



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

Distr.: General
12 October 2010

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-sixth session

Summary record of the 942nd meeting

Held at Headquarters, New York, on Monday, 26 July 2010, at 3 p.m.

Chairperson: Ms. Zou Xiaoqiao (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Zou Xiaogiao, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

*Third periodic report of Albania (continued)
(CEDAW/C/ALB/3, CEDAW/C/ALB/Q/3,
CEDAW/C/ALB/Q/3/Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of Albania took places at the Committee table.*

Articles 7 to 9 (continued)

2. **The Chairperson** invited the delegation to respond to the questions on articles 7 to 9 posed at the 941st meeting.

3. **Ms. Kodra** (Albania) said that the participation of women in the decision-making process had been a priority for the Government. The Law on Gender Equality in Society had significantly helped to increase women's representation in Parliament. In the 2009 general election, 30 per cent of the candidates in the lists of all political parties were women. As a result, women's representation in Parliament had reached 16.4 per cent, doubling their number.

4. One of the reasons for the low number of successful women candidates could be the policy of all parties to place them at the bottom of the list or to assign them to the seats that the parties knew they probably would not win. The Electoral Code in fact offered a choice: either 30 per cent of the candidates must be women, or the third candidate on the list must be a woman, but the parties had universally chosen the first option.

5. **Ms. Neubauer** asked whether any of the political parties were in fact observing both stipulations.

6. **Ms. Kodra** (Albania) said that while all parties had women as 30 per cent of their candidates, as far as she knew only some of them had a woman candidate within the top three. In June 2010 a conference had been organized on challenging gender stereotypes, which were a part of the overall culture of the country. One of the recommendations from the conference had been to work on persuading the legislature to improve the provisions in the Electoral Code so that women

would not only be nominated but also elected. There would be local elections in 2011, which would provide greater opportunities for women to be elected, because the law on local elections demanded that the third candidate in the list must be a woman. There were penalties for non-compliance with the rules, but in reality they were very light. Political parties whose lists did not comply simply paid a fine. Efforts were under way to make the penalties harsher.

7. **Ms. Peci** (Albania) said that the Law on the Foreign Service stipulated the right of women to participate in the country's diplomacy. The law defined the criteria for foreign service, and gender could not affect a person's selection.

8. The Ministry of Foreign Affairs had a total of 188 officials, of whom 89 were female. Four women had recently been proposed for ambassadorial posts, which was a sign that Albania was committed to having women hold leading positions within its diplomatic service.

9. Within the justice system, the Constitutional Court, which was the supreme instance of justice, had nine members, of whom one was a woman. Women accounted for 21 per cent of the membership of the High Council of Justice. The General Prosecutor and the President of the High Court were women, for the first time in the history of the country. Six out of the 14 members of the High Court were women. Women were represented at all levels of the judiciary: of the country's 29 court presidents, seven were women, while countrywide there were 147 women judges, (32 per cent).

10. **Ms. Kodra** (Albania) said that so-called family voting had been a problem in the past; it was part of the Albanian culture and mentality. Frequently, an entire village would decide in advance which candidate every villager would vote for. UNIFEM had supported efforts and awareness-raising campaigns regarding the secret ballot, so that every individual could vote as he or she wished. The most recent election had been monitored very closely, and the results would be used to improve the organization of the next electoral campaign.

11. **Ms. Kamani** (Albania) said that while most teachers were women, most administrative positions in the education system were held by men. In 2009 the Ministry of Education had stipulated that women had to be included in the administration of the system, and

currently 35 per cent of the regional education authorities were headed by women. At university level, 46 per cent of teaching staff were women, but only 17 per cent were tenured professors. The number was, however, rising.

12. **Ms. Kodra** (Albania) added that some women did not have the ambition to advance their career, considering themselves unworthy of higher positions. A lack of self-confidence was a major part of the Albanian mentality, and work was needed to increase women's faith in themselves.

13. **Ms. Neubauer** said that alternative information available to the Committee suggested that there had been no more than a 20 per cent representation of women on the lists at the most recent general elections and that the Electoral Commission had not followed the rule and rejected those lists. The penalty of a monetary fine for non-compliance referred only to local elections: non-conforming lists in the general election were supposed to be rejected. She also asked how often a list could be rejected before being declared invalid.

14. **Ms. Kodra** (Albania) said that she was not aware of any case where there had been only a 20 per cent share of women on the list. No party had presented fewer than 30 per cent of women candidates, but they were placed at the bottom of the lists or assigned to unwinnable seats. Part of the problem was that women did not know how to lobby for themselves. That was partly a phenomenon of Albanian culture and partly due to the fact that men had been in politics longer than women. It must be remembered, too, that the recent election was the first time that a quota for women had been applied.

Articles 10 to 14

15. **Ms. Pimentel** asked whether the Government had a special strategy to stop girls dropping out of school, in particular Roma and rural girls, and another to integrate women in the highest administrative positions of education. As no data had been provided on the enrolment of girls and women with disabilities in schools at all levels, she would appreciate a clarification on that issue. The report conceded that some girls, mostly Roma or from remote areas, did not attend compulsory education. What additional measures did the Government intend to implement in order to improve that situation? The report indicated

that there was a preponderance of males over females in certain fields of university study. She asked what the Government intended to do to move closer to parity in those disciplines.

16. **Ms. Bailey** said that paragraph 179 of the report stated that there was no discrimination in education, whereas elsewhere the report seemed to indicate that there were in fact areas where further work was needed. For example, paragraph 198 indicated that the net enrolment ratio for girls dropped dramatically at the secondary level from around 90 per cent to 53 per cent. The Government was evidently aware of the problem, and she asked what measures were being taken to address it, particularly in the case of Roma girls and rural communities.

17. She asked how successful one of the strategies for Roma girls, recruiting persons from the Roma community as teachers because language seemed to be a deterrent to school enrolment, had been. She asked if more precise information had been made available as a result of the instruction by the Minister of Education that the regions should report at least twice a year on students that had dropped out.

18. The delegation had provided some figures about women in senior administrative positions in university which were below the 30 per cent quota, and she wondered what measures could be taken to increase the proportion of women in such positions.

19. **Ms. Arocha Dominguez** said that she understood that there was a category of women with a relatively high level of education who had lost their jobs as a result of the major economic changes that had taken place in the country in the 1990s. Many of those women had been unable to find a new job, and had thus been unable to make their social security payments. She asked whether any measures had been taken to help women in that disadvantaged and vulnerable situation.

20. She requested clarification of paragraph 236 of the report regarding payment of unemployment insurance and the proportion of men and women receiving such assistance. She also asked whether there were any special measures in favour of female heads of household.

21. **Mr. Bruun** wished to know how the delegation saw the possibilities for making further progress in implementing the legislation that had been passed.

What was the role of the Labour Inspectorate, the Commissioner of Gender Parity or other mechanisms in improving the position of women on the labour market? He asked whether the Government had considered introducing a legal minimum wage, applicable to all workers, as a step towards tackling the problem of the major gender gap in wages.

22. Welcoming the news that Albania had adopted a Special Act on the Rights of the Child, he asked whether it incorporated measures to protect the girls that had reportedly been forced into begging or similar abusive situations.

23. **Ms. Murillo de la Vega** said that it was important to ratify International Labour Organization (ILO) Convention No. 118 on Equality of Treatment (Social Security). She asked how many complaints of discrimination in the workplace had been brought to labour inspectors' attention and whether there were plans to provide guidance to women who had suffered abuse and help them to re-enter the labour market, as part of the recovery process. She would welcome information on measures being taken to improve private companies' quotas for the acceleration of women's advancement. The report stated that women had the same level of education as men, yet men were dominant in decision-making positions and better paid than women, which indicated the existence of gender discrimination. In that regard, she wished to know what specific actions the Government of Albania would take to amend its Labour Code. She also asked for clarification on employer obligations to provide maternity leave.

24. She asked for clarification on whether Albania's legislation provided for the reversal of the burden of proof in cases of alleged discrimination on the grounds of gender, in particular in cases of sexual harassment, and, in that regard, on the statement in the responses to the list of issues (CEDAW/ALB/Q3/Add.1, paragraph 115 (b)) which referred to the need to "convince" the employer that discrimination had taken place.

25. She would also appreciate information on professional training provided to encourage women to start their own businesses. More extensive, reliable and comprehensive statistical data, including on the distribution of the female workforce for each category of employment, and the number of complaints per category of employment, for example, would be helpful.

26. **Ms. Neubauer** requested more information about what the Government was doing for women working in the informal sector or at home, women in dangerous occupations or working conditions, and women who had to reconcile family responsibilities with work.

27. **Ms. Kamani** (Albania) said that the Government of Albania had set up a strategy, with support from NGOs, to tackle the school drop-out rate, particularly among Roma and disabled children, for the academic year 2009-2010. Other measures to improve the situation for Roma children included a joint initiative among Ministries, including Labour and Education, and the plan of action for the "Decade for Involvement of Roma", all of which had helped increase the enrolment of Roma children in schools to 56 per cent.

28. A pilot programme targeting disabled youths was being implemented with support from other organizations which focused on education, including Save the Children, which was helping to enhance the inclusion of disabled children in schools in five regions. The Government had plans to extend those efforts to other regions. A main reason for the low school registration of girls in rural areas was parents' concerns about their girls travelling great distances to school. In response to that concern, the Ministry of Education had reduced the number of elementary schools in remote areas and made transportation available to children living in those areas to bring them to the centre of communities, thus helping to improve participation. It was also providing educational grants to girls living in rural areas.

29. **Ms. Kodra** (Albania) said that teachers could not make Roma children come to school when those children were not accounted for in civil registries in the first place. Efforts were thus being made to improve civil registration in the Roma community, but more work needed to be done.

30. On the number of women holding leadership positions at the university level, she said that there were no female rectors in any of Albania's 10 universities, but three women were vice-rectors, and 11 were deans, constituting 27 per cent of all deans in Albania. The Government was working to ensure that, in line with the Law on Gender Equality in Society, the 30 per cent target for women in the decision-making process would be met. Her Government had made good progress in raising awareness and ensuring that political and administrative institutions met that quota.

31. Regarding unemployment, she said that women had faced setbacks in Albania's transition from a dictatorship to democracy: whereas they used to work in all fields, they now worked predominantly in lower-paying service sector jobs, and fewer and fewer women were entering the labour market. A World Bank study indicated that women earned 35 per cent less than men. Nevertheless, wages were at par in public administration.

32. The social insurance system was being reformed. Women who had only worked for short periods of time received partial pensions on the basis of years worked, and would then receive financial support in the context of a social assistance programme for all categories of persons.

33. The Ministry of Labour, Social Affairs and Equal Opportunities had policies in place to help all job seekers, although in some cases, women, and Roma women in particular, were exempted from fees for professional training. She acknowledged that women heads of household faced difficulties, and the Government was currently reviewing its social assistance law, with plans to include that category of women as a beneficiary of assistance.

34. There were sanctions for sexual harassment under the Labour Code and Law on Gender Equality in Society. The issue of the burden of proof had not been resolved, nor would it be any time soon. Under the Law on Gender Equality in Society, the Labour Inspectorate had the right to conduct an inquiry into sexual harassment cases. The Ministry of Labour was taking steps to increase awareness among employers and employees on sexual harassment and a national labour council was taking steps to encourage the inclusion of a special article on sexual harassment in labour contracts until labour legislation could be amended.

35. Albania's minimum wage, set out by the Council of Ministers in 1992, was 80,000 lek per month. Her Government was endeavouring to raise public awareness on the issue of the gender pay gap by conducting studies and encouraging employers and employees to work together on finding a solution.

36. She did not have any data on children involved in begging, but hoped that statistical indicators which had recently been put in place would help fill that gap.

37. Albania had ratified ILO Convention No. 118 on Equality of Treatment (Social Security) and she was not aware of any complaints of discrimination at the workplace, although that might be explained by women's lack of awareness on the channels for lodging a complaint. Measures had been taken to amend legislation to help women enter the labour market, including through incentives and a conference on women's entrepreneurship and small business ownership being organized for later in the year. One explanation for the low number of women owning a business in Albania could be that women could not own property; even if they owned a business, the business property would have to be in a male counterpart's name. The Government was looking into introducing fiscal policies and financial measures to encourage more women to become business owners, and efforts were also being made to help women access small, low-interest loans.

38. It was a Government priority to reduce the numbers of both women and men working in the informal economy. The Government had recently signed the ILO Home Work Convention 1996 (No. 177) and would be implementing its protections. By law, women could apply for up to one year of maternity leave: 34 days before childbirth and 42 days afterwards were obligatory, and the rest optional. The law also provided for maternity leave for men.

39. Cooperatives were not well accepted in Albania because of the country's past, but the Ministry of Agriculture was developing policies for State support to encourage women who wished to do so to work together. The Government was promoting professional training for small businesses and preparing a strategy to provide economic support to women in that context.

40. **Ms. Pimentel**, noting that the use of modern contraception remained low, and that only a small percentage of sexually active women had routine gynaecological examinations, asked what was being done to improve access to and use of reproductive health services.

41. She noted that the State party had not answered the Committee's question in paragraph 27 of the list of issues (CEDAW/C/ALB/Q/3) with regard to the availability of family planning services and education on reproductive health to both women and men, including access of adolescent boys and girls to age-appropriate reproductive health and sexual

information. She wished to know what measures the Government of Albania envisaged to create conditions for women to better realize their potential as regards reproductive health, including through access to services and quality of care.

42. She also wished to know what the Government was doing to fight the open discrimination, intolerance and extreme homophobic environment that the lesbian, gay, bisexual and transgender community faced, according to alternative sources.

43. **Ms. Arocha Dominguez** asked how the State party was ensuring that communities with a decentralized administration fulfilled the obligations pertaining to the specific health concerns and needs of women. She would also appreciate information on the coverage and quality of emergency obstetric services in rural areas in particular, and what measures were being taken to prevent cervical, uterine and breast cancer in those areas. She also asked what special services were provided to women with disabilities, including to protect their right to reproductive health services, and wondered whether progress had been made to introduce sex education and family planning programmes into the Roma community in order to help end the vicious cycle of dropping out of school and early marriage and motherhood. The State party should also provide health indicators of Roma women as compared to women overall, including life expectancy and maternal and child mortality.

44. **Ms. Coker-Appiah** asked how the Government was dealing with the fact that rural areas lacked specialized medical care, a probable cause of the high maternal mortality rate in the country; and what it was doing to provide adequately funded reproductive health care nationwide. Disaggregated urban/rural data would be useful. Outside sources indicated that HIV/AIDS was on the rise among women, having more than doubled between 2002 and 2008, and that pregnant women were not regularly offered prenatal screening and counselling. She would like to know if antiretroviral drugs were freely available to all infected persons, including drug dealers and sex workers, and what was being done to mitigate the inequalities that made women more vulnerable to the heterosexual transmission of HIV/AIDS. The wives of returning emigrants, three quarters of whom were known to be infected, were especially at risk.

45. **Ms. Hayashi** observed that demographic changes had altered the family structure in Albania; more single women were now heads of household, yet the social protections were still defined by gender. It would be interesting to have some data on social benefits disaggregated by sex, to know if the Social Assistance and Services Act provided benefits to unmarried women as well, and if the Government was helping single women heads of household to enter the workforce by, for instance, providing childcare services. Since only 8 per cent of the women in Albania held property in their own names, they could not receive bank loans: what had the Government done to remedy that situation?

46. Also, the pensionable age for women had, in what the report described as “positive discrimination”, been raised from 55 years to 60 for women and from 60 to 65 for men. She wondered, however, if in the national debate on the matter, the lower age limit for women had been regarded rather as gender stereotyping.

47. **Ms. Ara Begum** observed that poverty was highest in rural areas but rural women were not being given social services, vocational training or guidance in alternative income generation. She asked what was being done to raise the rural standard of living and provide adequate sanitation, housing and access to public services, including health and education; whether the needs and priorities of women and gender equality had been taken into account in formulating the Intersectoral Rural Development Strategy and if women had had a hand in its formulation; when the draft legislation on agricultural cooperatives would be adopted; and what specific social services were available for elderly or for disabled women, including day care for children left at home with grandparents when the younger women emigrated in search of a better life.

48. **Ms. Kodra** (Albania) said that the Government had already begun implementing its Reproductive Health Plan of Action for 2010-2015. About 70 per cent of women were now using contraceptives, according to 2008/2009 statistics. Regarding homophobia in the community, the 2008 Law on Gender Equality in Society provided for the appointment of a commissioner to deal with all complaints of gender discrimination. Its application was, however, still in the early stages and implementing legislation would be drafted over the next two years.

49. Local governments had no choice but to enforce laws passed by Parliament and to abide by parliamentary rules and regulations, although they might pass additional legislation of their own. Although she could not speak about emergency obstetrical services, she knew that Parliament, led by its woman speaker, had conducted several awareness campaigns for free breast and cervical cancer screening. Unfortunately, the rise in HIV/AIDS infections among women was a trend in all the former communist countries; data would be provided subsequently. Voluntary testing centres had been established in two prefectures as pilot projects, and the model would then be replicated nationwide. Her Government was in the process of ratifying the Convention on the Rights of Persons with Disabilities, and that would help it address the rights of the disabled. Currently there were only a few pilot projects for the Roma community in areas where the Roma population was concentrated, but she could not give specific details.

50. Social security benefits under the 2005 Social Assistance and Services Act were provided without distinction to men and women and were based on family income. Recent amendments extended coverage to women who had been the victims of trafficking and to single women heads of household. Albania was actually now in a position to eradicate poverty, with only 2 per cent of its population currently living in extreme poverty.

51. The Government had campaigned hard to raise the pensionable age for both men and women because of the financial burden. The fact that the age had not been raised for women could, indeed, be seen as a kind of gender stereotyping, but it had been the women of the country themselves who had protested against having the same age requirement set for men and women. The Government was studying the data at the moment, and would publicize the results and continue to push for a uniform pensionable age.

52. No direct action was being taken on the ownership of property by women. The Government was, however, amending the legislation on access to bank loans by providing business loans to women who owned property as collateral; that would be an incentive for women to register property in their own names. As to the involvement of rural women in decision-making processes, the bill on agricultural cooperatives, which was intended to increase the

participation of rural women, would be adopted by the end of the year. Albania had, in addition, ratified the Madrid International Plan of Action on Ageing, which would protect its elderly women. It was also implementing the childcare provisions of the 2007 European Union Treaty of Lisbon in order to free women to join the labour market.

Articles 15 and 16

53. **Ms. Awori** asked what the Government was doing to enforce the statutory marriageable age. By law it was the age of 18, but among the Roma and other minority groups early marriages often occurred, there were customary marriages below the age of 18, and judges were apparently allowed to waive the age requirement and permit 16-year-olds to marry. Also, although the Family Code guaranteed equal property rights to women, the reality in Albania was quite different, to judge from paragraph 390 of the report, and she would like to know how the Government planned to enforce equality, both during and after marriage.

54. **Ms. Belmihoub-Zerdani** asked if, under the Civil Code or the new Family Code, a woman who was no longer a minor could marry without a man's consent, if a widow inherited property on equal terms, and if a woman had equal rights upon separation or divorce.

55. **Ms. Kodra** (Albania) said it was true that Roma and minority women often did not respect the legal marriageable age of 18. Under Albanian legislation, however, the only exception allowed by law was in the case of a pregnant girl, whom a judge could allow to be married at 16. Since, as had been stated, the Government did not have accurate figures on the number of Roma in the country, it was difficult to set up programmes for them. As part of the Roma Decade just declared, however, Albania was starting to register all its Roma people as a first step towards providing them with comprehensive support in the form of housing, education, health care and the like.

56. By law, property was divided equally upon divorce or separation; when a woman was widowed, she and her children divided the property equally. Under both the Family Code and the Civil Code there was no distinction in property rights, but in practice, women did not own property. The Government was trying to remedy that by providing the incentives

referred to in the form of business loans. A recent demographic study indicated that educated and entrepreneurial women avoided domestic violence much more easily than dependent, illiterate women.

57. **The Chairperson** said she hoped that the Committee's concluding observations on the third periodic report of Albania would be disseminated widely to the Government and the public of Albania.

58. **Ms. Kodra** (Albania) said that the Committee's very constructive questions and comments would help her Government to look more deeply into the issues and would be the platform for its strategy for the advancement of women.

The meeting rose at 5.15 p.m.