects their participation in community activities. In rural areas, there are a few necessary quality services to facilitate the big burden that women have in various works. So, for example, in many mountainous zones there are no nurseries and kindergartens and this compels women or other family members to care themselves for their children.

386. Moreover, the emigration of men abroad or the commercial activity of men leaves women to face most of agricultural works themselves. Family and religious celebrations remain the only recreation for women. Watching TV programs may be another entertaining possibility, but this relates to a few real possibilities that women have for free time available to them for recreational activities. In general, there is still much need to work for better orientation for participation of women in community life.

387. Decrease of educational level has an impact in driving the village woman away from public, political and social life. Male domination in public life is very evident in the village. Number of men in all legal structures of public and political life, or their presence in important functions of local Government structure is very high, whereas the presence of women in these structures is very low. Women in the village have a low level of commitment in public life and in general, they are deprived of active participation in political parties and less so in leadership. The lower the educational level, the lower is her decision taking power.

388. It is worth to mention the fact that after 2004 and on, the number of civic associations led by women is increasing. Concretely, for 2006, in a country scale, in general, 26.518 associations are counted and from these 1884 (7.1%) are village associations, led by women. With the help of associations, life of women in the village recognized progressive improvements and number of women participant in community activities is ever increasing. So, with the help of organization CEFA (European Committee for Training and Agriculture), in Elbasan, 40 women were employed in agro-processing association "Koxhas". There is no claim yet for decision taking in these activities by

women; more attention is paid to their employment through these associations. The association “Another Vision”, which cooperates closely with Elbasan Municipality, Social Services, Department of Education and Police made possible the activation of Elbasan region women in the Center “New Moon”, which deals with the fight against trafficking and violence in families.

## **2. (g) Reception of loans, agricultural debts and land reform**

389. Civil Code provides for parity between men and women regarding the possession of land as a common property of agricultural family members. However, in administrative practices, the woman in many cases is discriminated being denied equal rights on property, especially in the various transactions which due to customary practice, mentality and traditional culture are an exclusive right of men. Even in issues of property parity, in practice, man is the one who inherits it because the female is treated as family member that after marriage goes to the husband’s family. Inheritance of land, according to customary right is made in the male line, excluding women as participants in agricultural land. However, in cases when women inherit land, they inherit it usually from their fathers. According to the custom and tradition, if a woman has the land title .in the family of origin, she should hand over this property to the family when she is married.

390. In general, land is registered in the name of family head, who is at the same time the propriety legal owner, denying thus totally to the woman the right on property after marriage. The same thing is implemented for the registration of the private business regardless of the woman’s contribution, which may be equal to that of man. Transfer of agricultural family property, sale or letting is often made without the woman’s consent violating thus her will. Even when land belongs to the woman, it is considered a property of the entire family and women usually are not allowed to administer the land according to their wish. This makes very often the observance of the right of woman to be in the hands of men, to be recognized and accepted by man as the owner of the land or the other private objects that belong to them.

391. Woman’s contribution in agricultural family economy is important but even this fact does not favor her to have a principal place its management. Legally, village woman is a member of agricultural family and she has the right of co-ownership with other family members, but she has the family head role very rarely. The data of surveys carried out with agricultural families show that the woman has the family head role only in cases when she is a widow or when she is divorced or when the husband has left for a long-term emigration.

392. When there are conflicts about the land, females and males have the right to protect their property, and these cases are usually solved in the court and until now there are no reported cases of discrimination of females in this field. Because of conflicts that arise on property, demographic movement and various disagreements, implementation of Law on Land (No. 7501 of 1991), left a considerable number of families in the village without land. The survey data show that 49% of women respondents state that Law on Land has not been fully implemented or the manner in which it was implemented created disagreements between families. 65% of women respondents declare that they are informed a little on their rights regarding property issues. Division of property, which includes land, is made through complicated legal procedures. Because of not knowing the legislation and due to

patriarchal mentality, village women, being in an unfavorable position during these processes, are endangered to lose the ownership title. This situation is complicated more because in the framework of implementation of Law on Land, pursuant to Civil Code property is registered in the name of man as the family head and only when he is dead, the woman takes the family head role. Therefore, the education with the spirit of observance of village women's rights should be an integral part of programs and projects addressed to rural zones development.

## **2. (h) Living conditions**

393. Traditionally, women have the principal burden of well-being in families in Albanian society and in particular in rural zones. However, they have a lower access than men to resources and opportunities required to meet the responsibilities that belong to them. Woman in rural areas needs better material conditions for employment and participation in social – cultural life but also more knowledge, cultural information, assistance and legal advice. Housing conditions, hygiene, electricity, water supply, transport services and proper communication are not the same everywhere. Though living conditions have been improved to a certain degree, living standards in rural areas are lower compared to those of urban zones. Access to basic infrastructure makes the situation of women in rural zones more difficult, making them more sensitive, less favored than men. Many of them live in families that do not have access to flowing water in houses (37.5%) and a toilet inside the house (51%). A considerable part of village families, in particular in the field zones, have water in their houses. However, statistical data show that about 50% of families receive water outside the building, about 23% use wells or depots (table 9.1 & 9.2-INSTAT).

394. As in urban zones, houses in rural zones meet their needs for heating individually. There is no central heating system, whereas supply for electric power is equally problematic in urban zones and rural zones alike. As INSTAT data show (Annexes – Table 9) village houses appear in a worse condition compared to houses in urban zones. We may also say that living conditions and work in general are more difficult for women who live in the village. Regarding transport in urban zones, there is a possibility for transport but this is a privatized service and financial resources are needed to afford for expenditures.

## **CHAPTER IV**

### **Article 15**

### **PARITY BEFORE THE LAW AND CIVIL CASES**

#### **Legal framework on parity before the law and civil cases**

395. Legislation of the Republic of Albania (RA) has in its foundation the guarantee of human fundamental rights and freedoms, protection of human dignity, which provides for social, economic and political rights for all individuals in full accordance with nondiscrimination principles. Ratification of most important international acts in the field of human rights is an indicator of contemporary approach for observance of human rights in Albania, with no distinction of gender, race or beliefs.

396. Constitution of the RA stipulates that human fundamental rights and freedoms in Albania are in the foundation of all the legal order. Article 18 of the Constitution stipulates, *“All are equal before the law. No one may be discriminated against unjustly for such reasons*

as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic, educational, social condition or parental belonging. No one may be discriminated against, if there is no reasonable and objective justification". The Constitution provides for restriction of rights and freedoms provided for in this fundamental act, which may be imposed by law for a public interest or for protection of rights of the others; they may not exceed the limitations provided for in European Convention on Human Rights. Constitution does not prohibit the positive discrimination allowing special treatment for special protection and support that may be made for some categories of individuals like the right for special protection for marriage, family, young people, pregnant women and young mothers.

397. According to Albanian Constitution, everyone has the right to take action or submit complaints before State police. Codes of Criminal and Civil Procedure guarantee to everyone equal rights in all judgment instances. Their participation in judgment may be in the quality of plaintiff, the accused or the witness. Civil Code uses a neutral language from the gender aspect; therefore there is no legal obstacle for women to take part in judgments and courts. In addition to this, women may take part in proceedings, like judges, prosecutors, lawyers, experts, etc. Though there are limitations or criteria for these functions that relate to qualifications of the person, they do not relate to his/her gender.

398. Finally, Albanian Law guarantees to everyone freedom of movement. Based on the article 38 of the Constitution, everyone has the right to choose the place of residence and to move freely in every part of Albanian territory. No one maybe hindered to travel freely abroad. Law provides for all citizens who are entitled to be provided with a passport. Minors may receive their passport only at the request of their parents or their guardian. In this case, law makes no distinction for women or men, mother or father. The language used by this law includes both sexes, so it is nondiscriminatory. In addition to this, article 12 of Civil Code offers to every adult person the right to choose freely the place of residence.

399. Parity in civil cases. Albanian legislation does not contain any provision that prohibits discrimination of woman in these civil cases but however, it contains a provision that sanctions equal rights. Article 1 of Civil Code provides that "every natural person enjoys full and equal capacity to have civil rights and to undertake obligations within the limits provided for by law". A person that reaches adult age enjoys full capacity to undertake rights and obligations. For the women who are married before the age of 18, this happens earlier. Article 4 of Civil Code provides for civil rights of a person that maybe restricted only by law. Though, it is not worded specifically for females, article 7 provides for "*every legal act that intends to restrict an individual's capacity to act is invalid. Women and men enjoy full capacity to enter into contractual relations or to sign other private instruments, to administer properties, to be included in commercial relations, etc, regardless of civil condition. Every other act that has the purpose to restrict their capacity to act is invalid*".

400. Government's program contains a special entry in the chapter "Social Nature of the State", regarding gender parity which states clearly the determination and commitment in order: **a)** to prevent and fight exertion of violence against women and crimes in families; **b)** to stop their use for prostitution purposes or other exploitation purposes; **c)** to have higher access of woman to labor market, opportunities for official, political, business

career; **d)** to give priority to policies those promote gender parity in rural and backward areas of the country.

401. Precisely, based on these programs, the bill “On Gender Parity” has the purpose: **1)** to guarantee efficient protection for gender discrimination and every form of behavior that urges gender discrimination; **2)** to define measures for the guarantee of equal opportunities among women and men to eliminate discrimination based on gender in whatever forms that it may appear; **3)** to define responsibilities of State local and central authorities for drafting and implementing normative acts and policies that support development and promotion of gender parity in society.

402. Law No. 9669 of 18.12.2006, “On Measures Against Violence In Family Relations” has the aim to “prevent and reduce violence in family in all its forms with suitable legal measures and guarantee protection with legal measures for family members who are victims of violence in family, paying special attention to children, old people and people with disabilities. This administrative – civil law sanctions the creation of a coordinated network of governmental institutions in order to respond in time to cases of violence in families and the immediate issue of protection orders from the courts.

### **Measures to guarantee parity before the law in civil cases**

#### ***1. Parity before the law***

403. While the legal basis exists, more study analysis should be carried out to identify the fields in which women are not treated equally with men regarding the civil cases. Efforts to inform the large public on gender parity have been made chiefly through the former Committee on Equal Opportunities (CEO) during the period 2002-2005. From March 2006 and on, gender parity sector has the duty to raise the awareness on gender issues in Directorate of Equal Policies and Opportunities (DEPO). CEO and DEPO organized training sessions in various areas of Albania to raise the awareness of representatives of NPOs, local Governments regarding Albanian and international legislation about rights of women including lectures on Action Platform of Albanian Government and CEDAW Convention by commenting each article. These efforts were funded by different donors like International Labor Organization, Foundation SOROS (Open Society for Albania), UNDP, Foundation Friedrich Ebert, UNO and OSCE.

#### ***2. Recognition of equal legal capacities with men including also the right to conclude contracts***

404. Participation of women in business initiatives is low, about 27%. Most of women are committed to small business enterprises. This happens because business ownership is not considered as a partnership between man and woman but as propriety of men and woman is included to facilitate fiscal obligations. One of the reasons that hinder women to be involved in business is that many individual still conceive involvement in business as a corruptive activity that is unsuitable for women. There is a need for specific policies to be drafted that encourage women to be involved in business activities.

#### ***3. Protection of woman’s legal capacity***

405. Taking into consideration Albanian legislation, we may say that it protects women because if in practice we find contracts or legal instruments that restrict women’s legal

capacities, they are considered invalid. However, until now there are no concrete data which may be extracted from studies made to define whether there is partiality based on gender belonging in legal reasoning, practices or decisions.

#### **4. Guarantee of freedom of movement and choice of residence**

406. In Albania, women in general are not free as men to be involved in activities outside the house. Though women may wish to leave home alone, this very often is difficult in practice, especially in rural zones, because men are not accustomed with such choices. Based on women's interviews in the rural areas, it appears that woman should frequently take husband's approval when going to some activity, except for cases of medical services, whereas "emergencies for sickness are excluded from this rule". Likewise, women who live in urban zones usually consult husbands if they want to work outside the house or to travel abroad. The approval given to women to visit a social center or to be involved in activities outside the house in rural zones sometimes is connected with the interest of husbands to guarantee from the commune some promotion or economic support. Required approval is conceived by women respondents for this issue as a tradition and a sign of respect for generations that live together.

#### **Article 16**

#### **MARRIAGE AND THE LIFE IN FAMILY**

##### **Legal framework for marriage and life in family**

407. Albanian legislation on marriage and family life is in good accordance with article 16 of CEDAW Convention. The Constitution (article 53) guarantees to everybody to marry and to have a family. After a long work of many years, in October 2004, the new Family Code was published which provides for moral and legal parity of spouses (Approved by Law No. 9062 of 08.05.2003). All international acts of this field, in which Albania is a party, have been included. Article 1 of this Code provides for "*marriage as a legal co-existence relies on moral and legal parity of spouses, on feeling of love, respect and mutual understanding as the basis of unity in family. Marriage and family enjoy special State support. Free consent of the two spouses expressed before the Registry Office employee comprises an important condition for marriage validity*".

408. The approval of the new Family Code eliminated the discrimination for the minimal marriage age that existed in the previous code of 1982, which provided for different ages for marriage respectively for boys 18, and girls 16. The new Family Code provides for marriage to be concluded between a husband and a wife that have reached the age of 18. The court of the place in which marriage is concluded, for important reasons, may allow the marriage below this age. So, the new code does not contain discriminating clauses between genders. For important reasons (chiefly pregnancy), the court may authorize marriage before reaching the legal age. In the meantime, the Albania law does not recognize engagement and considers marriage of minors invalid.

409. When giving the marriage definition, Family Code declares the moral and legal parity of spouses as an important basic principle. In marriage, husband and wife have the same rights and obligations regarding fidelity, love and mutual respect, moral and material support, cooperation, raising and education of children. If one of the spouses does not fulfill the obligations deriving from marriage, the other spouse (without making a gender distinction) may require from the court to take urgent measures. Their purpose is to



compel the spouse to implement his/her obligations for the family. Family Code requires mutual understanding of spouses for issues related to spouses' house, property administration, signing of marriage contract, selection of property regime, it requires even the parties' consent for cases of marriage cancellation. The other cases of marriage cancellation are made by legal action taken by one of the spouses. Regarding marriage registration, article 30/2 of Family Code stipulates that "*Marriage act is drafted immediately, it is signed by spouses, witnesses and Registry Office employee and it is registered in Register of Marriages*". In the meantime, Law on Registry Office imposes the obligation to register the marriage in the Marriages Register and in addition to this, it provides for procedural rules of this action.

410. It is worth identifying that Albanian legislation treats violence on a gender basis including also violence in family. For the first time, article 62 of Family Code provides for the possibility that one spouse may require from the court to remove the violent spouse from the spouse's house for a duration up to 3 years. This provision uses a neutral language from the gender point of view, but studies and observations show that the women are more endangered from these violence forms, which led to the conclusion that this provision aims to protect chiefly the women. However, the court cannot apply this single provision easily because it needs to be accompanied by other procedural provisions. Albanian Criminal Code penalizes violence against women either specifically or by more general provisions. Even Law on measures against violence in family relations (Law No. 9669 of 18.12.2006), among others, provides for protective measures against violence in family, subjects entitled to require the protection order, the circumstances for the change, interruption and continuation of protection order and other relevant provisions.

411. Albanian legislation shows special care also for the consent and protection of family life. Criminal Code devotes a special section to protection of children, marriage and family. Criminal Code considers criminal acts and imposes sanctions (penalty or imprisonment) for the following actions:

- (a)** Abandonment of minor children;
- (b)** Not giving means of living to children and family;
- (c)** Failure to notify change of residence;
- (d)** Taking the child unjustly and ;
- (e)** Coercion or prohibition to live together or to cancel the marriage;

Provisions treating sexual abuse with minors guarantee further protection. Albanian legislation has no regulation for domestic slavery (compulsory keeping of a person as a servant in the house).

412. Parity of spouses is a principle in Albanian legislation and it finds application even after marriage cancellation, when it is a question of property division and to solve the other issues. Article 147 provides for the court to order one of the spouses to pay to the other a contribution, which has the purpose to compensate the imparity of living level that may derive from the property division. Article 153, on the other hand, gives the right to the spouse, who is not an owner, to continue to use the spouses building even after marriage

cancellation when s/he is entrusted with the parent responsibility or when the owner spouse has abandoned the family.

413. Family as the most stable institution of Albania remains an important element in the fight against discrimination and violence against girls and women. Frequently, we find an unequal division regarding housework and care in the family and women's tendency to contribute more to the family than to the society. Article 215 of Family Code defines parent responsibilities as "*the entirety of rights and duties that have the purpose to guarantee emotional, social and material well-being of the child, caring for it and keeping personal relations with it, by guaranteeing to it well-being, education, schooling, legal representation and administration of its properties*". Albanian family Law provides for the same rights and obligations of both parents for the children, regardless of their marriage conditions. Though it is the women mostly who keeps the biggest burden, Family Code uses a neutral term from the gender point of view, the "parent". Constitution and Family Code impose children parity born from marriage or extra-marriage. Article 3/1 of Family Code reinforces this principle "*Parents duty and right for upbringing, development, well-being, education, and schooling of children born from marriage or extra marriage*".

414. Marriage cancellation does not change these rights and responsibilities against children with the exception of cases provided for by this code. The parent, to whom the child is not trusted for raising and education, preserves the right to supervise the raising and education of the child and to be informed regarding important choices for the child's life. This parent has also the right of visit. For adoption, consent of biological parent is required. The Code does not make any distinction on the basis of sex of adopting parent and uses the term "*adoptive parent*". A difference regarding sex is that related to the child's second name when it is natural or when it is adopted. The child receives the common second name of parents or the second name that parents decide with an agreement if they have different second names. In cases of disagreement, the child receives the father's second name. The spouse women enjoy the same rights regarding their second name. They are free to keep their second name or to take the spouse's second name (there is no difference based on sex).

415. Right of Ownership. Article 63 of Family Code provides for the right of each spouse (husband or wife) to practice one profession and to possess the income from labor or other sources based on the chosen property regime after they have contributed to the obligations that derive from marriage. *The spouses have the same rights of ownership, including profit and administration, enjoyment and disposing.* Whereas each spouse has the right to administer and dispose freely the personal property, the consent of the other spouse is necessary in case of disposing the spouses' house and its equipment. The spouses are free to sign a premarital contract or a later marriage contract, by which they may select the marriage property regime that is more suitable to their way of living.

416. The parents' right and obligation for rising, development, well-being, education and schooling of children born from marriage or extra marriage are the same without providing for any difference based on gender. Pursuant to Convention on Children Rights, the code provides for extramarital children to have the same rights and duties as children born from the marriage. Pursuant to article 220 with the title "Common Practice of Parent Responsibility", parent responsibility belongs to and is practiced by both parents together for the child born during marriage or outside marriage, if both parents recognize the child.

Chapter II of this Code provides for provisions regarding the marriage property regime in community, which are not grounded on spouses' gender specifics.

**Elimination of women's discrimination regarding rights of marriage and family life**

**1. (a) The same right to conclude marriage**

417. Informational materials for equal rights in marriage or registration in Registry Office and marriage cancellation are available and are given equally to men and women. But it happens in practice that in order to ensure and exchange this kind of information, the individuals rely chiefly on their social networks. Whereas, in rural zones, the information in these fields is given in the form of social norms and values that are inspected and valued by all community members. The average age of women who conclude a marriage always appears to be younger than that of men. Whereas, a characteristic fact is that the average age of men and women, who conclude a marriage, has almost not changed in years, for men 27-28 years old and for women about 23. (Table 3.7-INSTAT)

**1. (b) The same right to choose the spouse freely and conclude a marriage only freely and with full consent**

418. Women in Albania have the right to choose their husbands freely and to conclude the marriage freely and with their full consent. However, marriage is built as a norm and it is desirable for the women's social status. Albanian men and women have the tendency to marry early. According to MICS-2005<sup>13</sup>, (which is shown in the following table), less than 1% of the age 15-49 are married before reaching the age of 15, whereas about 8% of the women 20-49 are married before reaching the age of 18. The tendency that characterizes this phenomenon relates more to social attitudes of certain groups of population, which have inherited beliefs related to importance of creation of family at an early age. Therefore, they prefer better to marry than attend school, or develop their capacities for an active involvement in society.

<b>Age Groups</b>	<b>Males</b>	<b>Females</b>
Up to 19 years old	22 %	1 %
20-24	49 %	21%
25-29 years old	18 %	43 %
30-34 years old	6 %	23 %
35-39 years old	2 %	7 %
40-44 years old	1 %	3 %
45-49 years old	1 %	1 %
Over 50 years old	1 %	1 %
<b>INSTAT - 2004</b>		

419. In addition to this, the study shows that marriage is conceived often as the life goal though Albanian females may choose to marry to escape poverty and influences or pressures by parents' home. The patriarchal tradition of marriages, regulated by parents' authority, is still frequent. Young girls in rural areas usually expect that their family will choose the husband and they rarely oppose the family's choice.

<sup>13</sup> MICS National Survey - 2005 made by INSTAT and UNICEF.

**1. (c) The same rights and responsibilities during marriage and after its cancellation**

420. Women and men have the same rights and responsibilities though women are perceived to have the biggest burden in housekeeping. While women have the legal right to divorce the husband, social-cultural stigma makes it more difficult for them to take this decision, especially in rural areas.

**1. (d) Rights and responsibilities of parents regarding children**

421. Both parents have rights and responsibilities towards the children, though the women are those who hold most of the responsibilities for children's care. This issue was treated also in the first part of article 16, in the measures of legal character for marriage and life in family, the paragraph on parents' responsibility.

**1. (e) The number and planning of children and reception of information for family planning**

422. Even the issue of finding information regarding family planning was treated more largely in articles 10, 12 and 15 of this report.

**1. (f) Guardianship and adoption of children**

423. Regarding parity before the law for guardianship and negligence of children, both parents may address to the court to remove the right of guardianship of the other parent. Representatives of law themselves confirm that usually women is favored more, because in most cases, the guardianship of a child is given to the women. Likewise judges often make more concessions to women in cases of trials for family cases.

**1. (g) The right to choose the second name, profession and working place**

424. This right is practiced by all women, especially by those who live in urban zones. Stereotypes related to profession and working place are numerous. Young girls are employed more in social and philological sciences.

**1. (h) Rights of ownership**

425. Though women may inherit property from their fathers, the right of property usually belongs to the entire family and perhaps it may be transferred to the family head. This issue was treated more in details in article 13 and 14 of this report.

**2. Marriage before the age of consent and decision and establishment of official marriages register**

426. Though legal age for marriage is 18, there are also cases of young girls who marry in the age of 16, especially in rural areas. However, there is no exact information on frequency of this phenomenon. Marriage before the age of consent is not declared in Registry Office, because this kind of marriage is punishable by law. There is room in this point to improve the work regarding development of specific campaigns to raise the awareness of people regarding marriage before the age of consent. However, invisible, marriages at an early age are found out though the problems that these married girls or children-mothers have to face restrict sensitively their opportunities to advance in life.

#### IV. CONCLUSIONS

427. Though during the time period that has past from the moment of handover of the First and Second Combined CEDAW report of (2003-2007), by Albanian Government, progress and positive concrete achievements have occurred, there is still a lot of work to be done regarding the further standards improvement for gender parity in many fields of life in Albania. Therefore, in these conclusions, besides achievements, among others, we show suggestions for the future work in some principal directions, in which the further legislation improvement in the framework of efforts to eliminate discrimination against women and protection of their rights from violation.

428. Gender parity was and is a constituent part of the official inclusive strategy for stable development of Albanian society, in particular of aspirations of Albania to become in a mid term future, an integral part of European Union. From this point of view, continuous institutional efforts for a new status of Albanian woman are a constitutive element of internal and external policy of the Government of RA in order to protect human rights according to recognized international standards.

429. Taking into consideration the degree of implementation of CEDAW Convention and implementation of this Committee recommendations in the time interval that past from the moment of submission by the Government of RA of the First and Second Combined Report, we may say, with no dilemma that progressive steps have been made regarding completion of legislation package regarding the guarantee of parity between man and woman and general improvement of her status.

430. Regardless of the legislative picture, which is generally positive, law implementation still comprises a challenge for Albanians. Improvements have created the possibility to offer more and more to women suitable, open and affordable procedures like legal means to defend violation of their rights. Adoption of Law "On Gender Parity" by the parliament and its renewal by the new bill expected to be adopted soon, caused the installation of 2 very important concepts of compulsory character in Albania before justice like "gender society" and "violation of equal rights for women and men". Integration of gender prospective in all laws and policies as an advanced concept and a strategy in itself for gender parity achievement shall comprise also in the future one of the principal objectives of the work for all legislative and law enforcement bodies.

431. In addition to strengthening of existing mechanisms for gender parity in a national and local level, establishment by Albanian Government of a considerable number of mechanisms or administrative structures to guarantee gender parity is also an achievement. Based on them, we have achieved a successful commitment of governmental or nongovernmental institutions regarding the drafting and implementation of national strategy and action plan 2007-2010 and specific programs which intend to stop once for all the violence against women and girls and their exploitation for trafficking and prostitution purposes or other denigrating goals.

432. Increase of the level and number representation of women in political and public life will continue to be one of Albanian Government priorities starting from the fact that women's interest to take part in politics and in decision taking has always increased. National Action Plan, which started to be implemented by Albania Government since the beginning of 2008, will enable proper representation of women and girls in decision taking.

For the first time, equal participation in decision taking will be sanctioned by introduction of percentages, 30% for leading positions in all legislative, executive, judiciary powers and by other public institutions and by their inclusion in the list of candidates in local elections.

433. The field of fight against organized crime and illegal trafficking was considered one of Albanian Government priority fields and a very important element in the framework of Albanian integration into European Union. The undertaken commitments and the objectives set have been in line with the obligations deriving from the Stabilization-Association Agreement with the EU. Albania is not considered a transit country in national and international reports or a country of destination for trafficking of human beings but she still remains a country of origin. During the recent years, due to the seriousness that Albanian Government showed, the support given by international and European organizations and the more frequent and effective controls on the part of law enforcement authorities, positive results were achieved in fighting this phenomenon, in which among others, we identify the arrest and punishment of many perpetrators of trafficking of females and children.

434. Albania has made progress not only in the fight against perpetrators of organized crimes and illegal trafficking but also for other related criminal acts. The legal and organizational –operational measures that were taken in the fight against organized crime and illegal trafficking covered effectively, in particular the field of investigation and criminal prosecution without forgetting that of defense and that of prevention field in which it is believed that there is still need for a grater work in the future.

435. With no hesitation, we may reach the conclusion that Albania has no discriminations in the field of education. Education was not only a guaranteed right equally for girls and boys but also one of the fields which had more positive achievements in many direction compared to previous years. The general registration index during 2001-2006 speaks about females' participation increase, particularly in university level, in which the big number of females compared to that of males is reflected in the same way in the graduates' number. A positive achievement to be noted is also consideration of gender parity as one of the necessary criteria in the textbooks drafting and approval process in all levels.

436. The continuous improvement of health and quality of life for women and girls has been achieved which lead to a progressive decrease of mortality and morbidity, whereas Albania continues to have a high birth rate in Europe. Though Albania is considered a country with a low HIV infection prevalence, facts show that the country is facing a rapid increase of the number of cases with this infection. Therefore, more efforts should be made to modify the trust and general attitude of women in health care, to raise awareness for family planning and their education about control procedures and prevention of diseases.

437. Gender parity encouraging and promoting policies were focused among others on rural and backward zones of the country. However, drafting of new policies with the spirit of higher level of observance rights of village women's rights should be more an integral part of projects and programs addressed to rural zones development.

438. Gender parities is achieved by the work many stakeholders. It was equally accepted that expertise of the third sector (NPOs and People's Advocate) comprised a precious contribution in the challenge to meet objectives for removal of discrimination of any form

against women for the good of a parity society, which observes human rights. Albanian Government cooperates systematically in the awareness campaign that NPOs undertook with the chief aim of improving the status of women giving more priority to cooperation State-civic society. This cooperation brought about effectiveness and increase of cooperation quality in drafting policies and laws, experience exchange, common activities, reports drafting, etc. Women's associations and NPOS have led the work for improvement of woman's positions in Albanian society. They served chiefly as advocacy agents and sources for opinions and important alternative suggestions. However, they still need to coordinate their work and improve their capacities and experience in order to plan, assess, and implement projects aiming to improve the life of girls and women.

439. In order to understand the importance, recognition, observance of legislation on gender parity, media played a decisive role in the informational campaign for public education. In the conditions of a society with accentuated patriarchal nuances, work should be focused especially on elimination of stereotypes that discriminate women in media. One of the objectives in National Strategy For Gender Parity to be achieved for a the good information for the period 2007-2010 is translation and publication of all international documents for issues of gender parity as we did initially with CEDAW Convention itself.

440. Lastly, analyzing the influence that expenditures have on women and girls compared to men and boys, we may suggest the drafting of a budget inclined towards gender, which comprises an important element to achieve the objectives aiming to improve the gender parity.

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