

## ALBANIA

### **CEDAW, A/58/38 part I (2003)**

41. The Committee considered the combined initial and second periodic report of Albania (CEDAW/C/ALB/1-2) at its 594th, 595th and 605th meetings, on 16 and 24 January 2003 (see CEDAW/C/SR.594, 595 and 605).

42. In introducing the combined initial and second periodic report, the representative of Albania apologized for the delay in submitting the report but noted that the preparation of the report had helped the Government in analysing the situation of women in Albania in reference to the provisions of the Convention, in formulating new programmes and in revising existing policies. In describing the situation of the implementation of the Convention in her country, the representative said that gender disparities had increased in Albania owing to the country's transition to a market economy in 1991. Although men and women had equal rights in Albania and women had attained a high level of education, there was no equal access to resources, opportunities or benefits. The representative outlined the work accomplished thus far that had contributed to building gender-equality awareness and an equal partnership between the State and the women's movement in Albania, whose role had been very important for the advancement of women in the country.

43. The representative stressed that the Constitution of the Republic of Albania, adopted in 1998, consolidated the main rights and freedoms of human beings, in conformity with international legal instruments which guaranteed equal rights for men and women. According to article 18 of the Constitution, discrimination based on sex, religious affiliation or ethnic origin was prohibited. While the ratification of the Convention in 1993 marked the starting point for integrating international legal standards into domestic law, current practice did not provide for mechanisms that would ensure that women had equal opportunities with men.

44. The representative indicated that the State committee on women and the family, currently named the Committee for Equal Opportunities, had been established in 1998 in order to provide institutional support for the promotion of women's interests, inter alia, implementing government policies on women's and family issues, coordinating and evaluating programmes, 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 non-governmental organizations (NGOs) in regard to women and the family.

45. The representative added that the State Committee for Equal Opportunities, as a key instrument for the promotion of the advancement of women within the Government, coordinated those efforts not only with sectoral ministries, administrative structures, local governments and NGOs but also with international organizations.

46. The representative pointed out that, despite efforts undertaken thus far by the Government, many obstacles remained, in particular the low representation of women in governance structures, which limited their contribution to shaping and managing the democratic development of the country. In fact, during the structural adjustment process, women, as the main employees in the social sector, lost more jobs than men, bringing the unemployment rate for women up to 20 per cent compared with an unemployment rate for men of 14 per cent.

47. The representative added that, given the fact that the majority of men had never taken their full share of domestic responsibilities, the closure of crèches and kindergartens and the abolition of other supportive social services had imposed a double burden on women's time, which limited their opportunities to struggle for the exercise of their existing rights.

48. The National Platform for the Advancement of Women in Albania, implemented by the State in partnership with women NGOs and the contribution of the donor community as an instrument for the implementation of the Beijing Platform for Action, had thus far contributed to the promotion of women's participation in decision-making, the establishment of microfinance programmes for rural women, advocacy for gender-related activities and awareness of women's rights in the country.

49. Certain challenges remained in establishing effective implementation and monitoring mechanisms that would ensure strategic planning, obtaining adequate financing for the activities of the Beijing Platform for Action and influencing societal attitudes that hindered the advancement of women.

50. Among the positive existing trends, the representative pointed out the revision of textbooks to incorporate a gender perspective, the efforts being made to establish a gender institute within the faculty of Sociology at Tirana University, the awareness among political parties of the need to increase women's participation in decision-making, including the introduction of a quota system in electoral law, and the importance of gender mainstreaming as a new strategy for achieving gender equality.

51. In concluding, the representative of Albania indicated that, despite the efforts made in implementing the Convention, the Government was conscious of the fact that much more needed to be done to enhance and promote the enjoyment of women's rights in practice. Therefore, the Government of Albania was committed to implementing the recommendations of the Committee as a useful guide towards further and better programmes for the advancement of women in Albania.

### Concluding comments of the Committee

#### Introduction

52. The Committee commends the State party for its combined initial and second periodic report, which, although delayed, complies with the Committee's guidelines for the preparation of initial reports.

53. The Committee commends the State party for its delegation, which was headed by the Chairperson of the Committee for Equal Opportunities, and expresses appreciation for the open and frank presentation by the delegation, which provided additional information on the current situation of implementation of the Convention in Albania, and the responses given to the oral questions posed by members of the Committee.

54. The Committee notes with satisfaction that governmental action to implement the Convention, including the National Platform on Women's Advancement, is placed within the context of the implementation of the Beijing Platform for Action and the outcome document of

the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”.

#### Positive aspects

55. The Committee welcomes the fact that Albania acceded to the Convention in 1994 without reservations. The Committee commends the efforts of the State party to have the Convention translated into Albanian and disseminated.

56. The Committee welcomes the early establishment of a national machinery for the advancement of women and gender equality and the establishment of the Office of the People’s Advocate (Ombudsman), which may investigate claims of violations of human rights, including women’s rights, and make recommendations to redress the violations.

57. The Committee welcomes the efforts undertaken by the State party to improve the collection of data and statistics on women and the establishment of the Information and Documentation Centre as well as its cooperation with the national institute for statistics. It also welcomes the decision to implement specific employment programmes for women in the second half of 2003.

#### Principal areas of concern and recommendations

58. 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.

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

60. 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.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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 can avail themselves of procedures and remedies for violations of their rights under the Convention.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. In the 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.

74. 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.

75. The Committee urges the State party to ensure equal opportunities for women and men in the labour 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 labour market, including women's occupations in the different sectors of the economy, their levels of authority and their wages.

76. 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, health-care 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. 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.

82. 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.

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

84. 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.

85. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes designed to implement the Convention.

86. The Committee requests that the present concluding comments be widely disseminated in Albania in order to make the people of Albania, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".