

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON ALBANIA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

**Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.**

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified. (All without reservations)

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Implementation of human rights obligations (36-41), Life Protection (50-53), Freedom of expression (54-56), Prevention of torture and inhuman or degrading treatment or punishment (68-76), Protection of minorities (77-83), Roma minority (84-89).

ISSUE	N Report	Compilation	Summary
<b>Equality and Non discrimination</b>	Constitutional guarantees (8, 42) <i>Gender equality laws (90, 92). Criminal code (45, 46). No specific law against discrimination (49)</i>	National programs and measures welcomed (11, 75)	
<b>Laws that discriminate against women</b>		Customary laws and traditional codes. Request for their elimination (22)	
<b>Participation in Public and political life</b>	<i>Gender neutral quota (95)</i>	New Electoral Code (6) Low level in political / economic positions (44). Request of information	

		(70)	
<b>Reproductive health/rights</b>	Reproductive health and family planning (87)		
<b>Right to education</b>	Free compulsory primary and secondary education (12). Legislation. High rate of girls' schooling. Improvements at Univ. Level (94) Education/training to prevent trafficking (104)	National Education Action Plan welcomed (15). Low rate of attendance by Roma girls (56, 48)	
<b>Right to work</b>	Labor code (44) Mainly in informal jobs, high rate of unemployment (91)	Wage gaps (47)	
<b>Roma women</b>	Action Plan to promote employment and social protection (85)		
<b>Sexual Violence</b>	Criminal Code provisions (97)		
<b>State Institutions/ Plans of Actions</b>	Bodies for progress of gender equality (92)		
<b>Trafficking of women/ Forced prostitution</b>	No transit or destination country (100) Legal measures (101) NGOs support (106) Programs, plans, strategies (102, 104)	Forced prostitution, including girls. Conduit and source country (31) Police and government officials involved. Lack of witness and protection for victims (32)	
<b>Violence against Women /Gender Violence</b>	Legislation (63, 96, 97, 98). Programs, plans, strategies (93, 99)	Need for effective measures to combat sexual and domestic violence (28) Detailed information requested (69)	Amendment of Criminal Code (6). Lack of procedures and information. Need to improve /enforce mechanisms to address violence. (7)
<b>Women in prison</b>		Inhuman conditions of detention (30)	

### Equality and non-discrimination

The Constitution stipulates the equality before the law as the basic principle of the protection, respect, observance and promotion of human rights. No one shall be unjustly discriminated on account of gender ( ) if there does not exist a reasonable and objective justification (Para 8 - 42, NR). ( ) The definition of gender discrimination is provided in law "On gender equality in society" adopted in 2008 and is in compliance with the article 1 of the CEDAW Convention (Para 90, NR). ( ) Law " On gender equality" adopted in 2008

() regulates the fundamental issues of gender equality in public life, of protection and equal treatment of men and women, of equal chances and opportunities in the exercise of rights, as well as of their participation and support to the development of all areas of social life. The law aims at ensuring an efficient protection against discrimination by reason of gender, as well as at setting out the measures for guaranteeing equal opportunities to both men and women and eliminating the gender-related discrimination, in any form it might appear (Para 92, NR). By virtue of Law, "On some amendments to the Criminal Code" adopted in 2007, the committal of a criminal offense instigated by motives related to gender, () has been added to article 50 of the Criminal Code as an aggravating circumstance. The Criminal Code stipulates that the exercise of torture for the aim of discrimination is sentenced to 4-10 years of imprisonment. The Code also lays down that the violation of nationals' equality, by reason of () sex ( ), consisting in the creation of unfair privileges, rejection of a right or benefit stemming from the law is punishable by a fine penalty or an imprisonment sentence up to 5 years ( ) (Para 46 - 45, NR).

Albania does not have a specific law against discrimination yet, but the civil society has prepared a draft-law against discrimination, which is being consulted with various stakeholders (Para 49, NR)

In 2003, CEDAW welcomed the early establishment of national machinery for the advancement of women and gender equality (Para 11, Compilation). Significant steps have been undertaken, with international support, to systematize the training and capacity-building processes required to strengthen Albania's skills in implementing the Gender Equality Law and the Domestic Violence Law. Albania's One UN Programme incorporates the principles of gender equality and the development of national capacity throughout. (Para 75, Compilation)

### **Laws that discriminate against women**

The HR Committee, CESCR and CEDAW were concerned that women continue to face discrimination under customary law and traditional codes (Kanun). (Para 22 Compilation)

### **Participation in public and political life**

With a view to increasing the women representation, the law "On gender equality in society" envisages the gender neutral quota over 30 per cent in all level of institutions. The new Electoral Code adopted in 2008 envisages the obligation that in the elections for the Parliament of Albania of June 2009, 30 per cent of the Member of Parliament candidates should be females (Para 95, NR).

The United Nations Country Team (UNCT) stated that the () the new Electoral Code Law includes temporary special measures, such as a 30 per cent quota for women candidates by political parties to increase women's participation in decision-making (Para 6, Compilation).

The HR Committee was concerned about the low level of participation of women in public affairs, and in the political and economic life, particularly in senior positions of public administration. CEDAW expressed similar concerns in 2003 (Para 44, Compilation). The HR Committee requested Albania to provide, within one year, information on the assessment of the situation and the implementation of the Committee's recommendations related to the low representation of women in public and political life: () (Para 70, Compilation)

## Reproductive health/rights

Several measures are undertaken for offering of health service to this community as well as to the entire population, mother and child care, () health education services, reproductive health, family planning etc (Para 87, NR)

## Right to education

() The compulsory elementary education and the general secondary education in public schools is provided free of charge (Para 12, NR). () Owing to the complete and contemporary legal framework in this field the Law "On Pre-university Education", the Law "On Education and Vocational Training in the Republic of Albania", the Law "On Higher Education" as well as the measures undertaken in National Strategy for Education, the compulsory nine-year education is attended by 98 per cent of girls, whereas 53.4 per cent of them go to high schools. Another positive indicator is the fact that in the recent years, the number of graduated females from the Albanian universities is almost twice as that of graduated males (Para 94, NR)

() CESCR also welcomed the adoption of the National Education Action Plan 2005-2015 on pre-University Education in 2004 (Para 15, Compilation)

() With a view to preventing the trafficking in the endangered categories, (young people, women and girls) several measures have been undertaken for their inclusion and integration into the society by implementing the law on compulsory education and their registration in the civil registry offices, offering vocational education/training to all the people who have dropped out of school (Para 104, NR)

() A 2006 UNDP report noted that while 87 per cent of urban children in Albania complete the fifth grade, only 77 per cent of rural children do so. UNCT noted that in areas densely populated by Roma communities, access to education can be as low as 13 per cent (Para 48, Compilation). The 2004 CCA report indicated that Roma children are the most deprived cultural and ethnic group from the point of view of educational attainment. (Para 56, Compilation)

## Right to work

The Labor Code prohibits any type of discrimination in the field of labor, be it in the public or private sector or in the professional life as well. The legislation on social insurance provides for equal rights (Para 44, NR.)

() The Labor Code, the Law "On the status of the civil servant" and other legal acts and by-laws establish a complete legal framework aiming at the non-discrimination of women in the work relations. Nonetheless, the participation of women at an active age in work () is relatively low at the level of 50 per cent which is explained by a higher employment of women in the informal sector. Women constitute 50 per cent of the unemployed people in Albania (the unemployment rate is 13, 2 per cent). In other certain branches, women represent the majority of the employed people (in the processing industry they constitute 68 per cent of the employed people, in banking, education and health 54 per cent) (Para 91, NR)

() A 2008 International Monetary Fund (IMF) report indicated that men earned around double the hourly earnings of women in the agriculture and mining sector () (Para 47, Compilation)

## Roma women

In application of the **Strategy objectives** and its Action Plan, several measures have been taken in the field of social protection in order to enhance the access and social benefits, to implement the special programs for the promotion of Roma community employment, especially the **employment of Roma women**, vocational/professional training, () measures towards the prevention and fight against trafficking, protection against violence, informing of families to benefit from the social protection system, economic aid program, social care services, NGOs' supporting programs etc.() (Para 85, NR)

### **Sexual Violence**

() The continuous amendments to the **Criminal Code** have envisaged not only **specific provisions** to protect () women against ill-treatment, sexual abuse, trafficking, prostitution, pornography, indecent acts, but also the **legal developments** in continuation have laid down a considerable increase of the amount of punishment against the perpetrators of these criminal offenses (Para 97, NR)

### **State Institutions/Plans of Actions**

() Pursuant to the law, the established bodies responsible for the progress of gender equality are: (a) **National Council of Gender Equality**, chaired by the Minister of Labor, Social Affairs and Equal Opportunities, an advisory body that prepares proposals, recommendations for the Government and other central and local institutions. It is committed to the adoption and promotion of measures on the attainment of gender equality, ensuring of **gender integration in all areas, especially in political, social, economic and cultural ones**; (b) The authority responsible for the implementation of this law and state programs on gender equality is the **Minister of Labor**, through the **Directorate of Equal Opportunities Policies**; (c) **The network of gender employees at central and local level** (Para 92, NR)

### **Trafficking of women/Forced prostitution**

Trafficking and exploitation of women for prostitution, ( ) was a very worrying phenomenon in Albania especially during the 90s. ( ) Albania is **not considered a transit or destination country** of prostitution any longer, or a country under monitoring regime ( ) (Para 100, NR). The legal measures in this field have aimed at the **prevention** of the phenomenon of women trafficking and prostitution and at the **severe punishment** of the perpetrators of these criminal offenses ( ). Beginning from 2001 and in continuation the **Criminal Code** has stipulated as **criminal offenses** ( ) **"Trafficking in women", "Pornography", "Aid to the illicit border-crossing"** ( ). Also the adoption of the Law "On the prevention and fight against the organized crime" (2004), Law "On the protection of witnesses and justice collaborators" (2004), Law "On the pronouncement of the moratorium on the sailing vessels in the Republic of Albania" (2006) has served this purpose as well (Para 101, NR).

The **National Strategy for the Fight against the Trafficking in Human Beings** (adopted in 2001 and which is being continually improved) is oriented towards these main directions: (a) Investigation and criminal prosecution of trafficking offenses; (b) Support and protection of victims and witnesses; (c) Undertaking of concrete measures on the prevention of trafficking and re-trafficking ( ) (Para 102, NR). A series of activities about the prevention and fight against trafficking have been organized and **awareness campaigns** have taken place for the vulnerable groups (**women and girls, among others**). The **Ministry of Education** has incorporated in the curricula of high schools programs about the raising of awareness of the trafficking danger. Since 2007, the Ministry of

Interior has put at the disposal of the citizens a phone number free of charge available 24 hours a day for the denunciation of trafficking cases. Also there have been taken measures for the training of law enforcement structures (Para 104, NR). Special contribution to the fight against trafficking in human beings and the prevention of this phenomenon has been given by the foreign and local NGO-s which offer rehabilitative and preventive services to all the victims of trafficking and endangered groups (Para 106, NR)

The 2004 Common Country Assessment (CCA) report noted that Albania is both a conduit and a source country for human trafficking, including trafficking of women and girls for the purpose of forced prostitution. (Para 31, Compilation).

The HR Committee expressed concern at reports on the involvement of police and government officials in trafficking, and about the lack of effective witness and victim protection mechanisms. CESCR and CEDAW made similar comments. (Para 32, Compilation)

### **Violence against Women/Gender Violence**

A series of legal acts, such as the Law "On measures against domestic violence", the Law "On the adoption procedures and Albanian Adoption Committee", the Law "On legal aid", the Law "On the rights and treatment of pre-trial detainees and prisoners", provide for provisions guaranteeing the prevention of domestic violence (Para 63, NR). Family Code, as regards the domestic violence cases, stipulates the undertaking of urgent measures by the court, at the request of the other spouse, when one of the spouses obviously does not fulfill his/her obligations and jeopardizes the family's interests (Para 96, NR). The Criminal Code also defines the aggravating circumstances when the victim is a minor, a pregnant woman (Para 97, NR). Law "On the measures against domestic violence" (2006) aims at the prevention and reduction of domestic violence in all its forms by means of the appropriate legal measures. This law aims at the establishment of a coordinated network of institutions to react in due time to domestic violence cases, as well as the issuance of immediate protection orders by the court. This law was the outcome of the civil society initiative which was proposed to the Parliament of Albania by 20.000 electors. The governmental mechanisms that address the domestic violence issues are: the Ministry of Labor, Ministry of Interior, Ministry of Health and Ministry of Justice (Para 98, NR).

"The National Strategy for Gender Equality and Domestic Violence" (2007-2010), aims at improving the protection, the reaction of justice system and support to the victims of domestic violence, as well as placing a clearer focus on the prevention, addressing the causes of domestic violence and abuse. One of the objectives of this strategy is the involvement in manufacturing activities, of women who are head of their households; violated, trafficked women; women with disabilities; unemployed Roma women; women from rural areas etc. The Strategy Action Plan provides concrete measures addressing the issues of gender equality, domestic violence prevention (Para 93, NR). The National Strategy for Gender Equality and Domestic Violence and its Action Plan aim at the incorporation of domestic violence issues into the public policies by means of concrete action plans. One of the priorities of this document is also the raising of awareness of domestic violence phenomenon, legal and administrative protection, and support to individuals affected by the domestic violence (Para 99, NR)

CESCR and CAT were concerned about the pervasiveness of domestic violence, abuse and ill-treatment against women (). The HR Committee, CRC and the Special Rapporteur on the sale of children made similar comments (Para 28, Compilation)

CESCR requested Albania to provide in its next periodic report detailed information on the extent of domestic violence, and the legislative measures and policies adopted to address that phenomenon, including facilities and remedies provided for victims. (Para 69, Compilation)

AI reported that there continues to be a lack of mechanisms and procedures to ensure the effective implementation of the law "On Measures Against Violence in Family Relations", which entered into force on 1 June 2007, accompanied by the "National Strategy on Gender Equality and the Eradication of Domestic Violence 2007-2010", published by the Ministry of Labour and Social Affairs. (Para 7, Summary)

### Women in Prison

The HR Committee was concerned about inhumane conditions of detention, () the condition of juvenile and female detainees as well as the lack of compensation for unlawful arrest or detention. () (Para 30, Compilation)

### Suggested questions and recommendations

#### CAT and HR Committee

- The HR Committee and CAT urged Albania to improve the conditions of detention for those held on remand and for convicted persons (Para 30, Compilation)
- To adopt measures to combat sexual violence and violence against women, including domestic violence (Para 28, Compilation)

#### CEDAW

- To implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. (Para 22, Compilation)

#### CESCR

- To step up necessary measures to promote equality between men and women
- To consider establishing an independent mechanism for the coordination and evaluation of activities relating to gender equality (Para 22, Compilation)
- To continue to take effective measures to increase school attendance by Roma children, especially girls, including, inter alia, through the grant of scholarships (Para 56, Compilation)
- To provide training to law enforcement officials and judges (on applying existing protections against domestic violence) (Para 28, Compilation)

#### ILO Committee of Experts

- To take necessary measures to secure the prohibition of the use, procuring or offering of () girls under 18 years of age for prostitution. (Para 32, Compilation)

#### Amnesty International

- To take active steps to amend the Criminal Code and introduce a specific offence of domestic violence. (Para 65, Summary) AI urged the Government to ensure that a nation-wide system of recording reports of domestic violence is

established; that statistics are regularly made public and this information is used to inform government policy in combating domestic violence; to ensure, in partnership with ministries and municipal authorities, awareness of the provisions in the Domestic Violence Law for the issuance of protection orders; to adopt measures to ensure that the protection order mechanism is more effective; to complete the introduction of all remaining supporting legislation required to implement the Domestic Violence Law, and to make funds available to centres providing legal and other assistance to victims of domestic violence (Para 75, Summary)

#### Sexual Rights Initiative

- To draft and pass a specific and broad law against **discrimination** fully taking into account the draft already prepared by civil society organizations and including race, religious belief, colour, gender identity, disability, marital status, nationality, migratory status, age, source of income, **sexual orientation**, political or other beliefs, physical appearance, pregnancy and health status.
- To undertake a review of all **customary and traditional law provisions**, to identify those that are **incompatible with human rights** standards agreed to by Albania and amend them. This initiative will be the most effective if relevant communities are engaged in the process and sensitized.
- To develop and implement measures to increase women **employment** in the formal sector and equality between men and women in terms of wages.
- To develop and implement urgent measures to address the situation of women employed in the informal sector, aimed at providing them with the social benefits and protections to which they are entitled.
- To ensure that a human rights perspective informs all government programs against **trafficking** and, particularly, that witness and victim protection mechanisms are in place and fully implemented.
- (Question): While congratulating the Albanian State for the good percentages of girls and women attending school, ask for figures specifically for **rural and Roma** girls and women, and also if specific incentive programs exist for them.