



CEDAW ASSESSMENT REPORT

Albania

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ACRONYMS

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| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CEELI | Central European and Eurasian Law Initiative of the American Bar Association |
| CEO | Committee for Equal Opportunities |
| GOA | Government of Albania |
| IOM | International Organization for Migration |
| ILO | International Labor Organization |
| NHDR | National Human Development Report |
| NGO | Nongovernmental organization |
| NPO | Not-for-profit organization |
| OCT | Office for Combating Trafficking |
| OSCE | Organization for Security and Co-operation in Europe |
| TIP | Trafficking in persons |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| UNIFEM | United Nations Development Fund for Women |
| USAID | United States Agency for International Development |
| WHO | World Health Organization |
| WLRI | Women's Legal Rights Initiative |

EXECUTIVE SUMMARY

This report measures Albania's compliance with its international commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which Albania ratified in 1994. It seeks to identify laws and practices where Albania does and does not comply with CEDAW.

Overall, Albania's laws satisfy many of the recommendations CEDAW. They provide general guarantees that all Albanian citizens are entitled to equal treatment, regardless of gender. However, the laws rarely go beyond a basic statement of equality. The *de facto* reality for women is more problematic. The existing general laws on gender equality are rarely implemented or enforced. There is little confidence in the legal system's ability to deal with the problems affecting women, such as gender-based discrimination. The patriarchal nature of Albanian society continues to define the role of women in society. Although they exist in many realms, inequalities between men and women are most pronounced in politics and family relations. Unfortunately, the Government of Albania (GOA) has taken few meaningful steps to address discrimination and other obstacles that women encounter.

De Jure Compliance

Albania's legislation is generally consistent with CEDAW's requirements. The Constitution, together with the main pillars of Albanian legislation such as the Criminal Code, the Civil Code, the Labor Code, and the Family Code, were adopted after ratification of CEDAW and other international and European instruments, and therefore reflect most of human rights principles of non-discrimination and equality. The Gender Equality Law is the most recent of these and seeks to guarantee not only formal equality before the law but also equality of opportunities for men and women.

These, however, are not accompanied by clear procedures and mechanisms designed to help citizens pursue their rights, while secondary legislation, which ensures practical implementation of laws, is still lacking or incomplete.

Moreover, some laws clearly need revision and amendments, such as the Criminal Code, the Health Care Law, and the Social Insurance Law, and Albania still lacks legislation on domestic violence. In order to appropriately address low participation of women in

decision-making bodies, in diplomatic missions and generally in leading positions, quota and other similar systems may be introduced in laws as temporary special measures.

De Facto Compliance

During the *de facto* assessment, a majority of the people interviewed noted that while men and women are legally considered equal, in reality, women are discriminated against in all fields of life. Most participants acknowledged that even where legal equality technically exists, mechanisms for enforcement are not present or are ineffective, and information toward implementation is lacking.

Gender role stereotypes and the patriarchal nature of society were identified as major obstacles to achieving *de facto* compliance with CEDAW. Experts noted that many women and men do not recognize the existence of gender discrimination but instead see it simply as “a way of life.” Inequalities are most evident in three areas: politics (leadership and decision making), the economy (employment and income generation), and marriage and family relations.

In the political domain, the number of women elected to public office fell significantly during the 1990s and remains low.

In the economic domain, transition has taken a serious toll on women with regard to employment. Women have been excluded from various sectors of work; this is connected to how women are defined (as primarily taking care of the family), their age, prejudices against women’s ability to accomplish assignments of various degrees of difficulty, and lack of confidence that women can deliver if employed in high-level positions. Women lack economic power. Their economic position has had a negative impact on their ability to participate in the business sector. For example, women find it difficult to obtain financial credit, because they typically own little collateral such as property. Moreover, Albania does not provide any special loan programs or training assistance for women to encourage entrepreneurship.

Finally, although men and women have the same legal rights and responsibilities during marriage, couples tend to adhere to traditional gender roles. It is not uncommon for women to have primary responsibility for running the household and caring for the children while working full-time.

Women encounter problems in a number of other realms as well. Violence against women is a serious problem in Albania. Many victims continue to view domestic violence as a private matter and are reluctant to involve the police. The not-for-profit (NPO) community has played an active role in combating violence against women and addressing the needs of battered women. For example, nongovernmental organizations (NGOs) run legal clinics, operate hotlines, maintain shelters and have proposed legislation aimed at combating domestic violence. Furthermore, despite increasing attention, trafficking in women is still a serious concern.

While the law guarantees free health care services for all insured individuals, in reality, accessing these services is often connected to illegal cash payments. Conceptualized this way, quality health care services are often inaccessible to women and men alike due to their inability to afford such services. In addition, health care facilities in rural areas, when they do exist, tend to be in poor condition. More broadly, many experts note that access to most government benefits, including health-related benefits, is equally unsatisfactory for men and women.

Education is a continuing priority throughout Albania. The literacy rate for men and women above 15 years of age in both urban and rural regions is high. More than 50 percent of university students are female. Most of the problems with regard to attending school and receiving quality education are becoming evident for students under 15 years of age. Girls in rural areas are particularly at risk for dropping out of school. At the same time, the educational system appears to perpetuate gender role stereotypes in textbooks and other materials, as well as through teachers' attitudes.

In conclusion, Albania's efforts to improve the status of women have been modest. Albania has not undertaken special measures to educate its citizens about CEDAW or to ensure its implementation. Many of those interviewed expressed a desire to know more about CEDAW and receive training and information on women's rights. Finally, many recognize that while the NPO community, in which women are widely represented, is robust and is capable of effecting positive change, coordination of efforts is paramount in achieving this change.

INTRODUCTION

From 1945 until 1990, Albania was a socialist country run by a single party, classified as a proletarian dictatorship. During this time, the legal status of women improved in many respects. For example, the 1946 Constitution proclaimed equality regardless of sex, stipulating that “women are equal to men in all aspects of state, economic and socio-political life.” It is widely believed that women enjoyed many rights during 1945-1990, including the right to vote and the right to health care services. The right to equal education and employment entitled women to study and work in traditionally “male domains” such as engineering, medicine, and agriculture. Working schedules did not distinguish between genders. However, these efforts at implementing women’s rights in the public domain were not associated with the same intensity in the private domain; women remained the primary caregivers, often bearing the double burden of performing equally well in the public and private domains.

Similar to other countries in Eastern Europe, the application of “shock therapy” to the newly emerging economy of Albania in the beginning of the 1990s took a toll on the entire population, but women suffered disproportionately during this time. Unemployment among women skyrocketed, making women dependent on the income secured by male family members; social services were cut. The change was associated with the revival of traditional views and prejudices that relegated women to housework. In rural areas, the situation of women worsened. After land privatization and withdrawal of state funding, women were overloaded with work. The very limited financial resources of rural Albanian families have pushed these families towards substituting women’s manual work for machinery work. Male migration has placed an additional burden on women who must take care of the household, children and the elderly. Thus, restriction of opportunities to be gainfully employed and/or shouldering almost the entire burden of work and care has distanced women from participating in political and social life, and limited their access to information, opportunities, and activities.

Few formal studies and research have focused on whether women enjoy their rights in Albania. Data beyond rough statistics from UNIFEM are sparse. Nonetheless, they point to uneven implementation of women’s rights. While women seem to have made great strides in education, fieldwork shows that women, particularly in the northern part and several rural regions of Albania, are not allowed to or do not have opportunities to continue with schooling beyond primary education. Political entities may have women’s rights on their agenda or program, but little is done to encourage women’s political participation and decision making in public life.

The deterioration of the status of women in the country has given rise to the emergence of tens of women's not-for-profit organizations (NPOs) that have tackled the various issues Albanian women face today. In fact, the 2004 USAID NGO Index reports that most NPOs in Albania focus on women and youth. Most advocacy work on women's rights has been conducted by these organizations with financial backing from international donors. This work has primarily focused on women's health and violence against women. However, no systematic efforts have been made to research the many areas in private and public life in which women participate. While there is little coordination of efforts in the NPO sector, successive Albanian governments and parliamentary legislatures have drafted legislation that is sensitive to gender mainstreaming.

This report, undertaken by the Women's Legal Rights Initiative (WLRI), assesses Albania's compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is comprised of 16 substantive articles that articulate a state's responsibilities in ensuring and promoting women's rights and equality, regardless of nationality, religion, or culture. These articles address a broad range of issues, including political representation, education, health care, economic rights, rural women's concerns, employment, and family relations. CEDAW provides that states parties to the Convention shall adopt measures to eliminate discrimination against women. States are also obliged to take affirmative steps to promote equality between men and women. CEDAW was opened for signature in 1979 and entered into force in 1981. Currently, 173 countries have ratified CEDAW, including Albania, which declared accession to CEDAW on May 11, 1994. On June 23, 2003 Albania acceded to the Optional Protocol to CEDAW, which strengthened CEDAW's enforcement mechanisms. In 2003 Albania submitted a combined initial and second periodic report to the United Nations CEDAW Committee, which monitors implementation by states parties. The United Nations CEDAW Committee's concerns about the status of women in Albania, and its recommendations for future action, are outlined in Annex 4 of this report.

To conduct this assessment, WLRI borrowed heavily from the CEDAW Assessment Tool developed by the Central European and Eurasian Law Initiative of the American Bar Association (ABA/CEELI). This tool can be applied in any country in the world to analyze a state's compliance with CEDAW. This tool consists of two important components, the *de jure* and *de facto* compliance with each substantive article of CEDAW. The *de jure* analysis examines the extent to which Albanian legislation complies with CEDAW. The *de facto* evaluation considers the extent to which women actually enjoy the rights and protections set forth in CEDAW. The "areas of concern" associated with each article identify matters in which Albania's compliance with CEDAW is particularly problematic.

It is the hope of WLRI that this document will be helpful to the Government of Albania, not-for-profit organizations, international organizations, and individual citizens in their collective quest to enhance women's equality and increase the opportunities for women to contribute fully to Albanian society.

METHODOLOGY

The data for this report were primarily gathered in March 2005, using the CEDAW Assessment Tool developed by CEELI in 2001. The CEDAW Assessment Tool has two major components: a *de jure* assessment, and a *de facto* analysis. The *de jure* section evaluates the degree to which the laws of the state comply with CEDAW. The *de facto* section examines the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW.

De Jure Assessment. In preparing the *de jure* portion of the CEDAW assessment two legal experts were consulted. They were each given a template table with some 70 relevant questions contained in the American Bar Association's CEELI Assessment Tool. Legal experts were asked to assign a score ranging from 1 (No compliance) to 5 (Excellent compliance) to pieces of Albanian legislation (See Annex 5 for the questions). In addition, experts were required to justify their score based on the template questions. Specific questions were asked for each CEDAW article with the exception of article 5. Answers contained an explanation of whether Albanian legislation complies or fails to comply with the CEDAW requirements, a few recommendations on how to ensure compliance as well as citations of actual provisions examined in light of CEDAW.

The two legal experts were advised to work separately with a view to gathering different legal opinions on gender-related issues in the country. In most cases, the experts presented similar views with regard to guarantees offered by Albanian legislation, but their comments differed on a few points, especially when assigning a score to the scale of compliance of Albanian legislation to particular requirements of the CEDAW. In these cases the report has reflected the score accompanied by more convincing arguments. Overall, experts' views were complementary to each other rather than contradictory. In addition, the co-author of this report, who comes from a legal background herself, represented a third viewpoint, useful for testing the validity of their arguments as well as bringing additional information and analysis to the report.

De Facto Analysis. This portion of the assessment is based on the careful review of the existing literature on gender issues in Albania and field interviews. Five focus groups and over 48 individual in-depth interviews with representatives of the central and local government as well as NPOs were conducted. In addition, professionals and individuals not otherwise engaged in women's rights work were interviewed. Participants lived in urban and rural areas. Interviews addressed the implementation of CEDAW in Albania, and more broadly, the status of women in Albanian society. Both the focus group and individual interviews lasted around 60 minutes each. They were tape-recorded and later summarized by a team composed of five members specializing in social science research

and working in Albanian NPOs and central government. The report refers to observations made by “professionals” and “interviewees” but does not attribute specific quotes to particular individuals to protect the confidentiality of those interviewed. Furthermore, literature produced in the last 15 years by international entities including the United Nations, the International Organization for Migration (IOM) and International Labor Organization (ILO) as well as independent Albanian and international researchers served to complement the data received through fieldwork.

Once the first draft of the report was prepared, comments were received from four Albanian gender specialists, whose comments were incorporated into a second draft. That draft was then presented to a round table of gender activists and experts,¹ who played an additional vetting role. This finalized CEDAW report is based on comments and/or additional information received at that roundtable discussion.

This report was finalized on December 15, 2005 and contains data or describes the gender situation in the country as of October 2005.

¹ Representatives of the following organizations attended the roundtable and provided comments on the CEDAW draft assessment report: USAID/Albania, the Ministry of Culture, Youth, Sports and Tourism, members of the Albanian Parliament, the Constitutional Court of Albania, the Magistrates’ School, the OSCE, UNICEF, the Gender Equality Committee, SNV Netherlands Development Organisation, the Women’s Millennium Network, UNDP, the *Kvinna Till Kvinna* Foundation, the Citizens’ Advocacy Office and *Refleksione* Women’s Association.

Article 1

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of concern

- Definition of “discrimination” in current Albanian legislation is incomplete.
- Definition of “discrimination against women” as provided for in Article 1 of the CEDAW has not been transposed into Albanian legislation.
- There is considerable discrepancy between the concept of equality of men and women as provided for in the law and its implementation in real life.
- Although Albania has ratified CEDAW, there is little familiarity with the Convention.
- There is poor coordination of work between the GOA and NPOs for informing women on CEDAW and Albanian women rights legislation.

De Jure Compliance

De jure compliance to Article 1 of the CEDAW is generally good.² Article 122, paragraph 1 of the Albanian Constitution provides that international conventions ratified by the Republic of Albania (CEDAW is an international convention) are part of the domestic legal system and prevail over conflicting domestic laws. Therefore, not only does CEDAW take precedence over national laws, but, according to paragraph 2 of the same article, international conventions are directly applicable unless additional legislation is necessary for its implementation.³ The Constitution states the principle of equality before the law and prohibits discrimination, but it does not contain a definition of discrimination.

Moreover, the recent law “On Gender Equality in Society”⁴ explicitly mentions gender-based discrimination. Article 2, paragraph 2 of this law defines: “Violation of equal rights of men and women” or “discrimination” as active or passive actions, which express under-evaluation, contempt or limitation of rights and privileges because of the person’s sex...” While this definition is incomplete, it should be interpreted in relation to the definition of “gender equal society” as given by paragraph 1 of the same article: “A gender-equal society” is one in which men and women enjoy equal opportunities to participate as equal partners in activities in all fields, to share responsibilities and enjoy equal political, social, economic and cultural rights”. To a certain extent, when taken together these definitions express the idea of Article 1 of the CEDAW.

The Labor Code⁵ contains a more detailed definition of discrimination with regard to labor relations. Sex is one of the grounds enumerated in the definition provided by Article 9, paragraph 2: “Discrimination shall mean any distinction, exclusion or preference based on the race, color, sex, age, religion, political orientation, national or

² See discussion in Methodology section for criteria used in determining quality of compliance.

³ The Constitution of the Republic of Albania, adopted by law no. 8417, of 21 October 1998

⁴ Gender Equality Law, no. 9198, approved on 1 July 2004

⁵ Labor Code, adopted by law no. 7961, of 12 July 1995

social origin, family relations, physical or mental disability, which affects the right of the individual to equality in employment or treatment...”

De Facto Compliance

Interviewees were asked whether men and women enjoy the same rights, what they understood by discrimination against women, and, if discrimination exists, where it is most apparent. All agreed that while legally men and women in Albania enjoy the same rights, in everyday life this is not the case. The majority of experts agreed that discrimination of women is a fact of life; however, they had developed individualized definitions of discrimination. This definition has various elements including denial of equal opportunities; violence; denial of women’s rights in all social and institutional levels, perceptions, ways of thinking, and expressions that deny women their rights and put them in a position of inferiority and exploitation; lack of life choices; and underestimation of their potential and control from men. Women are discriminated against in all areas of life, but this is felt most acutely in politics and within families: women are under-represented in politics and in leading positions in administration, and there is unequal distribution of tasks at the household level, with women bearing the brunt of the burden.

While poor implementation of women’s rights and political, economic and socio-cultural factors facilitate this discrimination, a few men and women recognized that part of the blame for the perpetuation of discrimination also rests with women as individuals who themselves do not know their rights, do not ask for them or defend them. The level of awareness among women regarding these rights remains low, especially in rural settings, and implementation of these rights is connected to a culture of silence and gender-appropriate behavior and roles that relegate women primarily within the household and to taking care of the elderly and children.

While the GOA has been involved in all awareness-raising campaigns for the improvement of the status of women implemented by NPOs, participants indicated that good coordination between the work of the GOA and NPOs is of paramount importance.

Asked whether they knew about CEDAW, only men and women directly involved with initiatives on implementation of women’s rights claimed to know of the Convention. Among these, the prevalent view was that the text of the Convention constitutes a good instrument that facilitates the reporting of the status of women in Albania. However, in general, there is little familiarity with the existence of the Convention. Information on how the Convention is being implemented is also lacking. Campaigns that facilitate a process of awareness and familiarity with the Convention and other important documents that focus on women’s rights were deemed necessary.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated there in and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Areas of concern

- The sphere of application of the Gender Equality Law is limited only to public life. Gender-based discrimination in the religious beliefs or private lives of citizens is therefore left uncovered by legal guarantees.
- Secondary legislation and establishment of institutional mechanisms to implement gender equality and eliminate gender-based discrimination need to be in place.
- Application of sanctions for acts of discrimination under the Gender Equality Law is difficult as those provisions are unclear.
- The Albanian Criminal Code does not contain domestic violence provisions.
- Albanian legislation lacks appropriate protection mechanisms and procedures for domestic violence cases.
- No gender-related analysis has been performed on existing and upcoming legislation.
- Lack of awareness that that sanctions against inequality exist.
- Few instruments exist to ensure gender equality is implemented.
- Religious and cultural practices result in discrimination against women.
- The Government of Albania has not issued an official translation of CEDAW.

De Jure Compliance

Albanian legislation has fair complied with Article 2 of CEDAW. The principle of equality of men and women, as mentioned under Article 1, is embodied in the Constitution, as is prohibition of discrimination.⁶ In addition, the Family Code, in defining marriage, declares moral and legal equality of spouses as an important basic principle.⁷

⁶ Article 18 of the Constitution states: 1. All people are equal before the law; 2. No-one shall be discriminated against on grounds of gender, race, religion... (etc.)

⁷ Family Code, adopted by law no. 9062, of 8 May 2003, article 1

The Gender Equality Law proclaims equality of rights for men and women not as a principle but as its scope: “The scope of this law is: (a) to ensure realization of equal rights of men and women, guaranteed by Article 18 of the Constitution...; (b) to define measures for the promotion of equal opportunities for men and women with a view to eliminate gender-based, either overt or indirect discrimination in the whole country”. Effects of this law however extend only to public life and do not apply to religious beliefs or private life of citizens.⁸ Therefore the law should have included provisions to prevent or combat this form of discrimination even if it occurs in the private or religious sphere.

Article 3 of the Gender Equality Law clearly provides for specific tasks for the government and public administration to implement equal rights for men and women. “...the Council of Ministers and public administration... shall: (a) make sure that equal rights of men and women are guaranteed by normative acts; ... (c) set up institutional mechanisms to provide support for public institutions and civil society programs designed to ensure equal opportunities for men and women...” The GOA has not issued the secondary legislation necessary for implementation, nor has it established the institutional mechanisms to implement gender equality and eliminate gender-based discrimination.

The Criminal Code contains the most severe sanctions against discrimination. Article 253 states that distinction on the basis of origin, sex... made by a person holding a government or public office, which results in unfair privileges or in refusal of a right or benefit guaranteed by the law, shall be punishable by fine or imprisonment up to five years.

Punitive provisions are also included in the Albanian Labor Code. Article 9, paragraph 1 prohibits any kind of discrimination in employment and professional activity without distinction as to the employer, who may be a public institution or a private person. Discrimination shall result in sanctions up to 50 times the minimal monthly salary.

The Gender Equality Law similarly prohibits discrimination in labor relations (public and private) as well as in the field of education and science. In addition, to support and improve balanced participation of women in decision making, it obliges political parties and NPOs to abide by this law.⁹ Article 7 is designed to ensure gender equality in the field of social insurance and social assistance. Violation of the Gender Equality Law by public or private persons may result in disciplinary, administrative, civil or criminal sanctions as set forth in Article 15. These sanctions are not expressly described in Article 15, but reference is made to provisions of the Labor Code, Civil Code, Criminal Code and to the law “On the Civil Servant’s Status”. This wording is unclear, making application of sanctions difficult.¹⁰ It is unclear when responsibility shall be disciplinary and not criminal or civil, and how implementation is to be monitored and which institution or public official is to hold the violators responsible. The only clear sanction mentioned in the law is when a public administration employee violates the Gender Equality Law, in which case there may be a fine up to 30,000 Lek (approximately US

⁸ Gender Equality Law, no. 9198, approved on 1 July 2004, article 1, paragraph 2

⁹ Gender Equality Law, no. 9198, approved on 1 July 2004, article 10, paragraph b

¹⁰ Article 15 of the Gender Equality Law states: “Violation of provisions of this law, shall bring about, depending on the case, disciplinary, administrative, civil or criminal responsibility for the guilty person, in accordance to provisions of the present law, of the Labor Code, of the Civil Code, of the Criminal Code and of the Civil Servant’s Status Law, no. 8579, of 11 November 1999”

\$300) to be imposed by the employee's highest supervisor or the State Inspectorate of Labor.

Limitation of the application of the Gender Equality Law to only some areas covered by the CEDAW and lack of provisions prohibiting and sanctioning gender discrimination in other thematic laws leave individuals without legal "weapons" to bring discrimination cases to court. Ideally, a citizen in the Albanian legal system would seek enforcement of a legal right rather than a constitutional right, meaning a right deriving from a specific law, enacted on the basis of and for the implementation of a particular provision of the Constitution. The petitioner in this case shall demand a personal right, pointing out to the court the specific article of a given law, rather than a right stated in the Constitution. This would be easy in the case of the Labor Code, which contains specific discrimination provisions, as it would be in the case of the Gender Equality Law for areas it expressly covers, such as education, labor and science. In other cases of gender-based discrimination, which the Gender Equality Law or any other law fails to tackle, the petitioner may potentially be left with no legal provisions to invoke in order to back his/her claim.

Article 17 of the Gender Equality Law abrogates three Council of Ministers Decisions¹¹ as well as all legal and sub-legal acts conflicting with it. This latter expression leaves room for – and even needs – interpretation. A thorough gender analysis of existing legislation is necessary to determine whether this is in compliance with CEDAW and the Gender Equality Law and to draw conclusions as to its practical effects on women and men. As a matter of principle, the same analysis should be performed routinely with regard to all proposed legislation in Albania. Gender mainstreaming should be a concept known and accepted by all law makers and law drafters, in addition to policy makers, and all forthcoming legislation should be analyzed from a gender perspective.

Albanian legislation addresses gender-based violence, including domestic violence. For the first time, Article 62 of the Family Code provides the possibility for a spouse to ask the court to remove a violent spouse from the marital residence for up to three years. This provision uses gender-neutral language but studies and surveys conducted in Albania reveal that women are those most in danger of this form of violence, which leads to the conclusion that this provision is intended to protect women. This provision alone however, is difficult to be implemented by the courts because it needs other procedural provisions to accompany it. The Albanian Criminal Code criminalizes violence against women either specifically or under more general provisions. Violence against women is covered by several sections of the Code as indicated in the table below:

¹¹ No. 415, of 1 July 1998, no. 59, of 23 January 2003 and no 127, of 15 March 2003. These decisions established the Committee for Equal Opportunities, the state agency charged with the duty to advance women's rights and promote gender equality. Therefore from the entry into force of the Gender Equality Law the Committee for Equal Opportunities officially ceases to exist.

Albanian Criminal Code on Violence Against Women

| Sections of the Code | Criminal offenses against individual freedom | Criminal offenses against morals and dignity | Criminal offenses against marriage and family | Sexual crimes |
|-----------------------------------|---|--|---|---|
| Specific Criminal Offenses | -Abduction -Trafficking of women - Illegal deprivation of freedom | Exploitation of prostitution | Forcing or prohibiting initiation or continuation of marriage | - Rape (minor girls or adult women) - Sexual relations between biological family members, guardian and ward, adopted child and parents |

Although according to Article 50 criminal offenses against pregnant women and offenses committed by taking advantage of family relations between the victim and the perpetrator are considered as aggravating circumstances, the Code does not contain express domestic violence provisions. These are covered by more general crimes such as murder, wounding, battery, with no distinction in theory as to whether the perpetrator is a stranger or a family member. However, given the prevalence of domestic violence, Albanian criminal legislation should undergo amendments with a view to specifically criminalizing this form of gender-based violence. Sanctions in this case should be more severe because domestic violence affects not only the victim but a larger group of family members, especially children who witness it.

De Facto Compliance

The majority of participants recognized that while legally most rights are guaranteed to all women, in practice this is far from the reality. Traditional practices in particular hinder the implementation of laws that promote equality. In addition, discrimination against women sometimes occurs among women themselves and is promoted through women's actions. Several participants perceived that covert discrimination is abundant, and no sanctions against inequality exist.

(a) Embody the principle of equality in national constitution or legislation. The principle of equality exists both in the Constitution and national legislation. However, no cases have been brought to court challenging violations of this principle. CEDAW is part of the domestic legal system and even prevails over conflicting domestic laws. Informally, lawyers, judges and prosecutors, irrespective of gender, have received detailed information on the contents of CEDAW and its importance vis-a-vis Albanian legislation in different trainings. However, the text of CEDAW has not been officially translated and published in the *Official Gazette* of the Republic of Albania. As publication in *Official Gazette* confirms enforcement of any laws and official documents, the main challenge for lawyers and judges remains referring to the Convention and implementing it in practice.

(b) Legislation prohibiting discrimination. While there are sanctions against discrimination in employment, no cases have been reported. However, notwithstanding the absence of employment discrimination cases in the courts, such form of discrimination is prevalent in the both the private and public sectors. Absence of reporting is due to women lack of awareness of their rights in the workplace. Employment contracts are not compiled in full accordance with the law. Thus, in the private sector cases of employment without contract are dominant, while in the public sector cases related to glass ceiling and sexual harassment are avoided.

(c) *Legal protection of women's rights.* An increase in the number of women lawyers, and of women in the police force in all the police structures including the Ministry of Public Order, has brought about a new mentality in the legal profession and the police force. Legal services are available to all women who are prosecuted for penal cases. In cases where women in penal cases are not able to afford defense through a private lawyer, they are represented by lawyers provided by the state. However, the legal protection services are used infrequently by women. This is linked to the level of knowledge that these services exist, lack of trust that free services provided by the state are quality services, the level of engagement of women in society, and the relationships women have in their families in which frequently men are perceived as the ones who have to deal with the law. Other impediments are connected to women's self-esteem: Albanian women rarely speak out, especially in family-related problems, and often resign themselves to what they call their destiny. Women in penal cases are a minority. In 2001, only three percent of women were sentenced in penal cases. No free services are available for women in civil cases.

(d) *Eliminating discrimination in the public sphere.* Because of the absence of a family court and a court for minors, there may be limited knowledge of the rights of these two categories. Due to restricted funding, civil servants and law enforcement professionals have received sporadic training sessions on gender equality and the enforcement of anti-discrimination laws. Resources are needed to substantiate the experience received through training and education programs.

(e) *Eliminating discrimination in the private sphere.* The Labor Inspectorate at the Ministry of Labor, Social Issues and Equal Opportunities ensures that legislation on working conditions and health insurance is observed in the private sector. The private sector, however, is less regulated in terms of procedures that ensure compliance with anti-discrimination laws. Hiring is primarily left to the preferences of the employer. No measures have been taken by the state to eliminate cultural practices that restrict women's opportunities to gain employment.

(f) and (g). *Discriminatory laws and reform.* There is no evidence that the state itself has conducted studies that assess the existence and effects of discriminatory laws and practices. Social and cultural patterns that feed into stereotyping were the main area of concern for the majority of the participants. Common stereotypes include believing that leadership positions are usually for men, in politics men should take the lead, women should be subservient to and listen to men, women are a complementary part of men, and women should do all the housework. Participants believed that religious and cultural practices do, to some degree, influence the discrimination of women. With regard to religion, participants were divided into two different camps. Some were of the opinion that religion plays a significant role in the creation of these stereotypes, because certain religions portray women as sensual and untouchable beings. In the name of these characteristics, women are called the "ivory tower" and are thus distanced from real-life relationships. Women are often treated just as individuals who serve to create a micro-environment and are not seen as social human beings. In this respect, religion hampers women's development. Other participants were of the opinion that religion rarely presents oppression and discrimination of women from men. Cultural practices have the strongest influence in the discrimination of girls and women as they are connected to family education and upbringing in Albania. Mothers usually teach their daughters to be submissive, and to obey their husband and in-laws, particularly in the rural and remote areas of Albania. In addition, it is deemed inappropriate for women to enter public arenas such as politics, because family is more important. The common stereotype fed

through these practices is that women must be employed in traditional occupations such as teaching, social work, or secretarial services; men instead should be the leaders in both public and private sectors.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality of men.

Areas of Concern

- Secondary legislation detailing the composition, structure and specific tasks of a governmental structure to ensure gender equality is not available.
- Financial support to these structures is not taken into account in the approval of the annual budget law.
- There is lack of gender authorities/structures at the ministerial level with the legal mandate with regard to gender mainstreaming.
- No long-term plan has been devised with regard to the implementation of this article.

De Jure Compliance

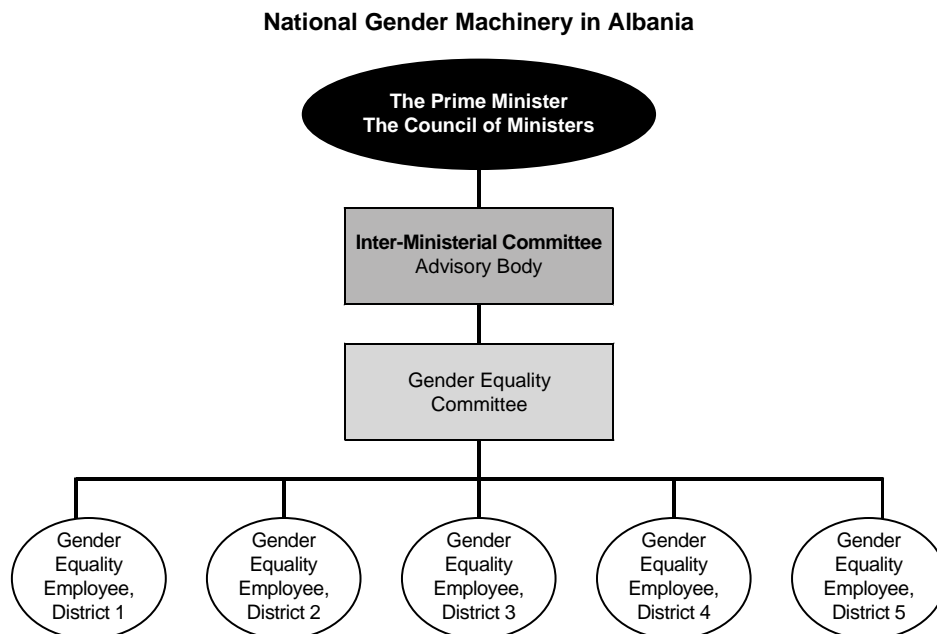
Compliance of Albanian legislation to CEDAW's Article 3 may be described as fair. State responsibility for gender issues is distributed amongst several government structures, at the prime minister, ministerial, and county level. The Gender Equality Law establishes state structures with the task to take appropriate measures and to enforce non-discrimination laws.

First, the Gender Equality Law creates a consultative body – the Inter-ministerial Committee – that reports to the Council of Ministers. This committee is tasked with implementing the state's gender equality policy, preparing and promoting programs and monitoring the situation of gender issues in the country. The description of its functions and composition is left to secondary legislation.¹² According to article 12 of the Gender Equality Law, this Inter-ministerial Committee is a supervisory body to the Gender Equality Committee. The latter Committee has the following statutory duties:

- a) proposes to the Inter-ministerial Committee programs and action plans for the promotion of gender equality
- b) reports to the Inter-ministerial Committee as to the situation of gender balance in Albanian society
- c) informs the Inter-ministerial Committee on the activity of gender equality employees around the country at the local (county) level
- d) provides training on gender equality
- e) organizes collection of gender disaggregated statistics
- f) prepares programs and action plans for the attainment of gender equality
- g) leads and monitors implementation of programs adopted by the Inter-ministerial Committee
- h) undertakes awareness-raising campaigns for the public on the issue of gender balanced society
- i) cooperates with feminist movement representatives as well as international bodies

¹² Article 13, paragraph 2 of the Gender Equality Law states: "The composition, organization and functioning of this Committee shall be provided in an order issued by the Prime Minister"

The diagram below represents the structures established at the national and local level by the Gender Equality Law:



Until the law was passed, the Committee for Equal Opportunities, a predecessor of the Gender Equality Committee, had gender focal points in each ministry. These ensured transfer of gender-related information between the Committee and the respective ministry. The new law however, when it refers to gender equality employees, mentions them in the framework of the local (county) level, not at the ministerial level. If these structures (gender focal points) were in the past effective or perceived as important, it would have been wise to not only mention them in the new Gender Equality Law, but also establish their status, duties and responsibility, with a view to consolidate them.

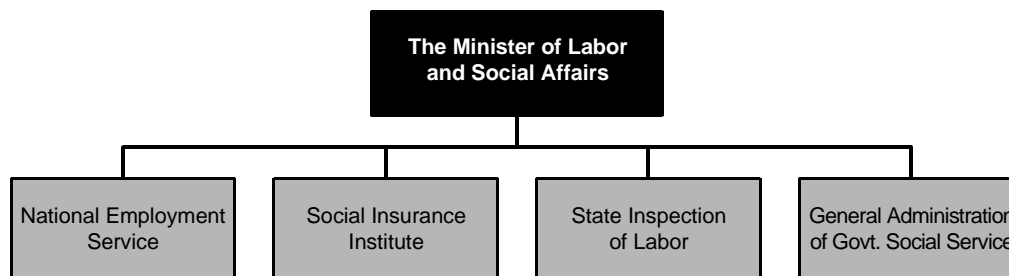
It is important to note that Article 17 of the Gender Equality Law annuls secondary legislation which created the Committee for Equal Opportunities and described its organization and function. The Council of Ministers should have issued new decisions to establish a successor committee and define its organization and function. These sub-legal measures should be taken immediately because the Committee for Equal Opportunities (now provisionally called the Gender Equality Committee) currently has no status *de jure*.

A second structure, the Minister of Labor and Social Affairs, is the public authority responsible for the implementation and enforcement of the Gender Equality Law in the sphere of employment. The Minister leads and monitors the activity of the structures under his/her supervision. With the new government administration in place since

September 2005, the Minister includes Equal Opportunities in its title, which means the Ministry will focus on gender equality in addition to labor and social affairs.¹³

The diagram below represents the authorities that implement and monitor implementation of Gender Equality Law in the field of labor and employment:

Implementation of the Gender Equality Law in the Ministry of Labor



A third authority enforcing non-discrimination laws is the judicial system. A person who claims to have suffered discrimination in any sphere of life may petition the court and may invoke either specific articles of CEDAW, the Labor Code, the Gender Equality Law or the Constitutional right to equality and non-discrimination.

The institution of the National Ombudsman is a recent creation in the Albanian legal and state system. The Ombudsman may undertake investigations and formulate reports based on citizen complaints of actions taken by public authorities, including discrimination on any grounds. However, the National Ombudsman does not have any specialized section on gender issues.

De Facto Compliance

Activities of national machinery. Changes in combating discrimination have occurred, but these are far from apparent, stable and inclusive of all geographic areas of Albania. Discrimination of women in Albania may be reduced or eliminated through the work of multiple actors. The GOA is a key actor in this process. A few achievements were noted, albeit with reservations. The GOA has established a draft platform to improve the status of women in the country for the period 2002- 2005. This platform has given significant importance to gender equality in governance and decision making, the economy, society, health and education. This platform focused on gender equality in governance and decision-making, the economy, society, health and education. Women living in rural areas, who experience the most discrimination and are most disengaged from social and political life, were given special attention in this platform. Furthermore, the GOA established a program that encourages employment of women who fall into various categories, such as women in need, prostitutes and Roma women. This year the program has targeted marginalized and discriminated communities. (See *de facto* discussion in Article 11).

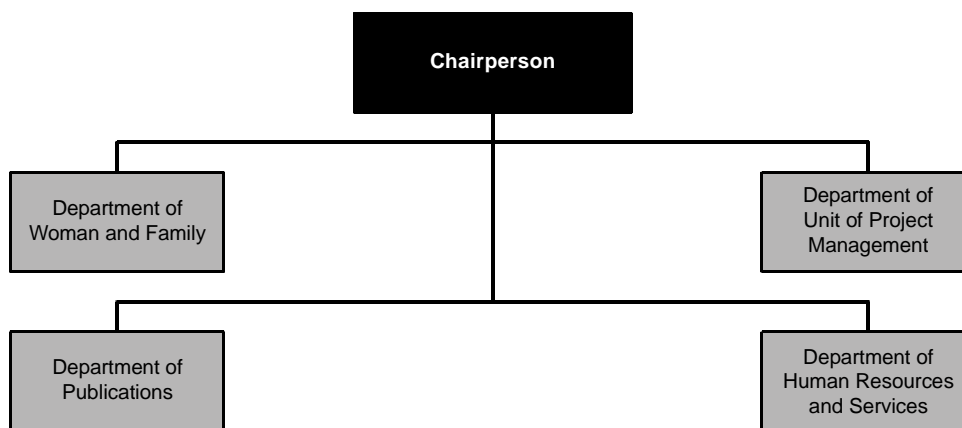
¹³ The new complete title for the head of this important institution is Minister of Labor, Social Affairs and Equal Opportunities. The description above however will utilize the previous term: Minister of Labor and Social Affairs, as this is the definition provided in the Gender Equality Law.

The main national mechanism for implementing gender equality is the Committee for Equal Opportunities (CEO), sometimes referred to as the Gender Equality Committee. The CEO is a central organism that is governed by the GOA. The CEO provides institutional support for the promotion of women's interests, *inter alia*, implementing government policies on women's and family issues, coordinating and evaluating programs, drafting proposals for new legislation and/or amendments to existing legislation on family and women's rights in accordance with international standards, and supporting the activities of NPOs in regard to women and the family.

The CEO has been through a few transitions since it was originally established in 1992 as the Woman and Family Sector in the Ministry of Labor, Emigration and Politically Ex-persecuted. In 1994 it became a Department of Woman and Family in the Ministry of Labor, Emigration and the Politically Ex-persecuted. In 1996, it was changed into State Secretariat in the Ministry of Culture, Youth and Women, to be transformed once again in 1997 into the Department of Woman and Family within the Ministry of Labor, Social Affairs and Woman. In 1998 the department was renamed the Committee of Woman and Family and housed within the Council of Ministers. In 2001, the committee's name was changed yet again. The current Committee for Gender Equality is under the supervision of the Minister of Labor, Social Affairs and Equal Opportunities, and, as described above, is a *de facto* structure with no legal basis.

The structure of CEO is as follows:

Committee for Equal Opportunities Internal Structure



The staff of the CEO is well qualified and includes legal and social experts. In the past five years, through donor funding, including funding from the UNDP, the Soros Open Society Foundation and the Friedrich Ebert Foundation, the CEO prepared the Albanian Government Platform for Action, National Strategy on Children, and the CEDAW Report¹⁴. The CEO has also conducted training sessions to raise awareness among local government staff and representatives of NPOs, organized campaigns nationwide for women's rights, and gender-related workshops including a discussion of CEDAW, the GOA Platform for Action and Albanian Legislation on women protection.

¹⁴ The combined initial and second periodic report of Albania, CEDAW/C/ALB/1-2

Achievements notwithstanding, a more engaging and committed role from the GOA in improving the status of women in Albania is required. It is not sufficient to set up new statutory structures. It is important for the process of law implementation to be backed by secondary legislation which describes *in detail* the composition, structure and specific tasks of these structures. Equally important is the financial support of these agencies which should be taken into account in the approval of the annual budget law. For example, funding for CEO has been insufficient and its action has been influenced by its limited funding. At the policy level, a future recommendation may be the compilation of specific policies that mainstream gender in every domain of work and life and thus create appropriate and necessary mechanisms for the implementation of those policies.

Long-term plan. No long-term plan has been devised to implement Article 3 of CEDAW. The Gender Equality Law and this report, however, form a basis upon which governmental structures may prepare a long-term plan for implementing this and other CEDAW articles.

Article 4

- 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
- 2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

Areas of Concern

- Albanian legislation generally lacks temporary special measures, such as quota, zebra systems, preferential treatment for women, etc., aimed at accelerating equality between men and women in all spheres of life.
- The Gender Equality Law introduces the concept of temporary special measures but does not provide further specifications to make it effective.
- Informational campaigns to understand the Gender Equality Law have been waged primarily by NPOs.

De Jure Compliance

The Gender Equality Law introduced for the first time the concept of temporary special measures in Albanian legislation. Article 10, Paragraph (d) provides: “To adjust gender participation rates in the decision-making process and in institutions, during the selection procedure, a female candidate shall have preference over male candidates with the same score, qualifications and experience”. However, it is unclear to which decision-making processes and institutions (government agencies, public or private institutions or all of these) the law applies. In addition, the term “selection process” leaves wide room for interpretation. The law should specify whether preferential treatment is applied to recruitment of civil servants or other employees, and whether it is also applied in promotions, in-job trainings or further specialization. Potentially Article 10 of the Gender Equality Law could have no limitations and could extend, for example, even to selection processes for public tendering procedures to favor businesses owned by women. As a matter of principle, legislation of the systems such as the one in Albania, is rather precise and limits the possibility of law implementers interpreting or misinterpreting legal provisions. In order to avoid possible violations or limitations of women’s rights a clearer wording of this provision and a description of procedures and authorities responsible, is strongly recommended, as well as effective sanctions for failure to apply this form of positive discrimination.

Considering the disproportionately low participation of Albanian women in the decision-making processes in both private and public sectors, temporary special measures are a desirable remedy. Utilization of other schemes such as the quota system is recommended.

De Facto Compliance

While the Gender Equality Law has provided the necessary basis for temporary special measures that favor women, especially in employment, a major challenge remains regarding how these measures are perceived. Many discussions on gender are in fact a reference to “women’s issues”, “women’s problems”, problems “that must be solved by women themselves”. Such perceptions create the impression that society may become so

aware of catering to girls' and women's needs that boys and men will suffer disproportionately. Awareness-raising campaigns that focus on what boys and men lose when girls and women in their families are not being integrated in education and employment fields may be necessary.

The Albanian Government has progressively encouraged employment of special categories of women to help integrate them into the labor market. For example, the state strategy on Employment and Vocational Training 2003-2008, which entered into force in January 2003, pays particular attention to unemployed women. A decision of the Council of Ministers "for the Program of Promotion of Employment for Registered Unemployed Women", dated September 18, 2003, gives special priority to the promotion of women's employment. In 2004, an Order of the Minister of Ministry of Labor and Social Affairs foresaw considerable fee reduction or free-of-charge vocational trainings for special categories, including women in need and Roma women. While the administration may be aware of these special strategies, decisions and measures, there is little information on progress, if any, in implementation or whether the women targeted are aware of the opportunities that exist.

Lack of transparency on implementation of these temporary measures has contributed to reduced trust among women over whether the measures are working. For example, the measure requiring that a female candidate be given priority for a vacancy in public administration in the event male and female candidates score equally, is not implemented rigorously. Participants believed that this measure can be avoided through manipulation of points. A gender-balanced review committee is recommended in such cases.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Areas of concern

- National information campaigns addressing elimination of gender stereotypes have been waged primarily by NPOs.
- The media feeds into stereotyping by either criminalizing or sexually glamorizing women.
- Women still remain the main caregivers, despite the fact that women may be employed outside their home.

De Facto Compliance

(a) National information campaign to eliminate gender stereotypes. No national information campaigns have been undertaken by the GOA to address elimination of gender stereotypes. Most of this work has been undertaken by NPOs specialized in gender issues. NPOs' trainings, which have been conducted over most of Albania, have targeted women and men of various age groups, educational level and professions. However, this work has been poorly coordinated. Participants indicated that lack of coordination may have resulted in waste of resources.

Media. Journalists and reporters come from an environment that is replete with stereotypes that discriminate against women, and therefore tend to reflect this reality. For example, one participant remembered that a chronicle on International Women's Day (March 8) showed the high achievements women have reached in education, but neglected to mention that at the university level, most leading positions are held by men. Other ways that media may feed into stereotyping is by partial reporting or by presenting women as objects of pleasure. Women are glamorized in advertisements for commercial telephone sex lines. A study that monitored how printed media depicted domestic violence in 2001-2002 found that media reinforced gender stereotypes by labeling, an unprofessional use of vocabulary in depicting women and chasing sensational news with little regard to analysis of the issues (Gjermeni & Bregu, 2003). It is recommended that media professionals undergo training sessions on awareness-raising with regard to how to better represent women and their concerns.

(b) Common responsibility of both parents in child-raising. Albania has a long way to go in the area of shared parental responsibility in child-raising. In fact, the Albanian state has done little in this direction. For example, Albanian legislation does not facilitate paternal leave. Work places that employ large numbers of women lack services for children. However, the main problem rests with tradition – shared responsibility for raising children does not happen, and women still remain the main caregivers, despite the fact that they may be employed outside their home. Stereotypes are passed to the newer generation through

parenting, although there are differences in how this is done. This is more apparent among the population that has been living in Tirana for a long time and the migrants who have moved to the Tirana suburbs. Participants were of the opinion that while the state provides the necessary legal mechanisms, changing ideas about sharing parenting responsibilities remains an individual's choice. Civil society has undertaken to do this in the past 15 years, but no surveys on the impact of all this work have ever been undertaken.

Article 6

State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Areas of concern

- Albanian legislation considers prostitutes to be criminal offenders.
- Witness protection is inefficient.
- Cooperation on implementation of trafficking legislation is lacking.
- Large-scale awareness-raising campaigns on trafficking are lacking.
- There is no reporting on violence against or abuse of prostitutes.
- Protection and/or assistance of victims and their rehabilitation is needed.

De Jure Compliance

Albanian legislation presents good compliance with this Article 6 of CEDAW. Exploitation of prostitution may be punishable by up to fifteen years of imprisonment.¹⁵ Similarly, the Criminal Code criminalizes ownership of premises where prostitution is exercised and procuring clients for prostitutes.¹⁶ However, the Albanian Criminal Code is one of the few, if not the only one, in Europe that considers prostitutes to be criminal offenders.¹⁷ From these provisions it is unclear whether the *client* may also be considered an offender. The provision on exploitation of prostitution may be interpreted widely to include clients, but again this is a question of practical implementation of the law and one of awareness and internal conviction among judges and prosecutors.

Recent amendments to criminal laws brought Albanian legislation nearer to international standards. New provisions on trafficking,¹⁸ including the trafficking of women, adopt

¹⁵ Article 114/a of the Criminal Code

¹⁶ Articles 114 and 115 respectively

¹⁷ Article 113 of the Criminal Code provides: Exercise of prostitution is punishable by fine or imprisonment up to three years

¹⁸ Article 2 of law no. 9188, dated 12 February 2004 "On some additions and amendments to law no. 7895, dated 27 January 1995 The Criminal Code of the Republic of Albania," provides the following definition for trafficking of women:

"The recruitment, transport, transfer, hiding or receipt of women through threat or use of force or other forms of compulsion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits, in order to receive the consent of the person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, work or compelled services, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, are punished with imprisonment of from seven to fifteen years and with a fine of from three million to six million lek.

The organization, management and financing of the trafficking of woman is punished with imprisonment of from ten to fifteen years and with a fine of from five million to seven million lek.

When this offence is committed in collaboration or more than once, or is accompanied by mistreatment and making the victim commit various actions through the use of physical or psychological force, or brings serious consequences to health, it is punished with imprisonment of not less than fifteen years and with a fine of from six million to eight million lek.

When the offence has brought about the death of the victim as a consequence, it is punished with imprisonment of no less than twenty years or with life imprisonment, as well as with a fine of from seven million to ten million lek.

When the criminal offence is committed through the utilization of a state function or public service, the punishment by imprisonment and the fines are increased by one quarter of the punishment given."

almost the same definition provided in the additional Trafficking Protocol to the U.N. Convention on Transnational Organized Crime. These amendments, accompanied by other legislative changes with regard to witness and cooperative witness protection, new investigative techniques and the anti-mafia legal package, collectively seek to suppress all forms of trafficking of women.

Since early 2004 Albania has had a special jurisdiction court, the Serious Crimes Court.¹⁹ Procedural amendments²⁰ later that year direct all trafficking in persons (TIP) cases to the Serious Crimes Court instead of general jurisdiction courts.

De Facto Compliance

Trafficking in women and girls. Albania has been proactive in the fight against trafficking in the last few years due to pressure from international bodies and NPOs. Awareness-raising campaigns among various segments of society have been mounted. The state has responded to changes suggested through international instruments, and there is an increased commitment to prosecution. However, reported cases of trafficking remain high. The set-up of the system of Serious Crimes Court with special jurisdiction on trafficking cases and other organized crime activities raises the efficiency of the state response to this phenomenon. Sources from the first instance Serious Crimes Court indicate that the number of trafficking cases handled by the Serious Crimes Court judges in the first half of 2005 is considerably higher than these same cases handled by normal jurisdiction courts in the last three years prior to the set up of this Court.

The Office for Combating Trafficking, Ministry of Interior

In 2002 the Office for Combating Trafficking (OCT) enabled the collection of valuable and sufficient information for the interception and elimination of the large networks of trafficking of human beings, women and children. This office now has considerable experience and the staff is highly qualified through trainings tailored to the specific duties. Some of the previous legal vacuums now have been filled and we can now take appropriate legal measures to penalize all wrongdoers. This includes prosecution and long-term/heavy sentences for people involved in trafficking. I believe this has positively influenced the decrease of cases of trafficking. Several cases are in court. Other cases have been concluded and all those who were punished are still doing time. The police and the court of serious crimes are very strict in the case of trafficking. This court and the special Task Force Group created for this reason has fully cooperated and the cases of trafficking are given due and extraordinary attention.

Representative of the OCT

Protection and/or assistance of victims of trafficking. Through a project of the Ministry of Labor and Social Affairs and IOM, a center was set up in Tirana in 2003 and is currently operational.

Various entities with responsibilities in addressing and combating trafficking have cooperated with NPOs to gain knowledge on the psycho-social needs of victims of trafficking. While some exchanges at the professional level with international entities and training have been conducted, further training to raise the professional level of individuals engaged with the fight against trafficking is limited for financial and logistic reasons. Inclusion of psychologists and social workers in the police force has facilitated the process. The curricula in the School of Police Force includes regulations that focus

¹⁹ Law no. 9110, of 27 July 2003 “On the organization and functioning of serious crimes courts”

²⁰ Article 4, law no. 9276, of 16 September 2004 “On some additions and amendments to law no. 7905, of 21.3.2005 The Criminal Procedure Code of the Republic of Albania, as amended”

on professional ethics and interviewing, especially among populations at risk, such as trafficked and exploited human beings. However, training on protecting confidentiality of victims is mandatory. The School of Magistrates conducts continuous training sessions with judges and prosecutors, with particular emphasis on vulnerability to trafficking and especially on the way of how to treat the victims. There is also a great need to raise the awareness of other legal professionals, and of the society in general regarding trafficking, with a special focus on mitigating negative prejudices towards the victims. Considerable work in this direction on the framing of prevention must also be undertaken by the institutes of education, starting with preschool children. Lastly, through a series of documentaries, national TV (Top Channel) has raised awareness of trafficking and prostitution, particularly the recruitment and treatment of victims. This effort must be applauded, but at the same time it must be followed by other examples of this nature.

As for services offered to victims of trafficking, at the police level, there is a unit or person trained to treat a girl or woman who has been a victim of trafficking. The representative from the prosecution has to be present during the interviewing of the victim of trafficking.

Prevention. Awareness-raising on the risk of trafficking is uneven. In rural areas, where it is most needed, little is done to raise awareness on the risk of trafficking. Instead, preventive information is usually exchanged at the individual level. The need exists for more formal efforts to be waged. Among police, prevention work is mired with prejudice and this is an important area of intervention.

Exploitation of prostitution. Prostitution is kept hidden in Albania and is difficult to spot. The challenge remains that women are usually subject to scorn for practicing prostitution although they may be doing it solely for economic reasons.

Before the law on victims of trafficking was passed, these women were considered prostitutes and were treated as such through legislation that prohibits/punishes prostitution. Through efforts of the NPOs and the raised awareness of lawyers and judges, fewer victims of trafficking are considered prostitutes by the criminal justice system.

Representatives of police forces were of the opinion that the police should not only arrest those engaged in prostitution, but also those who sustain, or financially support, it. Violence against women who practice prostitution is not reported to the police or other appropriate institutions. The assumption was that since prostitution is criminalized, women are afraid to report such problems. A representative of the police force commented that the law of witness protection is also very recent and it presents a host of juridical and financial problems. Witness protection requires collaboration from other countries. For this law to be implemented correctly, cooperation is needed for the approval of other legal acts.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Areas of concern

- There is low participation of women in political life resulting in insignificant representation of women in decision-making structures.
- Quotas or similar systems that encourage women's participation in politics or decision-making structures are lacking.
- Despite good legislative compliance with Article 7 of CEDAW, laws are rarely translated into concrete programs and policies to ensure real life participation for women.
- A gender-specific mentality that sees women as providers of family care and men as leaders in politics makes women withdraw from participating in political life.
- A balance between quality and quantity of female candidates engaged in politics should be observed.

De Jure Compliance

Both the right to vote and the right to be elected are guaranteed by the Constitution to all Albanian citizens with no distinction as to the sex of the person.²¹ This right extends to elections as well as public referenda. Moreover, the Election Code stipulates: "Any Albanian citizen, without distinction as to race, ethnicity, gender... has the right to vote and to be elected in accordance with the rules set forth in this Code".²² It continues: "Electors freely exercise their right to vote in accordance with the rules set forth in this Code".²³ Furthermore, the Republic of Albania has also ratified a number of other international instruments guaranteeing the political rights of women, such as Protocol 1 of the European Convention of Human Rights.

The Albanian Constitution uses gender-neutral language guaranteeing everyone the right of assembly, which includes the setting up or adherence to not-for-profit organizations, political parties or other bodies in political and public life.²⁴ Similar language is used for other important functions including the head of state and ministers. Article 12 of the Law on the Status of the Civil Servant stipulates: "Any Albanian citizen who enjoys full legal capacity, meets legal requirements with regard to the educational level and

²¹ The Constitution of the Republic of Albania, law no. 8417, of 21 October 1998, article 45

²² The Electoral Code, law no. 8609 of 8 May 2000, article 3, paragraph 2

²³ The Electoral Code, law no. 8609 of 8 May 2000, article 3, paragraph 3

²⁴ The Constitution of the Republic of Albania, law no. 8417, of 21 October 1998, article 46

possesses professional qualifications required by the job position may be recruited in the civil service.”²⁵

The Gender Equality Law goes a step further; it displays the concept of equal opportunities, not just equal rights for men and women to participate in public functions and the decision-making process. Article 10 of this law stipulates: “Equality of opportunities for men and women with regard to participation in the decision-making process shall be attained through:

- a) establishment of a gender-equal society based on equal opportunities provided to both men and women as equal partners in society, in the design and implementation of government policies at the central and local level and of private institutions policies;
- b) political parties and not-for-profit organizations shall act in compliance with this law, to improve and support the balanced participation of men and women in the management and the decision-making processes in the political, legislative and public life in general;
- c) high-level government officials, who have the legal right to propose candidates for important public functions shall provide equal opportunities for men and women;
- d) the Department of Public Administration and human resources departments at independent institutions ... shall establish same criteria for recruitment, evaluation and selection for men and women;
- e) to adjust gender participation rates in the decision-making process and in institutions, during the selection procedure, a female candidate shall have preference over male candidates with the same score, qualifications and experience”

De Facto Compliance

Despite good legislative compliance to Article 7, participation of Albanian women in public and political life as well as the decision-making process remains limited. Laws have yet to be translated into concrete programs and policies to ensure real participation for women. Having a certain percentage of women participate at the executive or legislative bodies may be included as a legal requirement.

(a) Right to vote. Among government representatives, the prevalent idea is that there is zero tolerance toward violation of an individual’s right to vote. Although women generally exercise their right to vote, anecdotal reports provided from representatives of NPOs show that in some places women may not be allowed to enter the voting booth if they are not accompanied by men. Unfortunately, these cases have not been documented. Focus group interviews also indicated that while the vote is secret, preliminary work is done at home by husbands who tell women who to vote for. Some women participants in these interviews indicated that, out of respect for their husbands, they would vote for the candidate their husbands recommend. The interviews point to a trend, prevalent in rural communities, that voting is more of an expression of a family “consensus” process imposed by men rather than a woman’s exercise of the right to express her opinion in privacy.

Few systematic efforts from the gender perspective have been waged to increase voter’s participation in election of women candidates. One participant recollected that in 1994,

²⁵ Law on the Status of the Civil Servant, no. 8549, of 11 November 1999

five women candidates from different political parties held meetings with women and introduced these to their program for women. International organisms such as UNDP have also waged efforts to increase awareness regarding women's participation in politics.

With regard to running for office, all candidates are equally supported financially irrespective of gender, because the interest of the political party is to have a winning candidate. In addition, in a few cases, NPOs have campaigned for women candidates and raised funds for them, but this is far from being a regular, systematic effort. There is the perception that women who enter politics may serve as good models of civic participation. In fact in political parties there is no stated preference that women should not be candidates. There are cases when women have been invited to be part of a certain political structure and have not accepted to run for office. However, in most cases political parties blame the loss in an election on the electorate that does not show a preference for women.

Women and men interviewed for this report pointed to several factors that prevent women from participating in politics and running for office:

- 1) Politics have rarely been seen as a realm for women. Focus group participants reflected that the patriarchal mentality of Albanian society perceives that men should always solve problems in politics and women should be represented by men.
- 2) Blind devotion to one's political party is a crucial factor for participating in politics, and women are rarely seen capable of such devotion.
- 3) Women who run for office may be subject to harassment and attacks against their character. Contrary to the attacks on men that focus on their professional capabilities and whether they have been part of corruption and compromises when engaged in politics, attacks on women usually focus on their moral behavior and the degree to which they accomplish their role as mothers and wives.
- 4) While a negative image for women who take up politics in the higher ranking position rarely exists, at the level of towns and villages, women are hesitant to be engaged in politics. At times, women themselves show little confidence for women who attempt to enter politics.

Even though women candidates may be elected, they will be an insignificant percentage in Parliament. A system of quotas and "decided places" in the Parliament is a necessary mechanism to create opportunities for women, and thus ascertain the full, effective and democratic development of the society. This needs to be carefully studied as prior attempts by the Organization for Security and Co-operation in Europe (OSCE) to introduce the quota system were not successful.

(b) Right to formulate policy and hold public office. While women may participate in all levels in the drafting of policies, strategies and programs, at the level of implementation and evaluation they are generally excluded and not given full responsibilities. Participants perceived that women's power in decision making is limited, and they are not allowed to decide on the many issues that have to do with women. Being a minority, usually, their opinion is not taken into consideration. A model of a "female politician" has yet to be created.

Participants pointed to the importance of women being involved in politics. Firstly, equal opportunities for participation in politics are part of human rights. Countries where women's participation is lower are not as democratic. Secondly, equal participation in politics enables the interests of women to be reflected clearly in all levels of decision making. However small, women's participation in all levels has directly influenced approval of laws, drafting and implementation from which women children and families benefit. Thirdly, women's participation in decision-making structures improves governance. Having women participate in politics is essential in the achievement of the third Millennium Development Goal on gender equality for Albanian society.

Despite women's interest in participating in politics and decision-making, their representation remains very low. Although efforts were made to encourage political parties to reach the quota of 30 percent of women's participation as members of Parliament, the Albanian Parliament of 2001 recorded only 6.4 percent female representation. In the local elections of 2003 only 4 percent of municipal government and 2 percent of the communes were won by women; the elections of 2005 brought 7.1 percent women in Parliament. Women's low participation in politics is recognized as a problem by political parties and NPOs, but depending on context (whether urban or rural), changes may take time to be implemented.

(c) Right to participate in NGOs and in the public life of the country. Women are widely represented in NPOs that primarily provide social services to the most vulnerable categories of society. In fact, women's NPOs are the largest and the most senior group of civil society in Albania which dates to the early 1990s. On the one hand, these NPOs have contributed some powerful representatives that have been absorbed by state structures. The state on the other hand has needed and requested the support of these NPOs as they have good specialists whose recommendations have been valuable in designing state legislation and policies favorable to women. There are currently about 100 registered women NPOs. The National Human Development Report (NHDR), quoting data from a 2005 report of the Gender Alliance for Development Center, provides the following:

| Field of work for NPOs | Percentage of NPOs |
|--|--------------------|
| Law | 23% |
| Women, children and families | 18% |
| Economy | 11% |
| Culture | 10% |
| Information | 9% |
| Counseling and direct services | 6% |
| Rural women | 6% |
| Political forums | 4% |
| Women's decision making, religion, education, media, employment and anti-trafficking | 2% |

Women NPOs have played a useful role in increasing women's participation in politics. Although sporadic, some women's NPOs have helped raise funding for women candidates and encouraged participation in election and voting of women candidates. NPOs have lobbied with international bodies and drawn their attention to women's representation in politics.

One of the main challenges of NPOs remains good coordination of their work. The other challenge of women's NPOs remains financial sustainability. Donors' withdrawal from Albania has threatened the existence of those NPOs that are primarily donor-dependent. It is advisable that the GOA create a fund for the activities of NPOs in its annual budget so that the NPO movement continues contributing in the democratization of Albanian society.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Areas of concern

- There is low representation of women in international levels.
- There is low representation of women in the Diplomatic Corps.

De Jure Compliance

All citizens – with no distinction between men and women – have the opportunity to represent their country in international bodies provided that they meet the criteria for Foreign Service.²⁶

De Facto Compliance

Albania's initial and first periodic report regarding Albania's compliance with CEDAW (2002) states that the number of women working for the Albanian Foreign Service is increasing year by year. However, women's representation at the international level remains low. Women constitute approximately 16 percent of the representation in Albania's Diplomatic Missions (see table below for detailed information reproduced from NHDR Albania 2005).

| Position | Total | Female | % Female |
|--------------------|-------|--------|----------|
| Ambassador | 43 | 2 | 4.6 |
| Minister Counselor | 4 | 1 | 25 |
| Counselor | 15 | 2 | 13 |
| Secretary, First | 36 | 6 | 16.7 |
| Secretary, Second | 30 | 9 | 30 |
| Secretary, Third | 7 | 1 | 14.3 |
| Attaché | 2 | 1 | 50 |

No information has been published on the percentage of women holding senior posts at the Ministry of Foreign Affairs. Albania participates in the following initiatives: (1) Adriatic and Ionian Initiative (six areas of operation: fight against organized crime, economy-tourism and cooperation between small and medium enterprises, environmental protection and sustainable development, transport and shipping cooperation, culture and inter-university cooperation); (2) Central European Initiative; and (3) The Council of Europe. No information is published on the percentage of women of Albanian nationality holding assignments in international organizations representing Albania.

²⁶ Article 27 of the Foreign Service Act (Law no. 9095, approved on 3 July 2003 On the Foreign Service of the Republic of Albania) provides that anyone meeting the following criteria may be recruited for the Foreign Service: a) possesses Albanian citizenship and is an Albanian resident; b) has full legal capacity; c) has a clean criminal record; d) has not been dismissed from any public administration position; e) enjoys good health; f) has a university degree from Albania or abroad; and g) speaks a foreign language relevant to the job position.

Two main recommendations follow from this situation. First, to ensure a higher presence of women in the diplomatic positions a legally required quota is recommended. For example, the Law on Foreign Service could state that at least 30 percent of the diplomatic missions were women, or at least 20 percent of the ambassadors of Albania to other countries were women. Second, as in other fields of activity, lack of research and data contributes to inconclusive findings. Thus, further research is needed in order to identify actual or contributory factors affecting gender equality in this sector including awareness raising within the educational system, ministry management (role of nepotism and corruption; information available about employment opportunities in this sector), procedural weaknesses in the system failing to monitor/protect against discriminatory practices, and harassment.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Areas of concern

- Although women can obtain passports and are not legally required to have permission, they generally ask for their husband's consent before traveling within the country or abroad.

De Jure Compliance

Nationality of women. Albanian legislation is in compliance with Article 9 of CEDAW. Article 19/2 of the Constitution stipulates: "An Albanian citizen cannot lose his/her nationality unless he/she renounces it". This language puts men and women at the same level and requires the expressed wish of the citizen to relinquish Albanian citizenship. Therefore marriage to a foreign citizen causes neither automatic loss of citizenship, nor automatic acquisition of it. The Citizenship Law stipulates that "An alien married for more than three years to an Albanian citizen may acquire Albanian nationality by naturalization, *if they so wish*. Similarly, termination of marriage does not cause automatic loss, change or reacquisition of Albanian nationality."²⁷

Nationality of children. The Citizenship Law provides for the automatic acquisition of Albanian nationality for any child born to at least one Albanian parent, without making any distinction as to the child's mother or father. If one of the parents later changes nationality, the child may change his/her nationality only if both parents consent to it.²⁸ Again the law does not make any distinction between mother and father.

De Facto Compliance

1. *Equal rights to acquire, change or retain nationality.* Women's nationality is determined by the same criteria as men's nationality. In the past fifteen years, there has been a tendency for both men and women to change their Albanian nationality by marrying non-Albanian citizens.

In practice, a woman can obtain a passport and legally is not required to have the permission of her husband or male guardian to travel abroad. However, both men and women indicated that unlike men, women generally ask for their spouse's consent if they need to travel abroad. Women in rural areas reported that a woman must have the permission and approval of her husband (or in his absence, her parents-in-law) for traveling internally (for example to visit her family of origin). (See discussion in Article 14 regarding movement of rural women).

2. *Granting women equal rights with men with respect to the nationality of their children.* As stated in law, no problems were reported with regard to determination of child's nationality. Minor children can travel on either parent's passport, and may also have their own passports. Both parents' permission is required for its issuance.

²⁷ Citizenship Law, no. 8389, approved on 5 August 1998

²⁸ Citizenship Law, no. 8389, approved on 5 August 1998, article 7

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;*
- (d) The same opportunities to benefit from scholarships and other study grants;*
- (e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- (f) The reduction of female student dropout rates and the organization of programs for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.*

Areas of concern

- Textbooks have not been reviewed with regard to gender stereotypes.
- Continuing adult education takes place only sporadically.
- Implementation of regulations that discourage school dropping-out for girls and boys lags behind.
- Despite non-gender discriminatory provisions, sports remain male-dominated.
- Health and family planning education does not receive due attention in curriculum and teaching staff is under-qualified to teach these subjects.

De Jure Compliance

Article 18 of the Albanian Constitution guarantees the right to education to anyone without discrimination on grounds of race or sex. Article 57 elaborates this further: 1) Everyone has the right to education. 2) Mandatory schooling is regulated by law. 3) Public general secondary education is open to anyone. 4) Entrance into professional secondary education and higher education may only be based on criteria related to individual's qualifications. 5). Mandatory elementary schooling and general secondary education are provided for free. This is valid for full-time and part-time school systems. Women who married at an early age may use part-time education to complete their education.

Article 8 of The Gender Equality Law defines as discriminatory those acts of educational and scientific institutes applying different criteria for men and women with regard to admission to school, study programs, development of curricula and assessment of knowledge.

Equally discriminatory will be considered provision of different opportunities that affect choice of a particular field of study, training, graduation and duration of studies. Article 9 deals with discriminatory career announcements in the field of education.

The legislative framework regulating the three levels of education as well as vocational trainings not only adopts gender-neutral language, such as “anyone,” “specialists,” “scientists,”²⁹ “individuals”, etc., but, in some provisions, specifically prohibits discrimination or promotes equality: “This law guarantees the right to education and vocational training as provided for in the Constitution... with a view to ensure equal opportunities for all.”³⁰ Similarly, Article 3 of the Pre-university Education Law³¹ stipulates that “Citizens of the Republic of Albania enjoy equal rights to education at all levels covered by this one law, irrespective of their social conditions, nationality, language, sex ...” This law discourages school drop-out for all students of compulsory primary education without distinction as to their sex.³²

In some cases Albanian legislation takes particular care of women’s education. For example, the Constitution declares education of women in social or economic difficulty as one of Albania’s social objectives. Categories that benefit from the Education and Vocational Training Law include unemployed single mothers, trafficked women and girls, and divorced women with social problems.³³

The Reproductive Health Law provides for the right of everyone to information, counseling, education as well as health and social services necessary for good reproductive health, as well as the right to exercise their reproductive and sexual rights and responsibilities.³⁴ This law provides for measures for the prevention and treatment of sexually transmitted diseases, family planning, and avoidance of unwanted pregnancies. Articles 6 and 8 of this law intend to protect women’s sexual and reproductive rights.³⁵ Despite good *de jure* compliance, these laws should find larger application in practice. The state should facilitate the flow of information to the citizens and raise their awareness on their legal sexual and reproductive rights.

²⁹ Article 2, law no. 8461, of 25 February 1999 “On third level education in the Republic of Albania”

³⁰ Article 1, par. 3, law no. 8872, of 29 March 2002 “On education and vocational training in the Republic of Albania”

³¹ Law no. 7952, of 21 June 1995 “On pre-university education”

³² Article 8 of law no. 7952, of 21 June 1995 “On pre-university education” provides: “In the Republic of Albania all children of 6 years of age shall be registered in schools of compulsory education, which continues for no less than 8 years”. Article 24 continues: “All parents of children of the compulsory education age shall send their children to public or private compulsory education institutions”. According to article 59 of this law, in case pupils drop out of school, their parents will be fined for administrative contravention for up to 50 000 ALL (approx. 500 USD)

³³ The Council of Ministers Decision No. 616, approved on 4 December 2002

³⁴ Reproductive Health Law, Law 8876, of 4 April 2002, Article 5

³⁵ Article 6 of Reproductive Health Law stipulates: “1. Every woman is free and excluded from any form of discrimination and forcing: she has the right to examination and to decide freely on all issues related to her sexuality, her sexual and reproductive health. 2. Reciprocal respect of equal relations by women and men signifies respecting, refraining from affecting the integrity of the other, reaching mutual understanding and sharing responsibilities for their sexual behavior and its consequences”. Article 8/1 provides: “This law guarantees to every individual the right to decision-making with regard to exercise of their reproductive rights based on their wish and interest, free from discrimination, forcing or violence.”

The Health Service Law³⁶ provides for health service to anyone, including health education, prophylactic measures etc., but provisions of this law are rather declarative and despite later amendments this law remains old, promulgated since 1963.³⁷

Albanian legislation does not contain any gender-discriminatory provision with regard to participation in sports.

De Facto Compliance

Eliminate discrimination and promote equality in education. While education is a right equally extended to males and females, most participants indicated that girls and women in Albania have been privileged to be able to continue with their education. Among government officials, there is no room for improvement since no discrimination in the field of education exists.

(a) Equal access to career and vocational guidance. The right to education is one area where Albania has recognized success. No male or female student is denied the right to education. Participants reported that more girls than boys enroll in schools, partly due to the fact that boys migrate abroad and look for and obtain employment at an earlier age. However, the gross enrolment index gives a different picture.

| Gross Enrolment Index as of 2002 ³⁸ | | |
|---|-------------|---------------|
| Area | Male | Female |
| Coastal | 0.669 | 0.615 |
| Central | 0.677 | 0.594 |
| Mountain | 0.628 | 0.573 |
| Tirana | 0.712 | 0.783 |
| Total | 0.671 | 0.615 |

As the table above shows, the gross enrolment index (combining primary, secondary and tertiary enrolment) is higher for boys than girls despite the common perception that more girls than boys enroll in schools. In rural and remote areas, girls may be prevented from attending high school (see discussion in point (e) below). Furthermore, professional training is usually determined through one's gender. Female students outnumber male students in the humanities and social sciences.

(b) Access to same curricula, textbooks, examinations, teachers' qualifications and training facilities and equipment. Participants agreed that both in the urban and rural areas girls benefit from the same curricula and benefit from the same facilities and equipment as boys. The policy for testing knowledge is the same for boys and girls. However, no studies have been conducted to survey teachers' preferences or attitudes with regard to teaching students of either gender.

The qualifications of teachers however vary between urban and rural areas. Schools in urban areas have qualified staff who possess university diplomas. In most areas in the

³⁶ Article 6, law no. 7718, of 3 June 1993 "On some amendments to Law no. 3766, Approved on 17.12.1963 "On health service and free medical assistance provided by the state"

³⁷ For more information on health and reproductive rights please refer to the *de jure* analysis under article 12 of the CEDAW

³⁸ Data extracted from NHDR Albania 2005

northeastern region of Albania with over 70 percent rural population, more than 50 percent of teachers are under-qualified. Boys and girls suffer equally in obtaining knowledge in this respect.

*(c) Co-education and elimination of gender stereotypes in materials.*³⁹ As part of the educational reform, most textbooks have been subject to a review as to the contents and scientific level. However, no initiative to review texts for gender stereotypes has been undertaken. Most curricula and textbooks remain at the level of moralizing and little action toward gender equality is suggested. With the backing of various donors, the Ministry of Education has conducted gender analysis of the programs approved by the Ministry, but this has remained at the level of surveying the situation.⁴⁰ While teachers are not formally allowed to discriminate against girls, in practice this may be occurring. For example, a teacher, through words, may promote gender equality but through actions create a gender unbalance in behavior. As members of a society that encourages gender discrimination, teachers can hardly be expected to be an exception.

(d) Access to scholarships and other study grants. No discrimination exists with regard to receiving scholarships as the criteria for receiving scholarships is the same. In fact, some participants perceived that girls benefit from scholarships and grants more than boys, since girls tend to stay in school for a longer period of time. One participant also mentioned that, in urban settings, while parents expect their male children to be employed, they tend to allow their female children to stay in school.

(e) Access to continuing education for adults. The Ministry of Labor and Social Affairs – not the Ministry of Education and Sciences – licenses courses for vocational education. Interviews with experts showed that continuing education is left to the local governments. For example, one Directorate of Education in a southern area of Albania reported that, while there are no education courses, part-time schools for all citizens who have not finished education are available. These schools are mostly attended by males, as females tend to continue with higher education in larger numbers. In addition, the current mentality is that, if girls do not manage to finish high school they should be oriented toward family care and having children, and further education is not the primary objective. Sporadic efforts have been also undertaken by NPOs to train adults and especially marginalized women to help integrate them into the labor market.

(f) Reduction of female student drop-out rates. The phenomenon of dropping out of school is on the rise among both girls and boys, especially in the remote and rural areas of Albania. Poverty, poor infrastructure and a lack of security (especially for girls) influence dropping out of school at an early age. While no data segregated by gender exist, the Kukësi region, one of the poorest in the country, reports that an average of seven percent of children between the aged of 7 and 14 drop out of school.⁴¹ Officials and experts believe that this is still an underreported figure. Yet another problematic issue is the hidden drop-out phenomenon, i.e., students go from one grade to the next without having completed the requirements of the previous grade.

³⁹ One of the reviewers to an earlier draft suggested that the Ministry of Education and Science has included a subject on Gender Issues in order to teach children that both boys and girls are equal and have equal opportunities from birth in family and in society. However authors of the report have not been able to locate this information.

⁴⁰ No results have been published.

⁴¹ Expert from the Ministry of Education and Science reports that the number of girls dropping out of school is lower than of boys, but no data are provided.

View from Shkodër

To enable the education of the girls recently settled in Shkodër an agreement was reached with a school for vocational education that is also licensed to provide advanced elementary and high school education. On the basis of the law, beyond a certain age, girls and boys cannot continue with high school. However, since these were girls who had had migrated recently from a remote area that did not allow them to be schooled and settled in the city, “*Refleksione*” facilitated registration in school despite the fact that they were over the age limit prescribed by law. Women in the Roma community usually do not attend high school, but through a collaboration with the Directorate of Education, “*Refleksione*” opened an elementary school in a Roma community.

Interview with a representative of “Refleksione” Women’s Association

While the Ministry of Education is giving priority to considering this phenomenon, no policies and programs that discourage dropping out of school for girls who leave school early are in place. In many areas of Albania where there has been significant internal migration, the population has not yet been registered and this has contributed to underestimating the magnitude of the problem. The CEO and UNICEF have established a database to document the dimensions of this phenomenon and is working with UNDP to compile an intervention strategy. This strategy will particularly focus on establishing training and awareness-raising policies for marginalized groups including Roma communities.

(g) Participation in sports and physical education in schools. Although Albanian legislation does not contain any gender-discriminatory provision with regard to participation in sports, in practice this remains a male-dominated sphere. Among interviewed school administrators, an exception was reported from an advanced elementary private school in which a women’s soccer team was established. The government should undertake specific programs to encourage women’s and girls’ involvement in sports.

(b) Health education and family planning. In the last ten years concepts of health and family planning education have been introduced in public schools;⁴² however, these are not given due attention in the curriculum. Participants reported that while there is a sex education class in the curriculum, certain topics are difficult for teachers to deal with, primarily because learning/teaching about sexual health is not particularly encouraged by the Albanian mentality. In suburban as well as rural areas of Albania, talking about sex is taboo. In addition, teachers have to cope with a mentality that defines a well-rounded and responsible student as capable of knowing a foreign language and being computer literate. This is the primary ambition of parents at present.

While health and family planning education in schools is fraught with problems, experts believed that there are no legal impediments to treat these health-related issues in schools. Although information related to family planning is provided through the work of various NPOs, in experts’ views, health and family planning education should be included as a separate subject in the curriculum. Alongside this, training of teachers to teach sex education is necessary.

⁴² An interviewee from a private school indicated that health and family planning education was not part of the curriculum.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of Concern

- Laws covering some specific labor relations and categories of employees do not stipulate equal pay for work of equal value.
- Albanian legislation does not grant paternity leave.
- Differentiation in the retirement age reduces women's chances for career advancement and results in a lower retirement payment, which in turn raises poverty levels among elderly women.
- There is only sporadic periodic review of protective legislation.
- There is lack of specific legal procedures for sexual harassment cases.
- Concrete policies for the labor integration of rural women are lacking.

De Jure Compliance

Albanian legislation prohibits discrimination in the field of employment, professional activity and social insurance benefits.

The Constitution guarantees to everyone without distinction the right to work as well as the freedom to choose one's profession, workplace and professional education. The

Labor Code⁴³ provides that persons who enjoy full legal capacity under the Civil Code have the right to enter into a contract of labor.⁴⁴ The Gender Equality Law requires that public and private employers offer equal opportunities and adopt equal criteria for employment of men and women.

The Labor Code, which covers most of labor relations, contains an expressed provision of the principle “equal pay for work of equal value”.⁴⁵ However there are a number of other laws covering some specific labor relations and categories of employees, including the Law on the Status of Civil Servants, the Law on the Organization and Functioning of the Judicial System, and the Law on the Organization and Functioning of the Prosecutorial Service, which do not expressly mention this principle. Instead these laws use gender-neutral language. Article 4 of the Gender Equality Law requires the employer to apply equal criteria for the assessment of work quality and to give the same pay for a job with the same value. Article 115 of the Labor Code contains the same principle.

Regarding social security and benefits, the Constitution guarantees to *everyone* the right to social security benefits at retirement age or, in case of work disability, the right as well to unemployment benefits. The Social Security Law⁴⁶ continues along the same lines, although it makes a distinction as to the payment for maternity compensation and benefits, which includes pregnancy and childbirth period – and these are only applicable to women. Another distinction made between female and male employees is maternity leave. Albanian legislation does not grant paternity leave although it provides for three days off work for new fathers. Other holidays or annual leave are equally applicable to men and women. Another example of different treatment for men and women is set forth in Article 31 of the Social Security Law which stipulates that insured persons are entitled to full retirement pensions at age 65 for men and 60 for women. To enjoy full retirement pension the individual should have paid contributions to the social security scheme for at least 35 years.

Not only does the labor legislation not discriminate against women, but some categories of women, such as mothers of many children, are given priority in the sphere of employment. The Constitution provides that the state offer special protection to new mothers and pregnant women. Pregnancy must not be a cause for discrimination in the sphere of employment according to the Labor Code. For example, article 105/a, prohibits pregnancy tests before a woman is employed. In addition, when a woman is dismissed during pregnancy or after returning to work from maternity leave, the burden of proof is on the employer to convince the court this breach of the labor contract was not as a result of the pregnancy or childbirth.

Albanian legislation offers special protection to the reproductive function of women. Working 35 days preceding and 42 days following childbirth is absolutely prohibited and, in case the woman is carrying twins, this period is even longer. After this time, the female employee has the right to choose whether she wants to go back to work or continue to take care of her child. If she chooses the latter her employer must hold the position for her for a period of 12 months. Maternity leave is also guaranteed to adoptive

⁴³ The Labor Code, law no. 7961, of 12 July 1995, article 20, paragraph 1/a

⁴⁴ The Civil Code does not relate acquisition of legal capacity to discriminatory grounds such as sex. A person acquires full capacity when they reach 18 years of age. For women this may even be earlier in those exceptional cases they get married before the legal age for marriage (18 years). These women retain their legal capacity even if their early marriage terminates before they reach adulthood.

⁴⁵ The Labor Code, law no. 7961, of 12 July 1995, article 115

⁴⁶ Social Security Law no. 7703, approved on 11 May 1993

mothers. In addition, the Labor Code prohibits employers to allow hard and dangerous working conditions for a pregnant woman and her baby. Similarly, night shifts are prohibited for pregnant women. The Council of Ministers Decision no.207, approved on May 9, 2002, establishes the list of hard and dangerous work activities where only employees who present a medical certificate pronouncing them in good health may be employed. Maternity leave counts towards work experience of a female employee, and a woman does not lose seniority because of pregnancy and childbirth.

Discrimination because of marriage is not specifically mentioned in Albanian labor legislation. Article 9 of the Labor Code however prohibits discrimination on the grounds of family relations. Broader interpretation of this term may include the marital status of employees. Moreover, the employer cannot collect personal information on the employee, unless this relates to the employee's professional competence or is necessary for proper execution of contract. Furthermore, Article 146 of the Labor Code considers termination of a labor contract for motives related to pregnancy, civil status, family obligations, etc., unjustified. Breach of a labor contract without justifiable reasons is invalid and the employer must pay the employee damages equal to a year's salary. Albanian legislation is not frequently reviewed to incorporate or reflect advances in scientific research. Legislative review of the categories of employment considered dangerous for women only takes place occasionally, either upon the initiative of the ministry concerned or because of pressure from NGOs or international organizations.

Albanian legislation addresses only sporadically the issue of sexual harassment. The Labor Code specifically prohibits any action from the employer that may be considered sexual harassment of an employee and gives the employer the obligation to ensure that the employee is protected also from sexual harassment from other employees.⁴⁷ The Gender Equality Law requires employers to take disciplinary and other organizational measures to combat sexual harassment against their employees.⁴⁸ However, to effectuate these rights, specific procedural mechanisms enabling sexual harassment victims to seek legal redress, include a comprehensive definition of sexual harassment and possibly reverse the burden of proof on the employer are recommended.

De Facto Compliance

1. Eliminate discrimination in the field of employment

(a) *Right to work.* The right to work is guaranteed to all Albanian citizens of work age.

(b) *Equal employment opportunity.* Women are guaranteed equal employment opportunity in Albania. This is reflected in the open competition for positions in the public or private sector. However, in the private sector much depends on the preferences of the employer. The revised Labor Code bans differentiation of selection of employees on the basis of race, age, or sex. In view of legal professionals, reported discriminatory practices have been prosecuted. In addition, the Law on Civil Service regulates employment in civil and public administration by avoiding employment through direct appointment. Competition, testing, interviewing, and carefully selected criteria have resulted in better intellectual and professional hiring without gender discrimination. However other research shows that women who have received training abroad may be discriminated against in hiring. A study of Albanian migrant women in the United States showed that women who returned to Albania after a period of studying abroad met with deep

⁴⁷ Article 32, Labor Code of the Republic of Albania, law no.7961, of 12 July 1995

⁴⁸ Gender Equality Law, no 9198, of 1 July 2004, article 6

disappointment. Not only were they deemed too qualified for the Albanian work environment, but their employment was connected to providing sexual favors for employers (Orgocka, 2005).

Roma women and women who have recently migrated to areas near main cities have pronounced lack of skills but have been aided to some extent through training courses on tailoring, and processing of agricultural products. A unit at the State Social Service works towards improving literacy levels of Roma women and children. Supported by NPOs in some areas these women have been able to be integrated into the labor market. However, more needs to be done by the state with regard to integration of rural women that have recently migrated to urban areas. These women have only primary education and they work under difficult circumstances, have large families with five or more young children who need their parents' care. Urban transportation compounds the problem. The state needs concrete policies for greater labor integration of this category of women.

In the conditions of a flourishing informal economy, many Albanian women have resorted to working from home. Along with Finland, Ireland and the Netherlands, Albania has ratified the ILO Convention 177 on Home Work, which calls for a national policy on home work aimed at improving the conditions of home workers, most of whom are women (Chen, Vanek, Lund, & Heintz, 2005). However, to date, no concrete campaigns have been waged towards steps in the implementation of the recommendations of this Convention.

(c) Free choice of employment; equal criteria for promotion and benefits, including retraining. According to participants working for the Ministry of Labor, Social Affairs and Equal Opportunities, opportunities are open for Albanians to work and to have their rights respected. The Directorate of Work Relationships regulates conflict resolution and undertakes agreements with private sector and the trade unions and this has resulted in solving issues for people with disabilities, people working in mines, and pilots. Interviews indicate that career advancement is harder for women. Examples cited include the judiciary, where career advancement is left to the Parliament, therefore to politics, and is not based on criteria related to the profession. Similarly in the education sector, teachers are recruited based on a procedure of competition assessing individual professional capability, but when it comes to becoming school principals, no competition is organized. The end result is that there are significantly more male principals while there are greater number of female teachers.

(d) Equal pay for equal work. No research to survey the value of unpaid work has been conducted by the state.

(e) Social security and other benefits. Women equally benefit from all social assistance schemes: social security, unemployment assistance, sick leave, annual leave, disability payment (depends on type of disability) and retirement payment. For the same position the payment is the same for men and women. However, since payment may depend on the degree of difficulty, the duration and the circumstances of work, it may not be the same.

(f) The right to protection of health and to safety in working conditions including the safeguarding of the function of reproduction. The Inspectorate of Labor oversees that the legislation is observed with regard to circumstances of work and health safety. The revised Labor Code has improved the protection of workers, women and especially pregnant women. Chapter 10

of this Code particularly protects pregnant women and those who are breastfeeding and bans night shift work for pregnant women.

Research indicates that pregnant women are subject to poor work conditions and additional work pressures in their families. A study conducted between 1993-1994 with 1,199 Albanian pregnant women showed that certain work factors directly correlated with low birth weight, miscarriage and/or perinatal death. The significant factors included fewer household helpers, standing, working in a hot environment, commuting, walking and carrying, and lifting heavy weights on the job (Senturia, 1997).

A provision on sexual harassment in the workplace is included in the Labor Code, but it cannot be implemented since no procedures on how to initiate a sexual harassment case are in place. In addition the lack of opportunities for work discourages women from reporting cases of sexual harassment. There is very little awareness that the law protects women should they report such cases.

2. Prevent discrimination on grounds of marriage or maternity. Although legal provisions prevent discrimination on grounds of marriage or maternity, participants mentioned that they had read in the Albanian press about cases of employers refusing to employ pregnant women or restrictions imposed on women regarding maternity leave.

(a) Illegal to dismiss because of pregnancy, maternity leave or change in marital status. Participants cited the Labor Code that banned employers from asking for pregnancy tests before employment, termination of contract when women are pregnant or until they return from maternity leave.

(b) Right to maternity leave with pay and benefits. Participants related that women have the right to maternity leave with pay and benefits. The legislation on maternity leave was well implemented, i.e., women took leave 35 days before delivery and 42 days after delivery of the baby, fully aware that they were banned by legislation to work during this time. After the 42 days, if they so chose, women came back to work. However, if they opted for a longer leave, their position was guaranteed.

(c) Social support measures to help parents share family and work obligations. A number of urban and rural areas lack state child care services. Private child care initiatives may exist, but they do not cover all the needs of the communities. The Soros Open Society Foundation has also offered training and opened child care centers in various areas of Albania. Its curriculum has been approved by the Ministry of Education. With regard to sharing responsibilities at the family level the State has done very little. For example, the Albanian Labor Code discriminates against men by not giving them paternity leave upon birth of their child.

(d) Protection for pregnant women in the workplace. The Directorate of Public Health conducts studies periodically to define work that is harmful to pregnancy.

3. Legislative review of protective measures. The Directorate of Primary Health is preparing a draft law for prohibition of some jobs for pregnant and lactating women. The law on reproductive health is also undergoing some changes including preventive measures for pregnant women. The list includes unsafe environments in factories where poisons may be harmful to women and children, and heavy jobs that are harmful to pregnant women and the fetus.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Areas of concern

- Albanian legislation does not specifically prohibit discrimination in health care.
- Albanian legislation lacks adequate protection for breastfeeding women.
- The level of awareness on family planning is still low.
- Access to health care service is uneven.
- There is a low level of awareness about maintaining good health.
- Comprehensive training on gender-based violence is lacking.
- Little attention is paid to women of menopause age.

De Jure Compliance

Albanian legislation presents poor compliance with Article 12 of the CEDAW. Article 55 of the Albanian Constitution guarantees equal rights to everyone to health care offered by the state. However, this provision is declarative and there is no wording in Albanian legislation to specifically prohibit discrimination in the sphere of health care. This is because the Law on Health Care is very old (1963) and reflects another legal culture. Amendments or new health care legislation are necessary to reflect international standards and later commitments of Albania. There is another provision however, that uses the term “discrimination”: “Any woman, free from any form of discrimination, coercion or violence, has the right to medical checks and free decision making regarding any issue related to her sexuality, sexual and reproductive health”.⁴⁹ Article 8 of the Reproductive Health Law further generalizes the principle to include both sexes: “This law guarantees to any individual their decision making with regard to exercising their reproductive rights according to their wish and interest, free from discrimination, coercion and violence”.

Albanian legislation offers special support and health care services to mothers and children.⁵⁰ “All pregnant women benefit from free periodic medical pregnancy checks, before and after delivery, especially compulsory pre- and postpartum examinations, determined by the Minister of Health Act”.⁵¹ Despite their wording, implementation of these provisions as well as quality of health service is inadequate.

Although the Albanian Parliament recently adopted a new law on protection of breastfeeding,⁵² the law is designed merely to discourage replacement of breast milk with formula, regulates the trade of artificial food for babies and promotes public awareness of information related to advantages of breastfeeding. Albanian legislation offers only

⁴⁹ Reproductive Health Law no. 8876, of 4 April 2002, article 6

⁵⁰ Reproductive Health Law no. 8876, of 4 April 2002, article 13/2

⁵¹ Reproductive Health Law no. 8876, of 4 April 2002, article 24/1

⁵² Law no. 8528, Approved on 23.9.1999, “On the promotion and protection of breastfeeding”

limited protection of breastfeeding, and provisions or programs to ensure adequate nutrition for new mothers are generally lacking. Some of these issues are addressed in the ILO Convention no. 183 on protection of maternity, ratified by the Republic of Albania in 2001 (see table below) and in the Council of Ministers' Decision no 397, of May 20, 1996 with further amendments, which prohibits breastfeeding working mothers from lifting heavy weights and guarantees them the right to periodic breaks during working hours to nurse.

| Complete List of ILO Conventions Ratified by The Republic Of Albania | | | | |
|---|--|---------------|-------------|--------------------------|
| | Title of the Convention | Number | Date | Ratification date |
| 1. | Maternity Protection Convention | 183 | 2000 | 24 July 2004 |
| 2. | Worst Forms of Child Labor Convention | 182 | 1999 | 02 August 2001 |
| 3. | Private Employment Agencies Convention | 181 | 1997 | 30 June 999 |
| 4. | Labor Inspection (Seafarers) Convention | 178 | 1996 | 24 July 2002 |
| 5. | Home Work Convention | 177 | 1996 | 24 July 2004 |
| 6. | Safety and Health in Mines Convention | 176 | 1995 | 03 March 2003 |
| 7. | Part Time Work Convention | 175 | 1994 | 03 March 2003 |
| 8. | Prevention of Major Industrial Accidents Convention | 174 | 1993 | 03 March 2003 |
| 9. | Protection of Workers' Claims (Employer's Insolvency) Convention | 173 | 1992 | 03 February 2005 |
| 10. | Night Work Convention | 171 | 1990 | 28 June 2004 |
| 11. | Occupational Safety and Health Convention | 155 | 1981 | 09 February 2004 |
| 12. | Collective Bargaining Convention | 154 | 1981 | 24 July 2002 |
| 13. | Labor Administration Convention | 150 | 1978 | 24 July 2002 |
| 14. | Tripartite Consultation (International Labor Standards) Convention | 144 | 1976 | 30 June 1999 |
| 15. | Rural Workers' Organizations Convention, | 141 | 1975 | 18 August 2004 |
| 16. | Minimum Age Convention | 138 | 1973 | 16 February 1998 |
| 17. | Workers' Representatives Convention | 135 | 1971 | 18 August 2004 |
| 18. | Minimum Wage Fixing Convention | 131 | 1970 | 18 August 2004 |
| 19. | Discrimination (Employment and Occupation) Convention | 111 | 1958 | 27 February 1997 |
| 20. | Abolition of Forced Labor Convention | 105 | 1957 | 27 February 1997 |
| 21. | Equal Remuneration Convention | 100 | 1951 | 03 June 1957 |
| 22. | Right to Organize and Collective Bargaining Convention | 98 | 1949 | 03 June 1957 |
| 23. | Migration for Employment Convention (Revised) | 97 | 1949 | 02 March 2005 |
| 24. | Protection of Wages Convention | 95 | 1949 | 02 August 2001 |

| Complete List of ILO Conventions Ratified by The Republic Of Albania | | | | |
|---|--|----|------|----------------|
| 25. | Freedom of Association and Protection of the Right to Organize Convention | 87 | 1948 | 03 June 1957 |
| 26. | Labor Inspection Convention | 81 | 1947 | 18 August 2004 |
| 27. | Medical Examination of Young Persons (Non-Industrial Occupations) Convention | 78 | 1946 | 03 June 1957 |
| 28. | Medical Examination of Young Persons (Industry) Convention | 77 | 1946 | 03 June 1957 |
| 29. | Holidays with Pay Convention | 52 | 1936 | 03 June 1957 |
| 30. | Forced Labor Convention | 29 | 1930 | 25 June 1957 |
| 31. | Minimum Wage-Fixing Machinery Convention | 26 | 1928 | 02 August 2001 |
| 32. | Medical Examination of Young Persons (Sea) Convention | 16 | 1921 | 03 June 1957 |
| 33. | Right of Association (Agriculture) Convention | 11 | 1921 | 03 June 1957 |

Until 1992 abortion was illegal in Albania, whereas now voluntary abortion is permitted up to the 12th week of pregnancy, and after that time a special permit from a jury of doctors is needed, depending on the health of the mother and fetus. The Criminal Code provides sanctions of up to five years of imprisonment for termination of pregnancy without the woman's consent, abortion performed in unauthorized premises and carried out by unauthorized persons, as well as for providing a pregnant woman with the means to interrupt her pregnancy.⁵³

De Facto Compliance

1. *Access to health care.* Access to health care services is the same for both men and women. In fact, at times legislation seems more generous to women because of the specifics of women's health, including diseases of reproductive organs, or examinations such as mammographs that help with early diagnosing of serious illnesses. Most equipment is the same for both men and women as guided by the principles of Health 21 from the World Health Organization (WHO). However, awareness-raising campaigns on maintaining good health are needed. Women usually seek help when they feel sick. In rural areas women still do not go for regular check-ups during their pregnancy which may lead to complications during and after delivery. Regular medical check-ups are not yet part of maintaining good health, especially with older women and women with disabilities. In addition, patients may be selective about services, and they may favor women doctors for check-ups and men doctors for surgeries. Maternity homes should not be seen only as women's places. Health professionals recommended that problems related to health should be faced by the couple. In addition, more attention should be placed on older women when they face menopause.

In many participants' opinions, inadequate access to health care is often justified because the health system is still in crisis. Because physicians and surgeons have migrated to the main cities in the country, the lack of good medical personnel in the smaller and remote areas has brought about chaos in service. Most patients still go to Tirana (the capital) to

⁵³ The Criminal Code of the Republic of Albania, law no.7895, of 27 January 1995, articles 93, 94 and 95

receive health care. Women and men equally have problems accessing services. Interviewees indicated that women still give birth at home. In some cases, medical personnel is bribed, which means that not all patients receive the same health care attention.

2. *Granting free services and adequate nutrition during pregnancy and lactation.* Participants reported that women are followed throughout their pregnancy and are granted at least three free sonogram sessions in the hospital centers. Specialized staff addresses their concerns. However, the Albania Knowledge, Beliefs and Practices Survey 2000 indicated that prenatal care is very limited. Only 18 percent of women who had been pregnant around the time of the survey said they had been examined in the first trimester of their last pregnancy. Another 45 percent were not seen until the second trimester, and 37 percent did not go to a doctor until the last three months of their pregnancy. This may be explained by education level and socioeconomic status – lower socioeconomic groups have less access to prenatal care services, and women with higher education may better understand the need to seek prenatal care.

After giving birth, women's and child's health are followed by the physician at the *Konsultore* (specialized centers for mother and child). Vaccinations for mother and baby are free and mothers are equipped with a record notebook for noting down all vaccinations. One main concern in participants' views was that no training on baby care is provided to the new mothers. Women are encouraged to leave the hospital within 24 hours of delivery.

A number of measures have been taken to improve nutrition during pregnancy. According to the Protocol of the Ministry of Health, measures have been taken to provide iron and folic acid during pregnancy. The law that encourages breastfeeding drafted on the basis of recommendations of WHO and based on the International Code of Marketing of Breastmilk Substitutes states that women should breastfeed their babies during the first six months. The law does not prohibit the marketing of replacements but regulates how these products are sold and prohibits health care service providers from prescribing them without a physician's recommendation. The hospital does not take any measures regarding the nutrition of expectant women, but breastfeeding is promoted. If a mother is not able to breastfeed, the baby is fed by other healthy women who are able to breastfeed. More economic assistance for women during pregnancy and lactation is necessary – although women receive information on how they should feed themselves and their babies, it is never certain whether women themselves have the means to do so properly.

Participants reported good practices of training sessions undertaken for breast examination. Women who underwent the training session consulted their doctors more often than those who had not.

Most family planning services, including information about family planning, are offered for free, but not many women take advantage of them since they are not sure that their confidentiality will be kept by health personnel. Women may go to a different location in an area where no one knows them to receive their free contraceptives. Family planning as a measure of child spacing is not yet accepted, especially by men, and more awareness-raising campaigns need to be waged on the subject.

Abortion has emerged as a contraceptive method. A 2004 report of The Mary Stopes/Nesmark clinic indicates that 17,000 abortions are performed every year by

women aged 25 to 35 years, although women as young as 14 or 15 also have abortions. Sex-selective abortion has also emerged as a serious phenomenon. While abortion services are offered, campaigns that focus on the consequences of abortion for women's health are deemed necessary.

HIV/AIDS discriminatory laws. Confidentiality of treatment is guaranteed. Representatives of the Ministry of Health believe that Albania is one of the countries with the lowest percentage of incidence of HIV/AIDS, and thus far, no pregnant woman has been diagnosed with HIV/AIDS. However some prevention in the form of awareness-raising campaigns has been carried out. Pregnant women and women of childbearing age receive information on HIV/AIDS testing and the consequences of having the virus, as well as information on retroviral therapy. Reporting on the incidence of HIV/AIDS is done annually to WHO. There is low level of awareness on HIV/AIDS, especially among the female Roma population.

Gender-based violence. It is generally believed that Albanian women are subject to violence, especially in the home environment. At least eight percent of Albanian women have suffered physical abuse at the hands of an intimate partner, according to a nationwide survey conducted in 2003, and another 25 percent have suffered psychological abuse. Another study conducted with a representative sample of 1,039 married women aged 25-65 living in Tirana focusing on violence by an intimate partner and social and demographic characteristics of the women and their husbands found that more than a third of the women had experienced domestic violence. Risk was greatest among women aged 25-34, women with tertiary education, women in white collar jobs, women with the least-educated husbands and women married to men raised in rural areas. Women were at higher risk if they were more educated than their husbands (Burazeri, Roshi, Jewkes, Jordan, Bjegovic & Laaser, 2005).

Although participants in the interviews confirmed the existence of domestic violence, they also indicated that keeping a record of abused women is problematic since women themselves find it hard to report that they have been abused. This is particularly true when women seek aid in health centers. General practitioners have been trained and continue to be trained to diagnose and treat instances of domestic violence. One health practitioner mentioned that through a collaboration with the University of Montreal a series of lectures were held with general practitioners in Tirana on the diagnosis and treatment of abused women.

One participant mentioned that the draft law on family violence that is being prepared would be a useful tool in identifying specific cases of family violence and in prosecuting cases that otherwise can not be resolved by the current legislation.

More work needs to be done on understanding gender-based violence. For example, violence resulting from non-compliance of women with sexual obligations within marriage are not talked about, and no service, training or counseling sessions are offered. A study that uses the European Union's 2002 set of indicators on domestic violence against women is recommended (see page 97 of that report). The indicators measure the extent of domestic violence, inform policy responses and assess the response by states, including the range of support available to women, legislative provisions, policies and budgetary allocations (for more details, Carrillo, Connor, Fried, Sandler & Waldorf, 2003).

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.*

Areas of concern

- Albanian legislation does not specifically mention equality or non-discrimination of women in the civil law sphere.
- Women entrepreneurship has yet to be developed.
- Women benefit little from bank loans and credit.

De Jure Compliance

Albanian legislation does not specifically mention equality or non-discrimination of women in the civil law sphere. However, the Civil Code, legislation on banks and other laws utilize gender-neutral language, such as “any person”, “parties”, “physical persons”. Thus all persons acquire full legal capacity when they turn 18 at which time they may participate in and undertake freely any legal transaction. There are cases when the Civil Code uses terms such as “creditor” or “owner” in masculine terms. This happens everywhere in Albanian legal texts. Although everyone, including lawyers, understand both genders in this case, gender-specific language should be used at least for the new laws and drafters should be more aware of gender issues and their implications regarding legislation.

Article 58 of the Albanian Constitution guarantees to everyone artistic and creative freedom, as well as participation in scientific research, whereas Article 59 provides for freedom to participate in sports and recreational activities. Again, the language used is gender-neutral but there are no specific provisions as to the equality or non-discrimination of women in relation to these spheres of economic and social life.

De Facto Compliance

(a) Family benefits. Benefits are provided to men and women separately based on employment duration.

(b) Bank loans, mortgages and other forms of financial credit. Women rarely apply for credit, because they are usually perceived as having a supporting role in business activities. In addition, for many banks, the loan policy is that the applicant must have capital, while in reality few women do. A woman’s right to property is usually lost when property is registered in the name of the man. Interviews indicate many cases when marital residence of a couple is (illegally) registered under the name of the husband although both spouses might have property rights on the estate. Usually women do not have their husbands’ support in undertaking these initiatives, or in some cases, they do not have the courage to undertake them. Lack of information also contributes to not being able to use banks more effectively.

(c) Participation in sports, recreational activities, sports and all aspects of cultural life. Women may engage in any sports and recreational activities that they choose. Economic resources

may impact men and women equally in participating in recreational activities, however women are active in these fields selectively. Companies that focus on organization of cultural events led by women organize different activities (painting exhibitions, musical festivals, TV shows, etc.) funded by the government and other donors. It is difficult to determine girls' and women's participation in sports. The Albanian Institute of Statistics does not desegregate the data on sport participation by gender. However, participants indicated that lack of funding and stereotypes regarding women's participation in certain sports discourage women from participating in sports.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programs;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Areas of concern

- Women in rural areas are most discriminated against. However, Albanian legislation does not make any distinction between rural and non-rural women.
- There is lack of clear authorities charged with the specific duty to implement or monitor implementation of legislation protecting rural women's rights at the local level
- It is difficult for change to take place quickly in rural areas.
- Access to health care is problematic, especially in the remote areas.
- The high school-drop out rate among girls over 14 years of age is high.
- Few benefit from social security schemes.
- There are few opportunities to develop business though credit exist for both men and women.
- There is limited opportunity to participate in community life.
- Adequate housing, sanitation, electricity and water supply, transport and communications services are uneven.

De Jure Compliance

Albanian legislation does not make any distinction between rural and non-rural women, although in practice, the lives of rural women are more difficult. Similarly, no distinction is made on the application of CEDAW towards rural and non-rural women. Given the lack of specific national legislation for rural women, it is these women or civil society organizations representing them who may invoke in the courts and require the government to apply directly the CEDAW provisions.

As described under Article 3 of this report, the new Gender Equality Law does mention a network of gender equality employees at the local (county) level, but there is no further specification as to what their duties and responsibilities will comprise or how they will be organized and function.

Banking legislation offers the opportunity to make loans to anyone, with no distinction based on sex or residence. The state offers easier payment rules for agricultural loans but again, no distinction is made by gender.⁵⁴ A few articles in the Civil Code make reference to agricultural families. The family's property belongs to all members, who, through their work or other acquired rights, have contributed to the creation and maintenance of this common economic activity. Pursuant to article 224 it is the head of the family who represents the family in business or property relations with third parties. Members of the family select their "head of family" and legally this may be a male or female, but in practice and by tacit agreement it is always a man. Cases of registering property under the name of the man are not uncommon either. Given difficulties that rural women face, legislative and other measures are recommended with a view to ensuring more opportunities for them.

De Facto Compliance

1. Recognition of rural women's circumstances. Discrimination of women in rural areas is particularly apparent. Rural settings breed more cultural practices that impede women in their achievements. In the opinion of some participants, women in rural areas are treated disrespectfully, due to the fact that rural areas cannot keep up with the development in urban areas. Many old norms and customs are rooted in the way of thinking and acting and these are accepted by everyone.

2 (a) To participate in the elaboration and implementation of development planning at all levels. Rural women in Albania may be interested in actively participating in development planning at all levels, but structural changes and changes in technology are a burden, especially to women. Many communal and social amenities such as bakeries and kindergartens have been lost, which in former times were free or easily affordable services. Agriculture is no longer mechanized as it was before on the state farms. So the double burden of reproductive and productive work today leaves women little time and energy to participate actively in communal affairs. However, participants indicated that women are included in meetings at the commune level and decisions taken at this level take into account women's feedback when it is given.

2(b) Access to health care in rural areas. Opportunities to receive specific information on health care exist. When professional medical care is not available, women are referred to medical centers in the city that are rarely affordable to them. NPOs, in cooperation with the local government, fill the information gap on general health care, particularly reproductive health. Remote areas have witnessed extensive migration or attrition of medical staff and health centers are closing. Health centers are being built in large communities of 2,000-3,000 inhabitants. Additional payment is given to encourage general practitioners to serve the remote areas with little or no access to health care. However, the condition of these health centers is not optimal. Although medical staff in rural areas undergo frequent trainings, individuals can receive specialized medical care only in urban areas. Informed choice for rural women has yet to be achieved, because they lack information, particularly information on mental health.

⁵⁴ Civil Code, law no. 7850, of 29 July 1994, article 222

Working in the rural areas is more difficult. While women want to be informed, they are hampered by society, family and their husbands. For example, if a woman needs to receive family planning service, she has to receive permission from her husband and mother-in-law.

2(c) To benefit directly from social security programs. According to the Institute of Statistics, the retirement salary for people in rural areas is one-third of the state retirement salary. In addition, women in rural areas have difficulty benefiting from state schemes such as social insurance, unemployment benefits, illness leave, retirement and old age compensation. Only women who used to work for the state cooperatives, which disappeared after the early 1990s, benefit from these schemes. Most women in the rural areas currently are self-employed and are reluctant or too ill-informed to pay social security on their own so that they can benefit at an older age.

2(d) Access to education. Girls in the rural areas find it hard to continue with high school education. In fact, there is a decrease in the number of rural girls that pursue a high school education. Research shows that in rural areas the next generation of village women will suffer the additional penalty of illiteracy. An ethnographic survey of one northern village in Albania in the late 1990s showed that at the time of the survey almost no girls from that village were being educated beyond the age of 14 or 15. The nearest secondary school was in the town, and well-grounded fears of assault and abduction made attendance too risky in the view of most parents (Lawson, McGregor & Saltmarshe, 2000).

In the framework of the Law for Local Government and the decentralization of the local government, problems related to girls' equal access to education have been solved by individual communes. For example, although it is not legally foreseen as an obligation, in many areas such as in the communes of Fushe Arrëz, Malësi e Madhe and Delvinë, a bus service that collects students and takes them to school daily has been operating. This service is not nationalized, but participants argued that initiatives like this occur only in areas where the local government is aware of gender equality issues.

2(e) Right to economic opportunities through employment or self-employment. Since no large private enterprises exist, rural women have few opportunities for employment. This is not true for men who can seasonally migrate to be employed either in the city or abroad. Although a few development agencies have helped women start their own businesses, in general, few opportunities to develop business through credit exist – for either men or women.

2(f) Right to participate in all community activities. Women wish to participate in social and cultural activities. As women bear the brunt of child care, participating in community activities is greatly influenced by the availability of care for children. Few quality services exist in the rural areas. No kindergartens are available in most areas and women and other female family members take care of the children. Furthermore, the migration of men abroad or men's trade activities leave women with the larger share of agricultural work. The only entertainment for women remains weddings or religious celebrations. Watching television may be another entertainment possibility, but often that is not available because electric power may be lacking. Both the state and the NPOs do little to address women's participation in community life.

2(g) Access to agricultural credit and loans; land reform. The NHDR (2005) indicates that official data such as access to credit programs and financial institutions as well as the

numbers of self-employed rural women are lacking. In interviews, women reported that in the early 1990s when privatization of property occurred, all assets belonging to the state cooperatives were equally distributed to men and women according to the regulations. However, the main problem remains that if the land was redistributed according to the number of family members, it was registered in the name of the head of family, who is also known as the legal owner of the property. So, usually, the respect of women's rights towards the land and property remained in the hands of men.

Interviewees reported that women usually inherit their land from their fathers. According to the custom and tradition, if a woman has a right to land in her family of origin, she has to relinquish it to the family property when she is married. She has no right to own land or other properties in her husband's family. However, even when the land belongs to the woman, it is considered a common property of the family, and women usually are not allowed to administer the land as they desire. When conflicts about the land arise, men and women have the right to defend their ownership. Usually these cases are resolved in court. No discrimination against women has been reported thus far in this area.

2(b) Adequate housing, sanitation, electricity and water supply, transport and communications. While living conditions have improved somewhat, standards are lower than in the urban areas. The following table compares the household durable stock as provided by the Albanian Institute of Statistics. As the table below indicates, rural households fare worse than the urban ones, indicating that the living and work conditions of women in the rural areas are harder.

| Durable stock in Albanian households | | | |
|---|--------------|--------------|--------------|
| (in percent of households) | | | |
| Type of durable goods | Total | Urban | Rural |
| TV set | 90.0 | 95.1 | 85.8 |
| Satellite antenna | 23.5 | 23.1 | 23.8 |
| Refrigerator | 74.1 | 88.0 | 62.4 |
| Electric cooking stove | 42.5 | 62.1 | 26.1 |
| Gas cooking stove | 18.7 | 26.5 | 12.2 |
| Washing machine | 39.3 | 67.5 | 15.7 |
| Micro-wave | 1.9 | 2.8 | 1.1 |
| Air-Conditioning | 1.3 | 2.4 | 0.4 |
| Computer | 1.4 | 2.7 | 0.3 |
| Car | 8.0 | 11.4 | 5.2 |
| * INSTAT, Housing and Population Census, April 2001 | | | |

Although most rural families in participants' areas have water in their households, the data from the Albanian Institute of Statistics indicate that close to 43 percent of families in the country have water supplies outside their dwelling and close to 41 percent use a well or depot.

| Distribution Of Households According to Mode of Water Supply (in percent of households) | | | |
|--|-------|-------|-------|
| | Total | Urban | Rural |
| Inside the dwelling | 46.9 | 84.4 | 15.5 |
| Outside the dwelling | 28.5 | 10.9 | 43.3 |
| Well, depot, etc. | 24.6 | 4.7 | 41.2 |
| Total | 100.0 | 100.0 | 100.0 |
| * INSTAT, Housing and Population Census, April 2001 | | | |

As in urban areas, rural households meet their heating needs individually. No central heating system exists. Provision with electric power is equally problematic in rural as in urban areas, if not worse. Opportunity for transportation to urban areas exists, but this is a privatized service and financial resources are needed to afford it.

Gender-based violence in rural areas. While the media reports the prevalence of gender-based violence, particularly cases of homicide, participants themselves did not report any cases of violence. However, one of the challenges to combating gender-based violence in these areas is recognizing the problem and being able to trust and use the relevant institutions.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Areas of concern

- Social and cultural perceptions limited women's opportunity to be engaged in business.
- The state has not conducted research to determine if gender bias exists in judicial reasoning, practices and decisions.
- Women need to ask permission from men to engage in work or travel.
- There are no governmental policies that encourage women to engage in business activities.

De Jure Compliance

Albanian legislation does not contain any provision prohibiting discrimination of women on civil matters. It does however contain a provision that ensures equal rights. Article 1 of the Civil Code stipulates that any physical person enjoys full and equal capacity to have civil rights and obligations, within limits defined by the law. A person who reaches majority acquires full legal capacity to assume civil rights and responsibilities; for women who marry before they reach 18 years of age, this happens earlier. Article 4 of the Civil Code provides that a person's civil rights cannot be limited except by law. Although not specific to women, Article 11 provides that any legal action or act intended to limit an individual's legal capacity is null and void. Women, like men, enjoy full capacity to enter into contracts or sign other private instruments, to administer properties, engage in business relations etc. notwithstanding their civil status, and any act intended to limit their legal capacity shall be deemed null and void.

According to the Albanian Constitution anyone has the right to present claims or complaints to state institutions. The Criminal and Civil Procedure Codes guarantee equal rights to everyone in all stages of judicial processes. Their participation may be in the quality of petitioner, defendant or witness. The Civil Code uses gender-neutral language, such as "parties" or "person", so there is no legal barrier to women's participation in trial and in courts. Women may equally participate in the process as judge, prosecutor, legal counsel, expert witness, etc. Although there are limitations and criteria for these functions, with regard to a person's personal qualifications, these are not related to the person's gender.

Finally, Albanian legislation guarantees freedom of movement for everyone. Pursuant to Article 38 of the Constitution, everyone has the right to choose their residence and to move freely in any part of the Albanian territory. No one shall be prohibited from freely traveling abroad. Legislation provides that all Albanian citizens are entitled to be

provided with a passport. Minors may obtain a passport only upon request of their parents or guardian. In that case, legal provisions make no distinction as to women or men, father or mother. The wording of this provision includes both sexes and is therefore, non-discriminatory.⁵⁵ In addition, Article 12 of the Civil Code provides to any adult the right to freely determine their place of residence.

De Facto Compliance

1. Equality before the law. While the legislative base exists, no studies have been conducted to identify the areas in which women are not treated equally. Efforts to inform the wider public on gender equality has been made primarily through the Committee for Equal Opportunities (CEO). The CEO has organized training sessions in different parts of Albania since 1998 to raise awareness among representatives of NPOs and local government on Albanian and international legislation on women's rights, including a lecture on the CEDAW commented article by article, and the GOA Platform for Action. These efforts were funded by different donors such as the ILO, the Soros Open Society Foundation for Albania, UNDP, and the Friedrich Ebert Foundation.

2. Identical legal capacity as men, including the right to conclude civil contracts. Participation of women in business ventures is rather low, at about 27 percent. Most of the women are engaged in small business enterprises. This happens because business ownership is not considered as a partnership between husband and wife, but as a property of the husband, and the wife is included to ease the fiscal obligations. One of the reasons that prevent women from engaging in business is the common perception that business is a corrupt activity not appropriate for respectable women. In addition, there are no government policies that encourage women to engage in business activities.

3. Contracts or instruments that restrict women's legal capacity are null and void. The state has not conducted any research to determine if gender bias exists in judicial reasoning, practices and decisions.

4. Freedom of movement; choice of domicile. Focus group interviews showed that women were not as free as men to engage in activities outside their home. Although women may have wanted to leave their houses unaccompanied by others, this was difficult since men are not used to such behavior. Permission had to be given to go out on any occasion except for going to a physician – “medical emergencies are excused,” as one participant said. Women living in urban areas consulted with their husbands if they wanted to engage in work outside home or travel abroad. In the case of women living in rural areas, permission was asked from the head of the household, in some cases, the father-in-law. In one case, a participant had to ask permission by telephone from her emigrant husband to visit her family of origin. When leaving the household for a few days, permission was also needed from the mother-in-law who would then take care of the children and all the household chores. Permission granted to women to visit a social center or engage in activities outside the home in rural areas was sometimes linked to men's vested interest of receiving some economic incentive or support from the commune. Asking permission was also perceived by women as a tradition and a sign of respect towards generations living together. In contrast, married men reported that they consulted their wives only when they decided to travel abroad. Both unmarried and married men did not see the necessity of asking for permission from anyone to leave their domicile for work or pleasure.

⁵⁵ Article 2, law no. 8668, of 23 November 2000 “On the provision of Albanian citizens with passport for traveling abroad”

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,

(f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of concern

- Family setting remains one of the key areas in which girls and women are discriminated against.
- Capacity for rural young women to choose a husband is limited.
- Women have the larger share of responsibilities of housework and childcare.
- The state has not waged informative campaigns regarding prohibition of underage marriage.
- Although women may inherit property from their fathers, usually property rights belong to the whole family and may be transferred to the head of the family.

De Jure Compliance

Albanian legislation complies well with Article 16 of the CEDAW. Article 53 of the Constitution guarantees to everyone the right to marry and have a family. The recently adopted Family Code states in its Article 1 the important principle of moral and legal equality of spouses. Free consent of both spouses given before the civil registry clerk is an important condition for a marriage to be valid.⁵⁶ The minimum age for marriage is 18 for both future spouses.⁵⁷ Within marriage, men and women have the same rights and obligations in terms of loyalty, mutual love and respect, moral and material support, cooperation, maintenance, teaching and education of children.⁵⁸ When one of the spouses fails to comply with their duties within marriage, the other spouse (with no

⁵⁶ The Family Code, law no. 9062, of 8 May 2003, articles 8 and 33

⁵⁷ The Family Code, law no. 9062, of 8 May 2003, article 7

⁵⁸ The Family Code, law no. 9062, of 8 May 2003, article 50

distinction as to their sex) may petition the court to adopt urgent measures. These are intended to oblige the spouse to comply with their responsibilities towards the family. Given the relative recent entry into force of the Family Code there is still missing jurisprudence (case law) that would identify different options of urgent measures.

The Code requires mutual understanding and the consent of both spouses with regard to their common residence, administration of property, conclusion of marriage contracts, choice of property regime and even for cases of uncontested divorce. Other cases of termination of marriage require the petition of either one of the spouses.

Albanian legislation demonstrates particular attention to the issue of consent and protection of family life. The Criminal Code dedicates a chapter to protection of children, marriage and family.⁵⁹ The Code considers as criminal offences and adopts sanctions (fines or imprisonment) for the following actions: (a) abandonment of minor children; (b) failure to provide necessary living means to children and family; (c) failure to notify change of residence; (d) taking the child from the other parent; and (e) forcing or prohibiting the starting, continuation or termination of marriage or cohabitation. Further protection is ensured by the provisions addressing sexual assault towards minors.⁶⁰ No reference to domestic servitude may be found in Albanian legislation.

Equality of spouses is a legal principle and applies even after termination of marriage, when it is time to regulate the division of property and other issues. Article 147 provides that the court may order one spouse to pay a contribution to the other with a view to compensate for the inequality in lifestyle resulting from division of property. Article 153 gives the right of the non-owner spouse to use the marital residence upon termination of marriage in case they have been given child custody, or when the owner spouse has abandoned the family.

Albanian family legislation provides for the same rights and obligations of both parents towards their children, notwithstanding their marital status. Although it is mainly women who share the larger burden, the Code uses the gender-neutral term “parent”. The Albanian Constitution⁶¹ and the Family Code⁶² provide for the equality of children born in and out of wedlock. Article 3/1 of the Family Code reinforces this principle: “Parents have the duty and right to ensure the proper care, development, well-being, education and edification of children born from marriage or out of wedlock.”⁶³ Similarly, termination of marriage does not alter these rights and responsibilities towards children, with the exception of cases provided in this Code. The non-custodial parent retains the right to supervise care and education of the child and be informed and consulted regarding important choices in their child’s life. Similarly they maintain visitation rights.⁶⁴

With regard to adoption of children, consent of both biological parents is required. The Code does not make any distinction as to the sex of the adoptive parents and uses the

⁵⁹ The Criminal Code, law no. 7895, of 27 January 1995, section IX

⁶⁰ The Criminal Code, law no. 7895, of 27 January 1995, articles 100 and 101

⁶¹ The Constitution of the Republic of Albania, law no. 8417, of 21 October 1998, article 54/2

⁶² The Family Code, law no. 9062, of 8 May 2003, article 4

⁶³ According to Article 220, parental responsibility is exercised by both parents together, towards their child born of marriage or out of wedlock.

⁶⁴ The definition of parental responsibility is provided by Article 215 of the Family Code as the set of rights and responsibilities aimed at ensuring the emotional, social and material well-being of the child, taking care of him/her, maintaining personal relations with him/her, assuring him/her nurture, education, teaching, legal representation and administration of his/her wealth”.

term “adoptive parent”. One difference between sexes regards the surname of the child, either natural or adopted. The child takes the common surname of his/her parents, or the surname they both consent to (in case they maintain different surnames); in cases of disagreement the child will take the surname of the father.

Spouses have the same rights regarding their surname,⁶⁵ they are free to keep their surname or take that of their spouse (no distinction as to the sex).

Article 63 provides for the rights of each spouse (man or woman) to pursue a profession and manage their income from employment or other sources, in accordance with the property regime previously chosen, after contributing to marital obligations. Spouses have the same rights to ownership of property, including its acquisition, administration, enjoyment and disposition. While each of the spouses has the right to freely administer and dispose of their personal property,⁶⁶ consent of the other spouse is necessary in disposing of the marital residence and its furniture.⁶⁷ In addition, spouses are free to enter into a pre-nuptial or later marital agreement, where they may select the property regime most suitable to their lifestyle.

Marriage may be concluded between a man and a woman who are at least 18 years old.⁶⁸ For sufficient reasons (mainly early pregnancy) the court may authorize marriage before the legal age. While Albanian legislation does not recognize and does not regulate engagement or betrothal, it considers marriage of minors null and void.⁶⁹

Regarding registration of marriage Article 30/2 of the Family Code stipulates: The marriage act is immediately drafted, is signed by the spouses, witnesses and the civil registration office clerk and is entered in the marriage register. The Civil Status Law also requires registration of marriage in the Book of Marriages and gives specific regulations of procedure for this action.⁷⁰

De Facto Compliance

The most stable institution of the Albanian society, the family, also remains a significant venue of discrimination and violence for girls and women. Repeatedly, participants reported the unequal share of housework and care. In fact women are expected to contribute more in the family than in society as a whole.

1(a) Same right to enter into marriage. Although information on equal rights in marriage, registration in the civil status offices and the dissolution of marriage is available and readily given equally to men and women, individuals rely on their social networks to obtain and exchange this kind of information. Furthermore, in the rural areas, information on these topics is shaped as social norms and values that are respected and observed by all.

1(b) The same right to freely choose spouse and to enter into marriage only with their free and full consent. Women have the right to freely choose a husband and enter into marriage with their free and full consent. Marriage is, however, constructed as a norm and a desirable condition for women’s social status.

⁶⁵ The Family Code, law no. 9062, of 8 May 2003, article 51

⁶⁶ The Family Code, law no. 9062, of 8 May 2003, article 64

⁶⁷ The Family Code, law no. 9062, of 8 May 2003, article 54

⁶⁸ The Family Code, law no. 9062, of 8 May 2003, article 7

⁶⁹ The Family Code, law no. 9062, of 8 May 2003, article 39

⁷⁰ Law no. 8950, Approved on 10 October 2002 “On the Civil Status”, Articles 42/1, 43 and 48

Albanian men and women tend to marry early. Most marry between the age of 20 and 29, but women marry at a younger age as the following table indicates:

| Age Group | Female | Male |
|--------------------|--------|------|
| Up to 19 years old | 22% | 1% |
| 20-24 years | 49% | 21% |
| 25-29 years | 18% | 43% |
| 30-34 years | 6% | 23% |
| 35-39 years | 2% | 7% |
| 40-44 years | 1% | 3% |
| 45-49 years | 1% | 1% |
| Over 50 years old | 1% | 1% |
| INSTAT, 2004 | | |

Research shows that the perception of marriage as a life goal is often the frame of reference, although some Albanian women choose to marry to escape the parental home, poverty or violence. The patriarchal traditions of marriages arranged by a male authority are still frequent (Baban, 2004). Young women in the rural areas usually expect their family to choose a husband for them and rarely disagree on the family choice.

1(c) The same rights and responsibilities during marriage and at its dissolution. Women and men have the same rights and responsibilities, however women are perceived as the ones who have the larger part of the burden in the maintenance of their home. While women legally have the right to divorce their spouse, socio-cultural stigma make it a difficult decision to undertake, especially in the rural areas.

1(d) Parental rights and responsibilities relating to their children. Both parents have rights and responsibilities toward their children, however women are the ones who bear the larger responsibility of childcare.

1(e) Number and spacing of their children; access to family planning information. See information under Article 10, 12, and 15.

1(f) Guardianship, wardship, trusteeship and adoption of children. With regard to equality before law on parenting and negligence towards children, both parents may address the court to have the right of guardianship removed from the other parent. Women are usually more favored, as guardianship of the child is given to women in the majority of the cases. A few participants perceived that lawyers are more lenient towards women in family court cases.

1(g) Right to choose a family name, a profession and an occupation. This right is exercised especially among urban women. However stereotypes abound. Young women are found more frequently in social sciences and humanities.

1(h) Property rights. Although women may inherit property from their fathers, property rights usually belong to the whole family and may be transferred to the male head of the family.

2. Marriage before the age of consent; establishing an official marriage registry. Although the legal age for marriage is 18 years old, participants mentioned cases of young women getting

married at 16 years of age, especially in the rural areas. However, no information is available on the frequency of this phenomenon. Marriage before the age of consent is not declared to civil status offices as this is punishable by law. No awareness-raising campaigns have been waged by the state on the issue of marriage before the age of consent.

“I don’t agree that girls should get married at this young age [16 years old]. They don’t know anything about family obligations...don’t know what it means to be responsible towards your husband, towards your in-laws. You share a house with them. It is important that she knows her duties.”

A female participant, Vlora

CONCLUSION

This assessment has shown that while achievements have been made toward addressing gender equality in various domains of life in Albania, more work lies ahead. In this conclusion, we reflect on the utility of data provided in the report, the future directions for implementation of Albanian legislation regarding women, and some areas of work as suggested by participants for the *de facto* portion of the report.

Utilization of data

Use as basis for government and shadow report. One of the main challenges in writing this assessment report was the insufficient data available on how women are doing overall in relation to the implementation of the Convention. Better statistics that support comprehensive information on employment, health, and access to financial services are needed. By indicating what data are missing, the assessment suggests the nature of statistics needed and how they may be interpreted in the light of CEDAW recommendations. These data can then be used – together with other economic data – by policy makers in making decisions as to whether measures should be taken to influence the future work of improving women’s position or to aid those affected by various socio-economic issues such as unemployment, lack of quality education and lack of access to health care services.

Tool for capacity building. A cross-cutting theme of the assessment was that the Albanian state needs to improve the efficiency and effectiveness with which the executive and legislative bodies deliver their services and programs, thus increasing the benefits to girls and women in the urban and rural areas. By drawing on the data and current experiences of governmental and non-governmental actors provided on each aspect of the CEDAW articles, the assessment shows how future work can be customized to assist in improving and promoting the implementation of the Convention.

NPOs may use it as an advocacy tool. The assessment indicated that women’s NPOs have taken the lead in improving women’s position in Albanian society. They have primarily served as agents of advocacy and as sources of alternative viewpoints. However, they still need to coordinate their work and improve their skills and experience to plan, implement and evaluate projects that aim to improve girls’ and women’s lives. The report may provide leads on how NPOs can monitor and evaluate such projects.

Content training for women. Fieldwork indicated that more needs to be done in terms of familiarizing Albanian girls and boys, and women and men on the contents of CEDAW. The data provided could serve as illustrative material for introducing and explaining the articles of the Convention. These training sessions could also be

customized for policy makers and implementers, school educators, and employees in the service sector.

Use by donors to coordinate aid related to women and development. The assessment also indicated that coordination of work on improving women's position is lacking and may result in waste of resources. To coordinate this kind of aid, it is indispensable that donors agree on a common development strategy and establish development programs with a view towards dividing the work amongst themselves in order to pursue their common policy targets. By providing field interview data, the assessment invites donors to coordinate their aid based on the reality of assistance activities for girls and women at the field level. The interviews suggested that initiatives taken at a local level (for example, the initiative to cope with lack of facilities for quality education) need to be met by the initiatives of the providers of development assistance in support of those initiatives.

Future Directions for Implementation of Albanian Legislation Regarding Women

Despite the generally positive legal tableau, law implementation remains an issue in post-communist Albania. It is recommended that effective mechanisms intended to ensure implementation are created, such as simple structures with clear mandates and competences, effective sanctions and supervision, coupled with a determined political will and strong pressure by civil society organizations.

Gender mainstreaming as an advanced concept and a strategy for achieving gender equality should be embraced by law-making and law-implementing organs. A thorough analysis of existing and especially upcoming legislation in all spheres, from the gender equality viewpoint, should become indivisible part of the law-making process.

Future Directions for *De Facto* Implementation of CEDAW

With regard to implementation of women's rights, participants were asked to relate how they saw the future of women's status and whether they could suggest changes in current practice.

A women's movement that seeks to have men as partners is essential to implementation of women's rights

In order for the women's situation to improve, men need to recognize and support the women's movement, for the benefit of women and men equally. Men's support is paramount in all aspects of change, including sharing responsibilities around the house and parenting, and ending all forms of violence against women, including rape, sexual harassment and domestic violence. Participants recognized the crucial need to reach out to men with services and education that enable them to share in the responsibility for employment and reproductive health.

Gender equality is achieved through work of multiple actors

The state, NPOs and the individual are all important actors in the improvement of women's position in Albanian society. In participants' views:

- The state is the organizing power with clear strategies, concrete services and financial support. Legislation needs to be strengthened and has to be made

normative and mandatory. Long-term strategies with clear goals should focus on marginalized groups including rural and Roma women.

- Civil society needs to support and complement these policies and raise awareness. Transparency and cooperation among civil society organizations is very important.
- The media needs to wage information campaigns and educate their public on the importance of knowing and respecting gender-related legislation. Work has to focus particularly on elimination of gender stereotypes that discriminate women in the media.
- Individuals will have to fight hard to protect their own rights. Women have to learn how to lobby and support each other on their own rights and have more gender solidarity among each other. Men, too, have to be included in all efforts toward raising awareness.

A gender-responsive budget is key to achievement of gender equality goals.

Albania has not carried out an analysis of the impact of the actual government expenditure and revenue on women and girls as compared to men and boys. To the participants' and authors' knowledge, no gender budget initiative has been carried out at the national or local level either by the Ministry of Finance or an NPO. Gender budgeting may provide a way to hold the Government of Albania accountable to their commitment of upholding women's rights and equality.

ANNEX 1

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ANNEX 2

COMPLETE LIST OF AREAS OF CONCERN

Article 1

- Definition of “discrimination” in current Albanian legislation is incomplete.
- Definition of “discrimination against women” as provided for in Article 1 of the CEDAW has not been transposed into Albanian legislation.
- There is considerable discrepancy between the concept of equality of men and women as provided for in the law and its implementation in real life.
- Although Albania has ratified CEDAW, there is little familiarity with the Convention.
- There is poor coordination of work between the GOA and NPOs for informing women on CEDAW and Albanian women rights legislation.

Article 2

- The sphere of application of the Gender Equality Law is limited only to public life. Gender-based discrimination in the religious beliefs or private lives of citizens is therefore left uncovered by legal guarantees.
- Secondary legislation and establishment of institutional mechanisms to implement gender equality and eliminate gender-based discrimination need to be in place.
- Application of sanctions for acts of discrimination under the Gender Equality Law is difficult as those provisions are unclear.
- The Albanian Criminal Code does not contain domestic violence provisions.
- Albanian legislation lacks appropriate protection mechanisms and procedures for domestic violence cases.
- No gender-related analysis has been performed on existing and upcoming legislation.
- Lack of awareness that that sanctions against inequality exist.
- Few instruments exist to ensure gender equality is implemented.
- Religious and cultural practices result in discrimination against women.
- The Government of Albania has not issued an official translation of CEDAW.

Article 3

- Secondary legislation detailing the composition, structure and specific tasks of a governmental structure to ensure gender equality is not available.
- Financial support to these structures is not taken into account in the approval of the annual budget law.
- There is lack of gender authorities/structures at the ministerial level with the legal mandate with regard to gender mainstreaming.
- No long-term plan has been devised with regard to the implementation of this article.

Article 4

- Albanian generally lacks temporary special measures, such as quota, zebra systems, preferential treatment for women, etc., aimed at accelerating equality between men and women in all spheres of life.
- The Gender Equality Law introduces the concept of temporary special measures but does not provide further specifications to make it effective.
- Informational campaigns to understand the Gender Equality Law have been waged primarily by NPOs.

Article 5

- National information campaigns addressing elimination of gender stereotypes have been waged primarily by NPOs.
- The media feeds into stereotyping by either criminalizing or sexually glamorizing women.
- Women still remain the main caregivers, despite the fact that women may be employed outside their home.

Article 6

- Albanian legislation considers prostitutes to be criminal offenders.
- Witness protection is inefficient.
- Cooperation on implementation of trafficking legislation is lacking.
- Large-scale awareness-raising campaigns on trafficking are lacking.
- There is no reporting on violence against or abuse of prostitutes.
- Protection and/or assistance of victims and their rehabilitation is needed.

Article 7

- There is low participation of women in political life resulting in insignificant representation of women in decision-making structures.
- Quotas or similar systems that encourage women's participation in politics or decision-making structures are lacking.
- Despite good legislative compliance with Article 7, laws are rarely translated into concrete programs and policies to ensure real life participation for women.
- A gender-specific mentality that sees women as providers of family care and men as leaders in politics makes women withdraw from participating in political life.
- A balance between quality and quantity of female candidates engaged in politics should be observed.

Article 8

- There is low representation of women in international levels.
- There is low representation of women in the Diplomatic Corps.

Article 9

- Although women can obtain passports and are not legally required to have permission, they generally ask for their husband's consent before traveling within the country or abroad.

Article 10

- Textbooks have not been reviewed with regard to gender stereotypes.
- Continuing adult education takes place only sporadically.
- Implementation of regulations that discourage school dropping-out for girls and boys lags behind.
- Despite non-gender discriminatory provisions, sports remain male-dominated.
- Health and family planning education does not receive due attention in curriculum and teaching staff is underqualified to teach these subjects.

Article 11

- Laws covering labor relations and categories of employees do not stipulate equal pay for work of equal value.
- Albanian legislation does not grant paternity leave.

- Differentiation in the retirement age reduces women's chances for career advancement and results in a lower retirement payment, which in turn raises poverty levels among elderly women.
- There is only sporadic periodic review of protective legislation.
- There is lack of specific legal procedures for sexual harassment cases.
- Concrete policies for the labor integration of rural women are lacking.

Article 12

- Albanian legislation does not specifically prohibit discrimination in health care.
- Albanian legislation lacks adequate protection for breastfeeding women.
- The level of awareness on family planning is still low.
- Access to health care service is uneven.
- There is a low level of awareness about maintaining good health.
- Comprehensive training on gender-based violence is lacking.
- Little attention is paid to women of menopause age.

Article 13

- Albanian legislation does not specifically mention equality or non-discrimination of women in the civil law sphere.
- Women entrepreneurship has yet to be developed.
- Women benefit little from bank loans and credit.

Article 14

- Women in rural areas are most discriminated against. However, Albanian legislation does not make any distinction between rural and non-rural women.
- There is lack of clear authorities charged with the specific duty to implement or monitor implementation of legislation protecting rural women's rights at the local level
- It is difficult for change to take place quickly in rural areas.
- Access to health care is problematic, especially in the remote areas.
- The high school-drop out rate among girls over 14 years of age is high.
- Few benefit from social security schemes.
- There are few opportunities to develop business though credit exist for both men and women.
- There is limited opportunity to participate in community life.
- Adequate housing, sanitation, electricity and water supply, transport and communications services are uneven

Article 15

- Social and cultural perceptions limited women's opportunity to be engaged in business.
- The state has not conducted research to determine if gender bias exists in judicial reasoning, practices and decisions.
- Women need to ask permission from men to engage in work or travel.
- There are no government policies to encourage women to engage in business activities exist.

Article 16

- Family setting remains one of the key areas in which girls and women are discriminated against.
- Capacity for rural young women to choose a husband is limited.
- Women have the larger share of responsibilities of housework and childcare.
- The state has not waged informative campaigns regarding the prohibition on underage marriage.
- Although women may inherit property from their fathers, usually property rights belong to the whole family and may be transferred to the head of the family.

ANNEX 3

COMPLETE LIST OF THE LEGISLATION ANALYZED

1. Constitution of the Republic of Albania, law no. 8417, of 21 October 1998
2. Gender Equality Law, no. 9198, of 1 July 2004
3. Labor Code of the Republic of Albania, law no. 7961, of 12 July 1995
4. Civil Code of the Republic of Albania, law no. 7850, of 29 July 1994
5. Criminal Code of the Republic of Albania, law no. 7895, of 27 January 1995
6. Criminal Procedure Code of the Republic of Albania, law no. 7905, of 21 March 2005
7. Family Code, law no. 9062, of 8 May 2003
8. Electoral Code, law no. 8609, of 8 May 2000
9. Law on the Status of Civil Servant, no. 8549, of 11 November 1999
10. Law on Albanian Citizenship, no. 8389, of 5 August 1998
11. Foreign Service Law, no. 9095, of 3 July 2003
12. Reproductive Health Law, no. 8876, of 4 April 2002
13. Law on Health Service and Free Medical Assistance provided by the State, no. 3766, of 17 December 1963
14. Law on the Organisation and Functioning of the Judicial System in the Republic of Albania, no. 8436, of 28 December 1998
15. Law on the Organisation and Functioning of the Prosecutorial Service in the Republic of Albania, no. 8737, of 12 February 2001
16. Social Security Law, no. 7703, of 11 May 1993
17. Law on the Civil Status, no. 8950, of 10 October 2002
18. Law on Not for Profit Organisations, no. 8788, of 7 May 2001
19. Law on Social Assistance and Care, no. 7710, of 18 May 1993
20. Law on Promotion and Protection of Breastfeeding, no. 8528, of 23 September 1999
21. Law on Promotion of Employment, no. 7995, of 20 September 1995
22. Law no. 9110, of 27 July 2003 “On the organization and functioning of serious crimes courts”
23. Law no. 8668, of 23 November 2000 “On the provision of Albanian citizens with passport for traveling abroad”
24. Law no. 8461, of 25 February 1999 “On third level education in the Republic of Albania”
25. Law no. 7952, of 21 June 1995 “On pre-university education”
26. Law on Education and Vocational Training in the Republic of Albania no. 8812, of 29 March 2002
27. Council of Ministers Decision, no. 632, of 8 September 2003 “On the Programme for the Promotion of Employment for Female Job-Seekers”
28. Council of Ministers Decision, no. 616, of 4.12.2002 “Establishing Other Categories of Special Groups benefiting from Law on Education and Vocational Training in the Republic of Albania no. 8812, of 29 March 2002”
29. Council of Ministers Decision, no. 397, of 20 May 1996 “On the Special Protection of Pregnant Women and Motherhood”
30. Council of Ministers Decision, no. 207, of 9 May 2002 “Establishing Dangerous or Difficult Jobs”

ANNEX 4

CEDAW Committee's Principal Areas of Concern and Recommendations to the Albanian Government upon Submission of Combined Initial and Second Periodic Report

18. While noting with satisfaction that, in principle, the Convention is incorporated into Albanian law and thus has precedence over conflicting national laws in those provisions of the Convention which are deemed to be directly applicable, the Committee is nevertheless concerned about the lack of clarity regarding the direct applicability of the Convention in Albania.

19. The Committee urges the State party to clarify the issue of the direct applicability of the Convention within the national legal order of Albania.

20. While noting that the Constitution and a number of laws prohibit discrimination on the basis of sex, the Committee expresses concern that the State party has not undertaken a comprehensive review of laws to ensure conformity with the Convention and that some provisions discriminating against women may continue to exist.

21. The Committee urges the State party to review all existing laws and amend remaining discriminatory provisions so that they become compatible with the Convention and the Committee's general recommendations. It encourages the speedy adoption of the Family Code under revision, including the provision for equality between women and men in the minimum age of marriage.

22. The Committee is concerned that women have seldom used existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

23. The Committee urges the State party to ensure that Albanian law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, information about complaints filed in courts on the basis of the Convention, as well as any court decisions that refer to the Convention.

24. The Committee is concerned that there is a lack of familiarity with the Convention and the opportunities for its application and enforcement, including among the judiciary, law enforcement personnel, non-governmental human rights and women's organizations and women themselves.

25. The Committee recommends the introduction of education and training programmes on the Convention, in particular for parliamentarians, the judiciary and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women avail themselves of procedures and remedies for violations of their rights under the Convention.

26. While welcoming the efforts of the Committee for Equal Opportunities, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, power or financial and human resources to effectively promote the advancement of women and gender equality.

27. The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality. It also recommends that gender mainstreaming in all ministries, policies and programmes be strengthened through gender training and the creation of focal points.

28. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large. The Committee is also

concerned about the resurgence of discriminatory customary law (*kanun*) and traditional codes of conduct in some northern areas of the country.

29. The Committee urges the State party to implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. The Committee further urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.

30. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Committee remains concerned about the continuing prevalence of this problem in Albania, which has become a country of origin and transit for trafficked women and girls. It is concerned that victims of trafficking are subject to punishment under the Albanian Penal Code. It is also concerned that prostitutes, but not those who exploit prostitutes, are prosecuted and punished.

31. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, and social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the protection and support they need to enable them to provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. It recommends that the State party review existing legislation and take steps to ensure that victims of trafficking are not penalized and that all those who exploit prostitutes are punished and prosecuted. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on progress made on this issue.

32. The Committee expresses concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that the Albanian Penal Code does not distinguish between acts committed by a stranger and acts committed by a family member, and that no specific legislation has been enacted to combat domestic violence. It is concerned that there is a lack of systematic data collection on violence against women, in particular domestic violence.

33. In light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence. The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

34. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is concerned about discrimination in hiring women, especially in the emerging private sector.

35. The Committee urges the State party to ensure equal opportunities for women and men in the labor market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee requests the State party to provide in its next report more detailed information on the situation of women in the labor market, including women's occupations in the different sectors of the economy, their levels of authority and their wages.

36. The Committee is concerned about the situation of rural women, as the majority of the female population, who are discriminated against in practice with respect to owning and inheriting property, and who are disadvantaged by poverty, poor infrastructures, lack of credit, and limited access to education, healthcare services and social insurance. Noting the decrease in the school dropout rate of girls, the Committee remains concerned about this continuing problem. The Committee is also concerned that rural women are hardly represented in local government bodies.

37. The Committee urges the State party to give full attention to the needs of rural women and to develop comprehensive policies and programmes aimed at their economic empowerment, ensuring their access to productive resources, capital and credit, as well as education, health-care services, social insurance and decision-making. The Committee requests the State party to undertake a study of the ownership and inheritance of land by rural women and of their general economic, educational and social situation, and to report the results in its next periodic report.

38. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

39. The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.

40. While welcoming the State party's collaboration with and recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern the insufficient capacity and resources of these organizations, which makes it difficult for them to implement various projects and programmes in support of the human rights of women. The Committee is also concerned that the State party passes on its own responsibilities for protecting and fulfilling women's enjoyment of their human rights to non-governmental organizations and international donors.

41. The Committee recommends that the State party strengthen its support for the work of women's non-governmental organizations and ensure that its obligations under the Convention are fully integrated into its overall governmental responsibilities and not carried out by non-governmental organizations alone.

42. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

43. The Committee encourages the State party to ratify the Optional Protocol to the Convention.

44. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

ANNEX 5

De Jure Assessment Questions

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including | Citation to relevant laws |
|------|---|--|---------------------------------|--|---------------------------|
| 1 | <p>1. Do the laws of the State prohibiting discrimination against women incorporate the definition of discrimination against women contained in Article 1 of CEDAW*?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent</p> <p><input type="checkbox"/>4 Good</p> <p><input type="checkbox"/>3 Fair</p> <p><input type="checkbox"/>2 Poor</p> <p><input type="checkbox"/>1 No</p> | <p>compliance or no law</p> | | |
| 2 | <p>2. Does the State's constitution or other appropriate legislation affirmatively guarantee the equality of men and women?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent</p> <p><input type="checkbox"/>4 Good</p> <p><input type="checkbox"/>3 Fair</p> <p><input type="checkbox"/>2 Poor</p> <p><input type="checkbox"/>1 No</p> | <p>compliance or no law</p> | | |
| 2 | <p>3. Do the laws of the State prohibit discrimination on the basis of sex by governmental authorities and institutions?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent</p> <p><input type="checkbox"/>4 Good</p> <p><input type="checkbox"/>3 Fair</p> <p><input type="checkbox"/>2 Poor</p> <p><input type="checkbox"/>1 No</p> | <p>compliance or no law</p> | | |
| 2 | <p>4. Do the laws of the State prohibit discrimination on the basis of sex by private individuals and entities?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent</p> <p><input type="checkbox"/>4 Good</p> <p><input type="checkbox"/>3 Fair</p> <p><input type="checkbox"/>2 Poor</p> <p><input type="checkbox"/>1 No</p> | <p>compliance or no law</p> | | |
| 2 | <p>5. Do the laws of the State impose sanctions, where appropriate, in the</p> | <p><input type="checkbox"/>5 Excellent</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|---|---------------------------------|--|---------------------------|
| | <p>event gender-based antidiscrimination laws are violated? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 2 | <p>6. Do the laws of the State prohibit discrimination on the basis of sex regardless of tradition, custom or religion? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 2 | <p>7. Has the State repealed all national penal provisions that discriminate against women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 2 | <p>8. Do the laws of the State criminalize violence, including sexual assault, against women in the home by family members and impose penalties identical to those imposed on strangers who commit such acts of violence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 3 | <p>9. Does a national machinery exist on a statutory basis to enforce non-discrimination laws? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|--|---------------------------------|--|---------------------------|
| 4 | <p>10. Has the State, through legislation, instituted temporary special measures aimed at accelerating <i>de facto</i> equality between men and women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p>compliance or no law <input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 5 | <p>No <i>de jure</i> assessment need be conducted for Article 5</p> | | | | |
| 6 | <p>11. Do the laws of the State prohibit the exploitation of prostituted women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 6 | <p>12. Do the laws of the State seek to suppress and criminalize all forms of trafficking of women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 7 | <p>13. Do the laws of the State prohibit discrimination in political and public life on the basis of sex? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 7 | <p>14. Do the laws of the State ensure the equal right of women to vote in elections and public referenda?</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|--|---------------------------------|--|---------------------------|
| | Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 7 | 15. Do the laws of the State ensure the equal right of women to stand for election to all publicly elected bodies? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 7 | 16. Do the laws of the State ensure the equal right of women to participate in nongovernmental organizations and associations concerned with the public and political life of the country? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 7 | 17. Do the laws of the State ensure the equal right of women to hold public office and perform all public functions at all governmental levels, including the formulation and implementation of government policy? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 8 | 18. Do the laws of the State ensure the equal right of women to represent their governments at the international level and participate in the work of international organizations? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 9 | 19. Do the laws of the State ensure the equal right of women and men to acquire, change, or retain their | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|---|---------------------------------|--|---------------------------|
| | <p>nationality? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 9 | <p>20. Do the laws of the State ensure that neither marriage to an alien nor change of nationality by her husband during marriage automatically changes the nationality of the wife, renders her stateless or forces upon her the nationality of the husband? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 9 | <p>21. Do the laws of the State ensure that women and men have equal rights in determining the nationality of their children? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 10 | <p>22. Does a law exist prohibiting discrimination in education on the basis of sex, pregnancy or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 10 | <p>23. Do the laws of the State ensure the rights of women and girls to equal conditions with regard to all aspects of education, including but not limited to, access to: career and vocational guidance; quality teaching staff and</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|---|---------------------------------|--|---------------------------|
| | <p>equipment; information on family health matters, including family planning, sexually transmitted diseases, and sexual violence and coercion; the same opportunities to participate in sports and physical education? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | | | | |
| 10 | <p>24. Do the laws of the State ensure the rights of women and girls to equal access to educational information on the health and well being of families, including information and advice on reproductive health, including family planning and prevention and treatment of sexually transmissible infections, and sexual violence and coercion? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>25. Do the laws of the State prohibit discrimination in employment on the basis of sex? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>26. Do the laws of the State ensure the equal right of women to the same employment opportunities, including the application of the same criteria in employment matters regardless of pregnancy or marital status?</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|--|---------------------------------|--|---------------------------|
| | Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | |
| 11 | <p>27. Do the laws of the State ensure the equal right of women to equal pay, including benefits, and to equal treatment in respect to work of equal value, as well as equality of treatment in the evaluation of the quality of work?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>28. Do the laws of the State require equal pay for women and men?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>29. Do the laws of the State ensure the equal right of women to social security and paid leave?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>30. Do the laws of the State ensure the equal right of women to protection of health and to safety in working conditions, including providing women with the ability to make informed choices about working conditions that may affect reproductive health, and ensuring that employers provide appropriate measures to safeguard employee health?</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|--|---------------------------------|--|---------------------------|
| | Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | |
| 11 | 31. Do the laws of the State prohibit dismissal from employment on the grounds of marriage, pregnancy and maternity leave? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 11 | 32. Do the laws of the State impose sanctions in instances where women are discriminated against on the grounds of marriage or maternity? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 11 | 33. Do the laws of the State ensure the right to reasonable maternity leave, with pay or with comparable social benefits, without loss of seniority? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 11 | 34. Do the laws of the State provide for the establishment of necessary supporting social services, including child care networks and subsidies, parental leave, and special health protection during pregnancy that promote the balance of family and work life, equally for both women and men? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 11 | 35. Do the laws of the State provide special protection to pregnant | <input type="checkbox"/> 5 Excellent | | | |

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|------|--|--|---------------------------------|--|---------------------------|
| | <p>women engaged in work proven to be harmful to them and do the laws ensure? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 11 | <p>36. Does the State periodically review protective legislation (relevant to Article 11) in light of scientific and technological knowledge and revise, repeal or extend such laws as necessary? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 12 | <p>37. Do the laws of the State prohibit discrimination against women in the field of health care? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 12 | <p>38. Do the laws of the State ensure, on a basis of equality of men and women, access to quality health care services? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 12 | <p>39. Do the laws of the State ensure to women voluntary, accessible, appropriate and affordable (including free, if necessary) services in connection with pregnancy, confinement and the postnatal period, as well as adequate</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|---|---------------------------------|--|---------------------------|
| | <p>nutrition during pregnancy and lactation? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | | | | |
| 12 | <p>40. Do the laws of the State ensure to women and girls education and information about health, including sexual and reproductive health and health care options to enable them to make free and informed decisions? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 13 | <p>41. Do the laws of the State ensure the equal right of women to receive family benefits regardless of marital status? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 13 | <p>42. Do the laws of the State prohibit discrimination regarding contracts based on sex or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 13 | <p>43. Do the laws of the State ensure the equal right of women to receive bank loans, mortgages and other forms of financial credit regardless of marital status? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 13 | <p>44. Do the laws of the State ensure the equal rights of women to</p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|---|---------------------------------|--|---------------------------|
| | <p>participate in recreational activities, sports and all aspects of cultural life? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 14 | <p>45. Do the laws of the State prohibit discrimination against rural women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 14 | <p>46. Do the laws of the State ensure the equal application of all provisions of CEDAW to women in rural areas, including but not limited to access to adequate health care facilities and education and economic opportunities? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 14 | <p>47. Do the laws of the State ensure the right of rural women, rights that are of particular relevance and concern to rural women, such as the right to agricultural credit and loans, and land-related rights? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |
| 15 | <p>48. Do the laws of the State prohibit discrimination in civil matters on the basis of sex? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <p><input type="checkbox"/>5 Excellent <input type="checkbox"/>4 Good <input type="checkbox"/>3 Fair <input type="checkbox"/>2 Poor <input type="checkbox"/>1 No compliance or no law</p> | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|--|---------------------------------|--|---------------------------|
| 15 | <p>49. Do the laws of the State ensure that, in civil matters, women’s legal capacity is identical to that of men? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 15 | <p>50. Do the laws of the State ensure the equal rights of women in all stages and procedures in courts and tribunals and in all relevant functions (e.g., as plaintiffs, defendants, witnesses, jurors, judges, attorneys, etc.)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 15 | <p>51. Do the laws of the State ensure the rights of women to conclude contracts and to administer property, without restriction based on sex or marital status? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 15 | <p>52. Do the laws of the State declare null and void all contracts and other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women? Yes <input type="checkbox"/> No <input type="checkbox"/></p> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 15 | <p>53. Do the laws of the State ensure the same rights to men and women relating to freedom of movement and the right to choose their</p> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|--|---|---------------------------------|--|---------------------------|
| | residence and domicile? Yes <input type="checkbox"/> No <input type="checkbox"/> | compliance or no law | | | |
| 16 | 54. Do the laws of the State prohibit discrimination against women in all matters related to marriage? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | | | |
| 16 | 55. Do the laws of the State ensure the right to women and men to freely choose a spouse and to enter into marriage only with their free and full consent? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 56. Do the laws of the State ensure the same rights and responsibilities to women and men entering marriage, during marriage and at its dissolution, whether by divorce or death? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 57. Do the laws of the State ensure equal rights to women and men with respect to their rights and responsibilities as parents, irrespective of their marital status? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 58. Do the laws of the State ensure women's equal rights to the care, custody and control of their | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|--|---------------------------------|--|---------------------------|
| | children? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | | | |
| 16 | 59. Do the laws of the State ensure the right of women to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and the means to exercise these rights? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 16 | 60. Do the laws of the State ensure equal rights to women and men with regard to guardianship, wardship, trusteeship and the adoption of children or similar institutions where these concepts exist in national legislation? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 16 | 61. Do the laws of the State ensure the same rights to women and men as husband and wife, including the right to choose a family name, a profession and an occupation? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No | compliance or no law | | |
| 16 | 62. Do the laws of the State ensure the same rights to both spouses in respect of the ownership, acquisition, management, administration, | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor | | | |

| Art. | Question | Score | Analysis/Justification of Score | Relevant Excerpts from Laws Relied Upon in Analysis, Including Sanctions for Violating Said Laws | Citation to relevant laws |
|------|---|---|---------------------------------|--|---------------------------|
| | enjoyment and disposition of property? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 63. Do the laws of the State prohibit child marriage? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 64. Do the laws of the State establish a minimum age for marriage? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 65. Do the laws of the State ensure that the betrothal and the marriage of a child shall have no legal effect? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |
| 16 | 66. Do the laws of the State require the registration of marriages in an official registry? Yes <input type="checkbox"/> No <input type="checkbox"/> | <input type="checkbox"/> 5 Excellent <input type="checkbox"/> 4 Good <input type="checkbox"/> 3 Fair <input type="checkbox"/> 2 Poor <input type="checkbox"/> 1 No compliance or no law | | | |