

KOALICIONI PËR PËRGATITJEN E RAPORTEVE ALTERNATIVE NË SHQIPËRI

Albanian Coalition for the Preparation of Alternative Reports - ACPAR

# **CEDAW SHADOW REPORT**

## **ON SITUATION OF WOMEN AND GIRLS IN THE REPUBLIC OF ALBANIA**

**Prepared by:**

**Children's Human Rights Centre of Albania  
Albanian Committee of Helsinki  
Centre for Civil Legal Initiatives  
Gender Alliance Centre for Development  
Centre for Population and Development  
Centre "VATRA"  
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Information and Research Centre for Children's Rights in Albania  
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Society of Persons that Live with HIV/AIDS in Albania  
Union "Amaro Drom"  
Women Legal Rights Initiative (Chemonics International. Inc)  
Albanian Group of Human Rights**

**Edited by:**

**ALTIN HAZIZAJ**

**WITH SUPPORT OF:**





## INTRODUCTION AND AKNOWLEDGEMNTS

**During the year 2006, The Children's Humans Rights Centres of Albania – CRCA, as one of the main civil and child-rights organization in the country initiated the establishment of the Coalition for the Preparation of Alternative Reports in Albania with the purpose of not just to write alternative reports for UN conventions ratified by the Albanian state, but also to coordinate the response of NGO's in cases of human's rights violations in the country.**

To this initiative of CRCA, a number of human rights organizations along with women, children and minorities rights organizations responded thus proving once more the level of organization of civil society in the country and capacities of the third sector during these 16 years of transition.

Writing an Alternative Report is not an easy task. In recent years only a limited number of NGO's was included in the creation of Alternative Reports on UN Conventions, e.g. CRCA, GSHDNJ, AHC and CLCI, and therefore creation of the Coalition of Alternative Reports was a challenge for all NGO's in Albania to see if a group that large could be coordinated and create a complete report on a convention, and in particular on the CEDAW Convention. In recent months all organizations have established an excellent cooperation in coordination, information exchange and creation of an Alternative Report. This could serve as a model for other coalitions both inside and outside of Albania.

Therefore, we would such as to thank all organizations and individuals that have responded positively and became a part of the Coalition of Alternative Reports in Albania. These include the following organizations: Albanian Helsinki Committee, Civil Legal Initiative Centre, Gender Alliance and Development Centre, Population and Development Centre, "VATRA" Centre, Free Legal Assistance Tirana, Society "Refleksione", "Amaro Drom" Union, Qendra për Zhvillimin e Severe Rurale dhe Nisma për Të Drejtat e Severe (Chemonics International. Inc).

A special acknowledgment goes for all NGO experts committed to this report.

This initiative is supported by Olof Palme International Centre and SIDA and we would thank their respective offices, not just for the support of CRCA in recent years, but also for the support they provided for civil society and increases of respect for human rights in Albania.

Aware of obligations of the Albanian State as a state party in a number of international conventions on human rights of UN, Coalition of Alternative Reports will continue, in 2007, to review on how State has fulfilled its obligations regarding UN standards on human rights and recommendations of committees of UN.

And finally we would such as to thank ms. Blerina Metaj, coordinator of the program "Children Rights – A Democratic Right", for the coordination, communication and information exchange between all members of the coalition.

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**Prepared by:**

**ALBANIAN COALITION FOR PREPARATION  
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## ABBREVIATIONS

<b>CEDAW</b>	Convention on Elimination of Discrimination Against Women of UN
<b>CLCI</b>	Centre for Legal Civil Initiatives
<b>CRCA</b>	Children's Human Rights Centre of Albania
<b>CDRW</b>	Centre for Development of Rural Women
<b>GSHDNJ</b>	Albanian Group of Human Rights
<b>GADC</b>	Gender Alliance Development Centre
<b>INSTAT</b>	Institute of Statistics
<b>CRC</b>	Convention on the Rights of the Child
<b>CEO</b>	Committee of Equal Opportunities
<b>AHC</b>	Albanian Helsinki Committee
<b>AG</b>	Albanian Government
<b>MLSIEO</b>	Ministry of Labour, Social Issues and Equal Opportunities
<b>TLAS</b>	Tirana Legal Assistance
<b>UT</b>	University of Tirana

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## 1. GENERAL OVERVIEW

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Alternative report presents level of implementation of Convention of the Elimination of Discrimination Against Women (CEDAW) in Albania, ratified in May 1994. Organizations that contributed on this report have tried to analyze and conclude about achievements and deficiencies in the work of the Albanian state to implement Convention CEDAW and recommendations of Committee for Elimination of Discrimination Against Women of UN.

Albanian legislation meets majority vast of recommendations of CEDAW. It offers general guarantees for all Albanian citizens on equal treatments, regardless of gender. However, these laws rarely go beyond a simple declaration on equality. Reality it seems to be more problematic for women. Existing laws are rarely implemented or rendered mandatory. There is a major disbelief in the justice system to resolve problems that affect women, such as gender discrimination for e.g. the patriarchal nature of Albanian society continues to determine women role in the community. Even that there are many areas where inequality between men and women is expressed but the most evident is in politics and family. Unfortunately measures taken by the Albanian state are only few against discrimination and other obstacles that women face<sup>1</sup>.

Constitution, along with other fundamental parts of Albanian legislation, such as Criminal Code, Civil Code, Employment Code and Family Code are approved after ratification of the convention and other international and European instruments, so they reflect the better part of important principles of human rights, such as equality and non-discrimination. Law on Equal Gender Society is the latest of these laws and intends to guarantee not just formally before law but also equal opportunities for women and men.

Nevertheless, these laws are not followed by clear mechanisms and procedures that would help citizens protect their rights and articles that would enable execution of these laws are still deficient or incomplete. Despite this, some laws need to be reviewed and modified such as: Criminal Code, Law of Health Services and Social Insurances and meanwhile in Albania there is still no legislation about domestic violence.

In order to respond to the low participation of women in decision making, diplomatic missions and generally in leading positions, quota or other similar systems can be proposed by legislation as a temporary measure.

While men and women are considered equal in the eyes of the law, in reality women are discriminated against in all fields of activities. Even in the cases where equality legally exists there are no mechanisms to support its implementation or are ineffective; there are no records on how these laws are implemented.

Stereotypes of gender roles and the patriarchal nature of the community are main obstacles to match with the CEDAW. Many women and men do not recognize gender discrimination as it is, but see it as a "way of life". Inequality is particularly seen in three fields: politics (leadership and decision making), economics (employment and income), and in marital and family relations.

In politics, the number of women selected into a governmental position has significantly decreased after 1990 and it continues to remain low.

Economically, the transition particularly affects women when it comes to employment. Women were cut off from various sectors; this is related to how women are defined (mainly for family care), to their age, to the prejudices on women ability to carry out difficult assignments followed with some disbelief that women can produce same results as men do if they are employed in various high levels. Women do not have an economic rule. Their economic position had a negative impact on their ability to participate in the business sector. For e.g. women find it difficult to apply for a financial loan, because they usually own small collateral, e.g. property. Furthermore, Albania does not have specific loan programs or assistance for women in order to encourage their business initiatives.

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<sup>1</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

Finally even though men and women share equal rights and legal responsibilities in marriage, couples tend to follow traditional gender roles. It is not unusual that women bear responsibility for family administration and child care while they have a full time job.

Women face problems in other areas as well. Violence towards women is a serious problem in Albania. Many victims continue to see domestic violence as a private matter and find it difficult to involve the police. The NPO community has played an important role in the war against domestic violence and the addressing of the needs of violated women. For e.g. NGO's administer legal clinics, counselling, and shelter for violated women and girls and have also proposed a legislation that is intended to fight domestic violence. Furthermore, even with increased awareness the trafficking of women remains a concerning issue.

While the law guarantees free services of health care for all ensured individuals, in reality these services are often paid illegally "under the table". Therefore, quality health services often are offered to men and women proportionally to their ability to handle them financially. Also, existing health care facilities in rural areas are in a terrible condition. Furthermore, experts say that financial support granted by the government, including health, is not satisfactory for both men and women.

Education is a continuous priority in Albania. Scale of literacy for men and women above age 15 is high, in urban and rural areas. More then 50 percent of students of university students are females. The vast part of problems of following school and getting a quality education is obvious for students under age 15. Girls in rural areas are specifically risked to drop school. At the same time, it seems that education system supports stereotypes of gender roles in school texts and other related material and as well through teachers' attitude.

Efforts of Albania to improve status of women and girls have been modest. Albania did not take specific steps to inform its citizens about CEDAW or to ensure its implementation. For this purpose in February 2006, Society "Refleksione" with the support the Women Legal Rights Initiative (WLRI/Chemonics International-USAID), undertook a public campaign about CEDAW, which lasted about 6 months.

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## 2. POLITICAL ENVIRONMENT IN ALBANIA AND RIGHTS OF WOMEN AND GIRLS

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Albania is a Parliamentary Republic and Parliament of Albania is the principal and the only lawmaking organ. It functions through a parliamentary chamber with 140 seats, 100 of them are elected through direct majoritary vote while 40 of them are elected through nominated lists deposited in advance by political parties. Parliament has one speaker and two vice-speakers. Since 2005, the Speaker of the Albanian Parliament has been a woman, and such election marks emancipation for the Albanian society and for political parties as well. Parliament has nine parliamentary groups that represent political parties of the entire political spectre. In Albania law forbids creation of fascistic political parties or parties that promote religious and ethnic hatred. This is the reason why in Albania extremist political parties do not exist and the existing political parties can be described as left or right wing parties.

Separation of rules in Albania is guaranteed by the constitution of 1998 that determines its roles and powers. There are three principal rules of governance in Albania: Legislative – performed by the Parliament; Executive – performed by the Council of Ministers and Judicial System – that is performed by The Supreme Court, Courts of Appeal and First Degree Courts.

Role of the President is limited and for its competencies, it is considered as an important figure that represents people unity and maintains balance of three rules. Constitution has created the institution of Ombudsperson that is an independent institution and reports to the parliament every once in the year.

The Government is the executive branch of the Parliament and the Party that has won the elections and is voted in the parliament selects leader of the government. In years of political pluralism, even that it was not necessary, Albania has created a political tradition of governance through coalitions of political parties of right wing, Centre or left wing.

In 2005, free parliamentary elections for the fifth time were held, and The Democratic Party, first political party in Albania after the fall of communism, won them. In September of the same year, Sali Berisha was elected Prime minister and his political program consisted on war against organized crime and corruption that in recent years was turned into a barrier for development of Albania.

Elections in 2005 mark the lowest level of participation of women in political events of the country. Even that there was a high number of participation of women as candidates for representatives, only 10 of them got elected. According to inter-parliamentary union, this puts Albania in the last place in Europe and in 114-th place in the world for the number of women as member of the parliament. However, it is worth to mention level of presentation of women in Parliament has gradually increased and all ten women representatives in Parliament, through their own initiatives have proven that women can play an important role in leading the country. This argument is served by the fact that the speaker of the Parliament of Albania is a woman, and Head of Parliamentary Commission for Education and Means of Public Information is a woman.

Level of representation of women in government remains low. Albanian government has only one woman minister out of 16, while it has 7 women as deputy ministers and 21 men as deputy ministers. This clearly shows that there is a misbalance in including women in political decision-making. The same problem exists at Directorate levels and clerks of public administration. This is more obvious in institutions such as Police and Army, where number of women included in leading positions is low.

In more then one year the Albanian government has taken a number of measures against corruption, organized crime and strengthening of the economy, that have often proved to be successful. However, during this period a lack of communication between political forces in Parliament has been seen that rendered doubtful achievements of the government. Political fight has often turned into a physical quarrel between members of the parliament, up to that it resulted in the fact that Socialist Party (main opposition party) and its allies boycotted parliament for a period of two weeks. In that period work of parliament was paralyzed, and it required intervention of the European Union that made political parties find a consensus.

From the fall of communism Albania has made tremendous steps to change and improve national legislation. After 1992 and up until now almost entire legislation of the communist era has been substituted with new legislation. Despite fast change and modification, because of weak institutions of law enforcement, lack of a law abiding culture and lack of knowledge about legislative techniques has rendered a number of laws approved by the parliament inapplicable in real life. One of the main problems of legislation in Albania is not its deficiency but its un-application and/or execution, a problem that has not yet found a solution but should be addressed to law making and law enforcement institutions.

Albania has accepted a system of legal hierarchy. Constitution is the principal document in the system of legal state in Albania. It serves also as a reference source for creation of other legal and normative acts. Meanwhile, international conventions accepted and ratified by Albania are given priority in execution in comparison to national laws that come second.

Albania applies a system of continental right that means that domestic legislation is organized in Codes, Laws and in legal and sub legal acts. It means that the System of Justice is obliged to execute all laws and acts approved by the parliament that sometimes makes trial and decision making a very complicated process. System of justice does not recognize and accept principle of precedent that is widely applied in common-law countries.

Albania is a country with a young population, even so in recent year's emigration has affected the average age of the population. Even so children and youth make up most of the major social groups and take up 40 percent of the countries population. Women in Albania make up more than half of the population, but their role in political events of the country remains insignificant. Women can be found in large numbers in educational institutions and that of social welfare but this is rather insignificant when it comes to their participation in Parliament, government and/or institutions of local government.

Family in Albania, even that in recent years has lost its values, it remains an important element of the organization of society. There is a huge difference between the role of women in rural and urban areas. Women who live in big cities have more employment opportunities and to socialize than rural women do. The Albanian family because of its closed circle and its resistance to global changes remains a traditional family, where the husband is seen as a leader of the family despite the fact that the wife manages all family activities, including childcare, family income and protection of family honour.

But because of internal emigration and external immigration the Albanian family has entered into a phase of development that includes several new tendencies. So, marriage, even that it essentially serves to create a family, in urban areas it started to turn into cohabitation. Modifications of the Family Code reflect these tendencies of development. Nevertheless, law forbids lesbian girls and women to create their own families of the same gender or to adopt children. On the other hand another tendency seen is fall of myth of virginity even that in rural areas it still stands.

Aggravation of status of women and girls in Albania has brought several non-profit organizations (NPO) for women into sight and that mainly deal with issues that affect women today. In fact, Index of NGO's created by USAID reports that most of the NGO's in Albania are focused on issues concerning women and children. Most of advocacy role of women rights is performed by these organizations supported financially by international donators. This work is focused mainly on women health and violence against her. However, no systematic effort has been taken to illuminate what happens in other various aspects of private and public life of women. Even that, there is a slight coordination of efforts in NPO sector; ongoing Albanian governments and parliamentary legislation have created a legislation that is sensitive to gender relations and its awareness<sup>2</sup>.

In 2005 three main civil<sup>3</sup> organizations initiated creation of Coalition for encouragement of participation of women, youth and minorities in politics. At the beginning of February 2006, the coalition publicly declared an open petition where a minimum quota of 30 percent of participation of women in parliament and in local and central government is required. Petition was openly supported by women groups of political parties on Albania, NGO's of women and by the Ombudsperson. After the declaration of the petition for quota, a number of political parties established a quota for participation of women as a part of their status and their political programs. In the beginning of September 2006, Coalition

<sup>2</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005.

<sup>3</sup> Independent Forum of the Albanian Woman, Children Human Rights Center and Centre for Population and Development..

has officially submitted to Parliamentary Commission of Elective Reform, its proposals for modifications of Election Code. Amongst other addition of three new articles was required that would legally guarantee participation and representation of women through quota, as in election and in government.

Religion does not play an important regulatory role in lives of women and girls in Albania, except in families that have traditionally expressed strong religious tendencies. Even that there is no official religion, main religions in Albania are: Islam, Roman Catholics and Orthodox while it has other religions and cults as well that express their beliefs freely. Albania is a laic state and the government is responsible for its institutions not to show any preferences for religions. Law forbade religion for nearly 30 years, during communist regime. It was re-allowed and re-organized in the beginning of 1990, but people see religious preferences with doubts. This resulted in rejection or prejudice of women and girls in veils by the educational institutions, because in principle the veil goes against laic character of public institutions. Nevertheless, religious rights in Albania are performed and respected as a personal right. Furthermore Albania has established a peaceful and communicating cohabitation of all religions that serves as a positive example of inter-religious communication in a democratic country.

In Albania several minorities and communities exist such as for e.g.: Roman, Macedonians, Greeks, Serbo-montenegrians and Bosnian. Even that generally rights of minorities are respected, their representatives often complain about short possibilities granted by the state to get educated in their own language in public schools or their involvement in public employment as representatives of minorities. Very little is known about situation of women and girls from minority groups in Albania, because issues of minority rights go beyond of that of women rights. However it can be said about situation and rights of women and girls of Roman and Egyptian minority is critical, because of patriarchal traditional family and role of husband in it.

Albania aspires to become a member state of the European Union. In July 2006 the Albanian Government signed the Stabilisation – Association Pact with European Union, an instrument that helps non-member states of EU to match several standards before being taken into consideration and accepted as members. European integration of Albania has turned into a major objective for all political parties in Albania. But in reality a big difference is seen between the wish to join EU and steps that political parties take to achieve this goal.

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### 3. CEDAW ALTERNATIVE REPORT FOR ALBANIA

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#### ARTICLE 1 – DEFINITION OF DISCRIMINATION

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##### A. LEGAL ASPECTS

Albania does not have a particular legislation that forbids discrimination and consequently most of the issues concerning discrimination of women and girls remain uncovered in the eyes of the law. Also there are no records that would illustrate if the Albanian justice system has treated or not requests of individuals regarding their possible discrimination.

Albania ratified the convention of CEDAW on May 11, 1994. As all other ratified conventions by the state parties, this convention takes an important position in the hierarchy of legal acts. Ratification of this convention by state parties means not only taking obligations into responsibility but also for state parties to enable that internal legislation entirely matches international standards arising from this convention. Ratification of this convention also means that Albanian state accepts definition of discrimination included in this convention.

Convention of Elimination of Discrimination Against Women (CEDAW), defines discrimination as “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.”

The Constitution of Republic of Albania even though it doesn't include definition of discrimination, in article 8 it sanctions that all are equal in the eyes of the law and that no one can be discriminated unjustly for reasons of gender, race, religion, ethnicity, language, political, religious and philosophical beliefs, economic, educational or social situation and parental situation, etc.

In 2006 Albanian Group of Human Rights (AGHR) with the assistance of Swedish Helsinki Committee initiated the creation of a draft “For protection from discrimination”. CRCA and CLCI were part of this initiative. After several months of intensive work, AGHR presented a draft and distributed it for consultation with civil society and experts in Albania. At this moment AGHR is expected to submit this draft, “For protection from discrimination”, to Parliament of Albania for discussion and approval.

Principle of gender equality goes through the entire internal Albanian legislation. Employment Code in article 19, determines discrimination as “differentiation, rejection or preference based on race, colour, gender, age, religion, political opinion, ethnicity or social origin, physical or mental injuries that have effect on impartiality of possibilities and treatment”.

Civil Code, in its article 1 states that every individual is equally entitled to his/her rights.

Criminal Code describes every violation of equality of citizens by employers in governmental positions or in public services as a punitive act. This violation consists on differences based on gender origin, health condition, religious and political beliefs, union membership or ethnic, national, race or religious belongings.

Law “For an Impartial Society” states a particular definition of gender equality and non-discrimination. Equality and non-discrimination has turned into a regulatory standard of all laws regarding human rights and freedoms.

Regardless of particularities that every law presents there are always some standards of gender equality. Gender equality means equal participation of men and women in all aspects of life, equal position between them; equal possibilities for their rights and to serve society with their individual potentials and to equally benefit from this development.

According to the organization “Refleksione” despite approved legislation, in reality women of Roman or Egyptian minority and women of middle age are discriminated against when it comes to employment, particularly for their colour or age. Even though these women are trained and qualified, employers ready to employ coloured women or middle aged women are rare because of their prejudiced mentality. It seems that the situation in this direction has not improved despite measures stated in the Strategy for Employment and Vocational Training (SEVT – created by the Albanian Government in 2003) or orders and decisions derived from it. Despite that in SEVT, several measures are quoted regarding certain programs that encourage employment of middle age women and training, qualification and employment of Roman women, integration of these two categories in job market is almost impossible.

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## ARTICLE 2 – OBLIGATIONS TAKEN TO ELIMINATE DISCRIMINATION

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### A. LEGAL ASPECTS

Constitution of Republic of Albania forbids any kind of discrimination based on gender<sup>4</sup>. It does not have a particular definition of equality between men and women, same as in some other country constitutions (such as for e.g. constitution of Germany), and however in general it can guarantee this impartiality.

Guarantee of equality and non-discrimination does not mean that there cannot be differences and privileges in legal situations, reasonable and objective. The Constitution itself states specific protection for pregnant women and young mothers. This means that lawmakers with their interventions and laws that produces can predict particular relieve for them.

In execution of article 18 of the constitution, an effort is seen by actors from civil society for the establishment of quota for women candidates but yet no result has been achieved.

New Family Code that empowered in the beginning of 2004 states an impartial treatment of men and women regarding age of marriage making it age 18, for men and women. Even that in appearance this code finally gave end to discrimination by the previous code that used to predict age 16 for women and age 18 for men as age of marriage; it also states under a disposition that a girl can get married at a lower age for particular reasons.

Criminal Code states “violation of equality of citizens” as a punitive act and punishment measure that applies for violators of these rights and that are in official function or in public service is fine or imprisonment sentence up to 5 years. Violation of equality of citizens is considered the act executed in the line of duty or because of it, by the employer in a public position based on assumptions of origin, gender, health status, religious beliefs, political beliefs, etc. and that consists on creation of unjust privileges or denial of a right or benefit derived from law. For employees of governmental administration that are in violation a sentence that is executed is fine.

In mid 2004, the Parliament of Albania approved a law “For an equal society”. This law states obligations and duties of employers in order to execute equal rights for men and women. Because of number deficiencies observed during preparation of this law government decided to look for possibilities to modify or amend this law. Up until now these modifications are not taken into consideration by the Parliament of Albania.

Law “For an equal society” states sanctions for violations of its dispositions that are referred to dispositions of Employment Code, Civil Code, Criminal Code and the law “For the status of public employee”. It states sentence with fine when violation by the employees of public administration is the case. Law includes possibility of an appeal in court.

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<sup>4</sup> The Constitution of the Republic of Albania Article 18:1. All are equal before the law.2. No one may be unjustly discriminated against for reasons such as gender...3. No one may be discriminated against for reasons mentioned in paragraph 2 if reasonable and objective legal grounds do not exist..

Legislation for employment has stated the circle of discriminatory acts of employer and its responsibilities in order to protect the employee from discrimination, discriminatory acts in educational and science institutions and as well discriminatory job announcements. It determines state structures and public authorities as responsible for execution of equal rights for men and women.

## B. VIOLENCE TOWARDS WOMEN AND GIRLS

In a five-year research, in prosecution of first degree court in Tirana, 189 penal proceedings were recorded for acts of domestic violence. Meanwhile, in the court of Tirana 122 cases of this nature were tried<sup>5</sup>.

Criminal Code in particular expresses protection of an individual and human's rights and freedoms. Many of its dispositions offer protection from acts that violate physical, mental and sexual integrity of an individual and directly or not ensure protection of women from domestic violence and violence in general<sup>6</sup>.

In the Criminal Code several punitive acts are stated and that are related directly or not to domestic violence such as for e.g. "Intentional murder" (article 76 of CC)," "Murder upon intention connected to another crime" (article 77 of CC.), "Premeditated homicide" (article 78 of CC.), that count for crimes against life and for which heavy measures are stated, such as imprisonment sentence.

Criminal code supported by the particular protection of pregnant women by the constitution states murder of a pregnant woman as a murder in a special circumstance. In accord with the severity of this act, criminal code states sentence of imprisonment of no less than 20 years up to life.

Even according to international standards it is required that murders committed on behalf of honour are to be legally pursued, our national legislation does not have dispositions that support it. In practice, there are often cases when court decided in favour of the murder, with a lighter sentence. Court argument that violator has no prior criminal record, has responsibility for raising children, committed the act in a severe psychological condition, etc<sup>7</sup>.

In the criminal code, torture (article 86 of CC) and "Torture resulting into serious consequences" (article 87 of CC) are considered crimes against the well-being and stated punishments for these acts are severe<sup>8</sup>. *Even that Criminal Code does not relate torture to women in particular, courts can execute these dispositions in cases when a woman is violated in terms of family relations and this violence has in its content elements of torture*<sup>9</sup>. Imprecise definition of torture in Criminal Code and in relation to elements such as, subjects, motivation, scale of violence, etc. might affect its referral and its rare application as a disposition.

In penal legislation, there is no definition for prostitution. On the other hand, the Criminal Code states protection of women from prostitution (article 114/a). Recently, prosecution and courts are facing registration of cases of exploitation of family members, mainly of spouse, for prostitution. Use of gender relations and association of these acts with violence are considered aggravating circumstances. If a woman because of violence, severe insults, torment or other forms of violence expressed by her husband commits suicide or attempts to commit suicide, criminal code (article 99) states this as punitive act and punishes it with alternative measure of fine or imprisonment up to 5 years.

<sup>5</sup> Civil Legal Initiative Centre, "For a better execution of law in favor victims of domestic violence" Tirana 2005, pg 30. Published under project "To facilitate work of execution and court structures in regard to laws that punish and prevent domestic violence", with the support of the European Commission. This project included monitor of court decisions of the first degree court of Tirana and acts of Prosecution of Tirana for 2000-2004.

<sup>6</sup> A.Mandro, "Criminal Code Report: Albania", 2002,.1. [www.seeline-project.net](http://www.seeline-project.net)

<sup>7</sup> With the decision no. 811, date 29.9.2003, R.Q. who murdered his daughter was court sentenced to two years of imprisonment. Sentence was dropped to 1 year and 4 month, because shortened trial was executed. Court of Appeal dismissed this decision..

<sup>8</sup> For this punitive acts Criminal Code states punishments from five to ten and from ten to twenty years of imprisonment.

<sup>9</sup> According to monitoring of penal proceedings at the Prosecution of Tirana and of cases tried by first degree court of Tirana for the time period of 2000-2004, no such legal dispositions were executed for protection of women as victims of domestic violence. (this monitor was included in the project "To facilitate work of execution and court structures in regard to laws that punish and prevent domestic violence", by CLICwith the support of the European Commission).

**Incest.** CEDAW committee and Committee of Member Countries for protection of women from violence have recommended that incest should be treated legally<sup>10</sup>. With modifications of the Criminal Code<sup>11</sup>, incest (article 106 of CC) is considered a punitive act<sup>12</sup>. Criminal code entirely describes categories of individuals that are subject of this act, including both sexual and homosexual relations, not just between a parent and a child, brother and a sister but also for other individuals that are related as kin or are in custody or adoption relations.

From the statistical review of Ministry of Justice, it resulted that during 2004 two cases with the subject of “sexual or homosexual relations with related kin or under custody” were tried. Number of cases tried does not represent the true scale of its extension.

In Criminal Code, sexual liberty is particularly protected. Violent sexual relation with an adult woman is a crime (article 102 of CC). Court can execute this disposition even when this act has been committed in family relations. Stated punishment for this act is 3 to 10 years of imprisonment. A higher sentence is stated, from 10 to 20 years of imprisonment when this act results in death or suicide of the victim. Committing of sexual and homosexual relations (article 104 of CC) is stated as a specific figure of crime. In cases of rape by husband, a same punitive act is configured and only subject is considered specific. Physical resistance of the victim is mandatory for these acts to be legally pursued.

European Court of Human Rights (Decision of European Court of Human Rights in case “MC against Bulgaria”, no.39272/98) has requested penal punishment of this act even in the cases where victims do not resist physically. Court considers several psychological reasons that result in inability to resist. Our criminal code cannot be considered entirely matched to this practice. It states this punitive act as act through violence that overcomes resistance of the victim. This disposition offers protection only when element of resistance is present.

In the report of the U.S. State Department (2005) for situation regarding human rights in Albania is stated “rape is punishable by law, as is marital rape, however in practice marital rape is not reported or pursued legally”<sup>13</sup>. Women – victims of domestic violence refer a little or not at all to this disposition for protection, because concepts of marital rape and sexual harassments are not clearly established and the mentality of the Albanian community does not consider sexual relations, even without wish of spouse or even violent, a crime or an act against will of women or girls. Difficulty in proving this form of violence in family results in limited number of reports of this punitive act. Women dare to report these acts especially when they are about to resolve their marriage<sup>14</sup>.

**Privately initiated procedures.** Our penal legislation states that victim can act legally. For punitive acts of a minor importance, as stated by article 59 of Criminal Procedure Code, victim is entitled to the right of pressing charges and participates in a trial as a party, and therefore is known as the victim-accuser<sup>15</sup>. We can state that a number of punitive acts concerning domestic violence, fall into categories of acts that are followed by an appeal, directly in court, by the victim accuser. Through this disposition lawmakers offer possibilities for victims to initiate a legal procedure and to follow it, for punitive acts that are directly related to them and to their personal rights. This right is granted to victims of acts of minor social threat (article 59). Some decisions of courts, for privately initiated procedures suffer from lack of evidence. This is because police does not log reports of victims and does not immediately equip the victim with a forensic report. These procedures result in drop of charges by the victim.

Report is the most used method to initiate legal proceedings of this nature, because they take part in closed environments and generally are acts for which proceedings can be initiated solely on a report<sup>16</sup> or acts that are directly reviewed by the

10 In the final conclusions of the CEDAW Committee for the report on Czech Republic, 2002 and in recommendation (2002)5 of Council of Ministers for protection of women from violence..

11 Approved with law no.8733 of date 24.1.2001

12 Punishment for this punitive act is seven years of imprisonment.

13 American State Department “Country Reports on Human Rights Practices-2004”, Tiranë, 2005.

14 P.B married, with two children appeared before CLIC and reported sexual violence committed by her husband, in the presence of their children as a reason for marriage dissolution.

15 H.Islami; A.Hoxha; I.Panda: “Criminal procedure, commentary”,Tirana, 2003.p.141.

Some of punitive acts as described by the Criminal Code, for which victim has the right to press charges and that can take part on grounds of domestic violence are: (article 90) Other intentional harm, (article 91) Serious injury due to negligence, (article 92) Non-serious injury due to negligence, (article 112) Violation of someone’s house, (Article 119) Insulting, (article 120) Libel, (article 121) Intruding without ground into someone’s privacy, (article 122) Spreading personal secrets, (article 125) Denial of support, (article 127) Unlawfully taking the child.

16 Report expresses the will of the victim to legally proceed due to a punitive act followed by punishment of the guilty. Some of the punitive acts for which legal proceeding is described based solely on the report of the victim and that take part on grounds of domestic violence are:(article 89) Non-serious intentional injury, (article 102) Nonconsensual sexual intercourse with mature

court. Will of the victim, expressed in the report is a necessity to initiate a legal procedure for these acts. Report is submitted to the prosecutor or judicial police. If the report is submitted to police, than the officer that accepts it refers this to the prosecutor. Criminal Procedure Code states also the right of the victim to step down form its report. Victim can withdraw from its report just until court has reached its final decision. It is of international standards for internal legislation to enable legal pursuing of cases when there is no denouncing by the victim also. For the above-mentioned cases, this is not the rule.

### C. TREATMENT OF SENTENCED WOMEN AND GIRLS

**Penal legislation and its execution.** In the Criminal Code several acts where women are victims or subject of such acts are stated. On this context there are several acts when victims are only women, these are enforced abortion without approval of the woman<sup>17</sup>, sexual relations with minors that have not reached sexual maturity<sup>18</sup>, violent sexual relations<sup>19</sup>, female trafficking<sup>20</sup>. Meanwhile there are also cases when only women can commit some acts, just because they are women such as punitive act of child murder (article 81 of CC).

Criminal Procedure Code states exceptional cases for pregnant women or breastfeeding mothers when it comes to imprisonment sentences. On this context, no imprisonment sentence can be executed except in special cases when sentence stated is no less then 10 years of imprisonment<sup>21</sup>. In addition, when a woman is pregnant or with a child that is under 1 year of age, execution of the sentence can be postponed until child has reached 1 year of age<sup>22</sup>.

Special treatment of women is stated also by law no. 8323, of the year 1998 “For the rights and treatments of convicted felons”, when it is said that women should serve their sentences in specific institutions and if not possible in separated sections of institutions. Women can be put in maximum-security prisons and in sections of maximum security prisons for behaviours and acts that are extremely severe (article 13 of the law). Mothers are allowed to keep their children up to their third year of life. For care and child assistance, kindergartens are operational<sup>23</sup>. When it comes to medical care special treatments are stated for pregnant women and breastfeeding mothers<sup>24</sup>. Special treatment is also stated for pregnant women or breastfeeding mothers if employment at this institution is the case (article 34), their family relations (article 40), internal dislocation within institution (article 48), disciplinary measures<sup>25</sup> (article 53), etc.

**Treatment of women and girls in pre-trial detention centres<sup>26</sup>.** Immediately after apprehension or arrest, women are held in pre-trial detention centres in precincts until a decision by the court is issued<sup>27</sup>. After reach of decision by the court, they are transferred to a special section for women in pre-trial detention of prison 313 in Tirana.

Form observations executed by the AHC in pre-trial detention quarters, it resulted that there are no special sections for women as stated by law. According to prison personnel when a female is apprehended a room of men is emptied, that on the other hand results in overpopulation of other quarters.

In pre-trial detention observed by AHC, personnel that serve in these institutions are all of male gender. There are no female personnel as a security or prison guard or special personnel for treatment of women in pre-trial detention. This is observed only in pre-trial of Berat.

women, (article 106) Sexual or homosexual intercourses with extended family members or under custody, (article 130) Forcing or impeding to cohabit or divorce, (article 275) Mal-intended use of telephone calls.

17 Article 93 of Criminal Code

18 Article 100 of Criminal Code

19 Article 102 of Criminal Code

20 Article 114/b of Criminal Code

21 Article 230 of Criminal Procedure Code.

22 Article 476 of Criminal Procedure Code.

23 Article 17 of the Law

24 Article 29 of the Law

25 Disciplinary measures foreseen for women: expel from particular joint activities for 10 days; from group ventilation no more than 20 days, from all joint activities up to 20 days. For pregnant women or ones that are allowed to keep their children only reprimand either individual or in front of other inmates.

26 For more see “Human Rights in pre-trial detention centres and prisons”, Albanian Helsinki Committee, Tirana 2005.

27 Article 245 of Criminal Procedure Code.

Women held in pre-trial have no information on their procedural rights at the moment of apprehension or arrest. Their educational background, lack of communication with family in the early moments of investigation and the fact of not having an attorney are some of the factors that lead to their un-awareness of their rights. Educational work in pre-trial changes when they are transferred to the pre-trial of 313 in Tirana.

In this institution, several measures are taken to ensure special treatment of women that includes medical service, ventilation, their employment, education and information.

**Treatment of convicted women**<sup>28</sup>. According to the criteria of law “For the rights and treatments of convicted felons” sentences are served in special institutions only for women and if impossible in special sections of other institutions. Mothers are allowed to stay with their children up to their third year of life. For care and child assistance, kindergartens are operational in institutions where sentences are served.

Special section planned for convicted women with a final judicial decision is located in institution no.325 in Tirana. Women located in this institution are mainly sentenced for severe crimes in the family.

Sleeping Quarters are made of seven rooms. Number of prisoners per room goes up to eight. Even this section, as other penitentiary sections, suffers from overpopulation. The clothing are provided by prisoners them selves or their families.

In institution no. 325, convicted women are organized in regular cultural activities, relaxing and sport and educational and learning activities. When it comes to their education, several courses are established for uneducated women such as computer course, tailoring. Programs and their execution is a responsibility of prison administration in cooperation with non-profit organizations. Libraries and religious quarters use to be inmate cells. Library fund requires new books, especially artistic and scientific.

A volleyball and basketball court serves as an appropriate environment for sports activities of convicted women. Their religious activities are performed in the adopted quarter that serves the purpose. As a praying site serves an old kitchen. Sanitation is not appropriate. Based on observations of the Albanian Helsinki Committee all convicted women had problems with their sanitation.

As for medications, it is kept in the infirmary. All medications are given according to recommendations of the doctor. The Doctor at this institution is a general medical practitioner and there is no other doctor such as neurologist or psychiatrist. When their condition aggravates they are referred to the prison hospital for a more specialized treatment.

Administration of institution no. 325 tries to ensure employment in a green house. Also, they perform artisan work. Mentally ill convicted women are held in the same areas with other prisoners. According to article 29/3 of law no. 8328 date 16.04.1998 “For the rights and treatments of convicted felons”, no special care is provided to mentally ill, prisoners and special services for women are not operational. Gynaecological visits are not performed in prison, and only emergency cases are referred to the maternity hospital of Tirana. In the pharmacy an assistant physician is employed that is in contradiction with the law, because she is not properly educated.

#### **D. WOMEN AND GIRLS OF ROMA AND EGYPTIAN MINORITY IN ALBANIA**

One of the main issues of discrimination is that of women and girls from minorities. In Albania, several minorities exist such as: Roma, Egyptians, Arumunes, Macedonians, Bosnians, Greeks and Serbo-Montenegrians. All of the minorities declare that their rights are not entirely respected and they are often discriminated against. Even though discrimination or unjust treatments are observed more or less at all minorities, the rights of women and girls from minorities are often forgotten.

In this report, we have tried to present the situation of Roma and Egyptian women and girls, because their situation compared to other minorities is more severe and discriminating and this is mostly because of poverty that dominates these two ethnic groups.

<sup>28</sup> Records are taken from observation of AHC in Re-education Institute no.325 Tiranma 2006.

In 2003, the Government of Albania approved the National Strategy for Improvement of Life of Roma Minority. The purpose of the Strategy is to improve living conditions of this minority that suffers a severe economic and social situation in the Albanian community. The National Strategy addresses particular attention to situation of Roma women and girls, strengthening of their position in their families, fight against all kinds of discrimination and special programs for this work group<sup>29</sup>.

Two of the biggest problems facing the Roma minority are their poor education and unemployment. Education and employment besides their interactive relation are also an important factor that affects their economics and social problems of this minority. Roma woman not only suffer from problems being from a minority but also discrimination within the family and minority group.

**Roma minority**<sup>30</sup>. Generally, a part of Roma minority continues to live in big families. Major economic, social and cultural changes have affected their way of life and their organization as a community. A part of them continues to maintain their nomadic tradition and dislocation in different cities and being occupied with trade<sup>31</sup> at the same time.

As for marriages of members of this minority, especially of Roma girls at a certain young age, it can be said that there are different perceptions for this issue in various geographic distribution of Roma minority. Roma minority located in middle of Albania has a more traditional and conservative mentality regarding social<sup>32</sup> issues, including that of marriage of young Roma girls. Mean while these perceptions have changed with change of their economic and social situation and because of education of Roma individuals, as is the case of this minority in Fier and Korca<sup>33</sup>. By efforts of various actors of civil society and mainly of Roma NGO's in these areas, possibilities for Roma minority began to change. So, in this direction several activities and training are undertaken regarding family planning<sup>34</sup>.

Concerning are marriages of young Roma at a very young age. This is more sensitive to Roma girls that are forced to create families at very young age.

With all initiatives taken by the sector of NGO's and self-efforts of representatives of the minority, there remains a lot to be done by the representatives of local government. This is due to the further integration of Roma minority, especially in raising awareness of young women and girls in this aspect and of the concerning problem of marriage of Roma girls in an early age.

**Egyptian minority**<sup>35</sup>. Besides Roma minority a particular attention is paid to the Egyptian community. Despite efforts of this community to be recognized as a minority, up until now it is not recognized so by the Government or Parliament of Albania. Egyptian community does not have language of its own but uses the official Albanian language. However, it is different from the rest of population by its appearance and its traditions.

Egyptian community is widely distributed in Albania. A small portion of them lives in rural areas but most of them live in cities, in neighbourhoods traditionally known, by all, as "gypsy" neighbourhoods. There are such locations in Tirana as there are locations in all other cities such as: Kavajë, Lushnjë, Cërrik, Elbasan, Gjirokastër, Vlorë, Korçë, Delvinë, Përmet, Këlcyrë, Berat, Shkodër, etc. they are known as peaceful community and criminal act originating from this community are not typical. Woman in an Egyptian community are discriminated twice. Once by her community and by society in general.

In most Egyptian families a mentality exists that women and girls of the family are not to be equally treated. The Egyptian community lives in severe economic and social conditions. A part of it is integrated in the Albanian community and the rest lives in extreme poverty. Women are housewives and men do work from time to time.

29 Chapter II, section 2.1.2 of this strategy.

30 For this material observation report on execution of the National Strategy "For improvement of Life Condition of Roma Minority" SOROS.

31 This tradition is still preserved by Roma minority settled in Elbasan.

32 This information is taken from the meeting with organization "Future Roma Woman".

33 This information is taken by AHC observers of AHC in these cities, with interviews, NPO-s, etc.

34 This information is taken from the meeting with organization "Future Roma Woman".

35 For more see "Minorities in Albania", edition of AHC, Tirana 2004.

When it comes to employment of Egyptian women and girls, it is difficult because of their poor education and low level of vocational training and of rejection because of their belonging to this community associated with other characteristics of poor families.

Over 95 percent of marriages are within the community and that is not just because of the tradition or tightly knit community but also for the prejudices over the community. As a devastating consequence of poor economic and social situation is violence towards women in this community. Woman is discriminated within the family. This is mostly expressed in the part of the community that is not integrated in the Albanian society but lives in extreme poverty.

The Egyptian community the same as the Roma one have a poor education level. What concerns most is the habit to drop out of school. Among other the habit to drop out of school is related to the mentality that exist in such families and that intends to marry girls at a very young age, such as 12-13 years of age. Parents express a very non-positive impact to these children by forcing them to drop school. There are many cases of girls that even they are good in school, parents force them to drop out of school because of the mentality that exists in the community and that considers schools not as an emancipator or integrator for the community but, instead as a factor of moral degradation of their girls. Girls are the ones that most frequently drop out of school<sup>36</sup>.

With the persuasion of the teachers parents are convinced to allow further education of their children. However, main factors that affect school abandonment remain poor economical conditions, child labour and lack of predisposition of Egyptian families for education.

#### **E. WOMEN AND GIRLS AFFECTED BY HIV / AIDS IN ALBANIA**

Because of the mentality, that dominates today in Albania, women and girls that are HIV positive are more discriminated and prejudiced than men. Recently in Albania, an increase in HIV prevalence is seen even that according to a number of cases diagnosed it is still treated as a country of a low prevalence for this virus. A general tendency that is worldwide seen and that AIDS bears face of women and children, is now seen in Albania also.

The number of HIV positive females has increased, particularly after 2000. According to the Institute of Public Health before 2000, women and girls affected made only 28.7 percent of diagnosed cases with HIV/AIDS in Albania. In recent years, this figure has gradually increased and proportion that was 4:1 in favour of men in the beginning of this phenomenon now has turned in 2:1 in favour of men. It is important to point out that most of the family women that were infected are so because of risky behaviour of their husbands that belong to a migratory population.

Most of the cases are diagnosed after they gave birth to their child that consequently resulted in birth of a child infected with HIV virus, through a vertical route of transmission. In institutions of primary health care and that of family planning, still have no specialized personnel that would offer efficacious methods in field of care and council of women. In order to suggest that among other tests that are included in pregnancy guidelines a test of HIV is to be performed as prevention for transmission of the disease form to mother to child.

In a legal aspect no sufficiently protective mechanisms exist for women and girls that are HIV positive, in order to ensure their human rights, proper social services and specialized, protections from stigma and discrimination. Their involvement in the social welfare scheme as a category in need should be encouraged especially when husband has passed away because of AIDS and women are alone and should support their families.

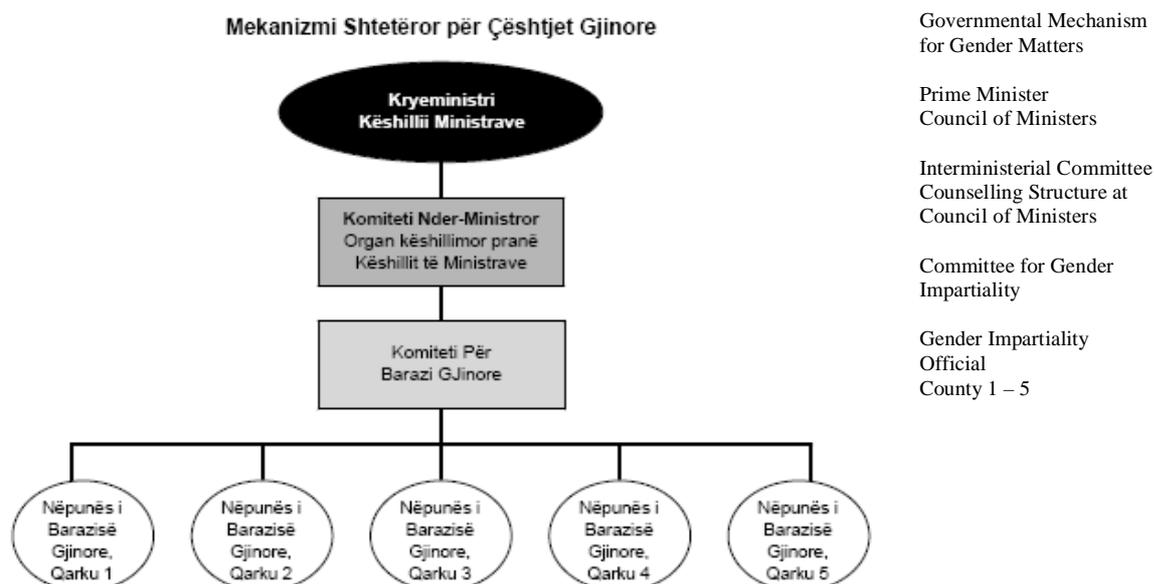
<sup>36</sup> Records are taken from the meeting the AHC held with Mr. Fuat Mehmeti, president of the organization "Egyptian Fraternity of Albania"

## ARTICLE 3 – ENCOURAGEMENT OF IMPARTIALITY<sup>37</sup>

Match of Albanian legislation with article 3 of The Convention of Elimination of Discrimination Against Women can be rendered as sufficient. Responsibility of the state for gender relations is distributed in some governmental structures, in the level of prime ministry, ministry or county. Law for gender impartiality creates some structures that are responsible to take all necessary measures and execute laws against discrimination.

Firstly, law for gender impartiality creates a counselling board: Inter-ministerial Committee that reports to Council of Ministers. This committee is obligated to implement governmental policies of gender impartiality, to prepare and encourage programs that would control situation of gender relations in the country. Description of its functions and contents is a matter of legal acts<sup>38</sup>. According to article 12 of Law for gender impartiality, inter-ministerial committee functions as an observatory body of the Committee for gender impartiality. The latter performs these duties: a) proposes to inter-ministerial committee programs and action plans for promotion of gender impartiality; b) reports to the inter-ministerial committee about situation of gender impartiality in Albanian society; c) informs inter-ministerial committee of activities of its dependents on gender impartiality in a national level; d) offers trainings in the field of gender impartiality; e) organizes collection of gender statistics; f) prepares programs and action plans for gender impartiality; g) directs and monitors implementation of programs approved by inter-ministerial committee; h) undertakes campaigns for gender impartiality promotion ; l) cooperates with certain feministic movements and international organisms.

The diagram that follows presents created structures in the central and local level by the law of gender impartiality (Graphic 1):



Until approval of law of gender impartiality, Committee of Equal Possibilities, a structure that preceded creation of Committee for gender impartiality had focal branches in all ministries. They ensured transmission of records regarding gender issues between committee and respective ministry. New law, however, refers to its dependants in local level and not in ministry level. If these structures (gender focal branches) have been effective in the past, or considered relevant it would have been useful not just to be mentioned in the law but to rather to have a determined status, their duties and responsibilities that would configure them even strongly.

<sup>37</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

<sup>38</sup> Article 13, paragraph 2 of the Law on Gender Impartialty states: "Content, organization and function of this committee will be stated in the following order of the Prime Minister"

It is important to point out the article 17 of the law of gender impartiality abrogates legal acts that created committee for equal possibilities and its descriptions of its organization and function. Council of Ministers should have drawn new decision for creation of the next committee and to organize its structure and function. These legal measures should be taken as soon as possible, because Committee of equal possibilities (now known as Committee of Gender Impartiality) does not have a legally determined status.

Another structure, Ministry of Labour and Social Issues, is a public institution that has responsibility for execution of law for gender impartiality in the area of employment. Minister directs and controls activity of structures under his authority. With the new government created in September 2005, minister includes equal possibilities in its nomination, meaning that ministry will focus in issues of gender impartiality and not just issues of labour and social issues<sup>39</sup>.

Below outlined diagram presents organs that execute and supervise execution of law of gender impartiality in the field of work and employment (graphic 2):

Execution of Law for Gender Impartiality at Ministry of Labour and Social Issues

Minister of Labour and Social Issues

National Employment Service

Social Security Institute

State Inspectorate of Employment

Administration of State Social Services

#### Zbatimi i Ligjit për Barazinë Gjinore në Ministrinë e Punës dhe Çështjeve Sociale



Third organ that ensures execution of law against discrimination is the judicial system. A person that pretends that has been a victim of discrimination of any kind can require from judicial system to invoke either particular articles of the convention of elimination of discrimination against women, or Employment Code or the constitutional right of impartiality and non-discrimination.

Institution of Ombudsperson is a new creation in the judicial system of Albania. Ombudsperson can execute investigations or create reports based on complaints by citizens for acts taken by the public administration, including all kinds of discrimination. Nevertheless, ombudsperson does not have a particular section for gender relations.

Main national mechanism for implementation of gender impartiality until late 2005 was Committee for Equal Possibilities (CEP). CEP is a central organ that is governed by AG. CEP supports promotion of interest of women, inter alia, execution of governmental policies for issues of women and family, coordination and evaluation of programs, creation of proposals for new legislation and/or amendments for existing legislation for rights of women and family in accordance to international standards and support of NGO's that work with women and family.

With all clear and continuous requests of international institutions, Mechanism for Women in our country has never reached its powers properly in these 15 years according to recommendations of conferences about women worldwide, where Albania has participated, and to the need for progress and realistic impartiality. There is no doubt that situation

<sup>39</sup> New nomination for the head of this important institution is Minister of Labour, Social Issues and Equal Opportunities. The above description will match the following nomination: Minister of labour and Social Issues, because this the nomination in the law on gender impartiality.

would have been different than that of today if request for a new status of Albanian woman would have been evaluated as an integral part of development of our country and its integration in EU.

State structures for women originate in the early 1991, as a sector for women close to Committee for Labour and Salary that in 1994 turned into a Directory within Ministry of Labour and Social Support until 1996 when was elevated to a higher level as a State Secretariat for women and youth within Ministry for Culture.

In 1997 was reformulated again within Ministry of Labour and Social Issues as a Directory "Woman and Family" until July 1998 when it was established as an institution in relation to Council of Ministers, nominated as Committee Woman and Family. In March 2001, a committee for equal possibilities is created with a purpose of gender integration in governmental policies, while in 2003 it again descends in under the authority of Ministry of Labour. In autumn 2004, with the approval by parliament of the law "Law of gender impartiality", it again passes under the authority of vice prime minister and in spring 2006, committee of gender impartiality is turned into a sector in the General Directory of Equal Possibilities, in MLSIEO. As it can be seen from wide range dislocations of the state mechanism for women and equal possibilities for men and women, many un-clarities in ideas and perspectives of lawmakers and governors will ultimately result in activity with no tradition, no documented memory and especially no institutional authority<sup>40</sup>.

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## ARTICLE 4 – IMPARTIALITY BETWEEN MEN AND WOMEN

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### A. POLITICAL AND LEGISLATIVE MEASURES

With the approval of the new Family Code, which brings up substantial changes, Albania today is going through a transitional period when it comes to legal acts regarding family rights. Albanian legislation sanctions gender equality according to advanced democratic standards. Main laws refer to rights of women, such as:

**1 – Constitution of Albania (1998)** in its article 18 states that all citizens are equal in the eyes of the law and that no one can be discriminated for reasons of gender, race, religion, ethnicity, language, political, religious and philosophical beliefs, economic, educational and social condition.

**2 – Convention of Elimination of Discrimination Against Women (CEDAW)**, ratified in 1993 by the Albanian government. In its article 11 it is stated that ratifying state parties should take all necessary measure to ensure equal rights for men and women.

**3 – Civil Code (approved on 03.05.2001, Law no. 8781)** recognizes equal rights in all legal proceedings, such as the rights to press charges or right to trial.

**4 – Criminal Code (approved on 21.03.1995, Law no. 7905)** ensures equality between men and women in all fields of life, health, property and dignity. Women suffer same sentences as men do for severe crimes.

**5 – Employment Code (approved on 29.07.2003, Law no. 9125)** recognizes equal rights for work among men and women, for protection of women in a place of work, for paid leave and equal salary. Its predictions are in accord with international labour standards.

**6 – Family Code (approved on 08.05.2003, Law no. 9062)** states equal rights among men and women to freely choose marriage or divorce, and their interactive rights in family for education and raise of children.

**7 – Law on gender impartiality in Albania (approved on 01.07.2004)** supplements legal frame regarding equal rights between men and women. This law consists on equal positioning of men and women in the field of

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<sup>40</sup> MaterisI is taken from an article "Why a Governemntal Mechanism for Gender Impartiality" by Lavdie Ruci/"Korrieri", date August 21,2006, p.16.

employment, education, decision making, against discrimination and sexual harassment. Besides this, law states legal punishment when violation of it is the case. Law on gender impartiality brought for the first time concept of temporary measures in Albanian legislation<sup>41</sup>. Nevertheless, it is not clear, on what processes of decision-making and in what institutions (governmental offices, public institutions or private or all together) these legal acts apply. Besides, this notion of “procedure of selection” can be miss-interpreted. Law should exactly determine if preferential treatments would find application in employment of civil employees or other, or would apply for promotion, trainings or further specialization<sup>42</sup>. Actually for further improvement of this law OSCE and UNDP are working. It is expected that amendments are to pass to parliament for discussion and approval.

**8 – Law on domestic violence.** On 28 October 2004, different Albanian organizations created an alliance ‘ad hoc’ made of: “Civil Advocacy office”, “Gender Alliance Development Centre”, “Women Advocacy Centre”, “Centre of Counselling for Women and Girls”, “Juveniles Legal Clinic”, “Children’s Human Rights Centre”, “Albanian Centre for Population and Development”, “On Behalf of Albanian Woman”, Society “Refleksione” dhe “Shelter for Raped Women”. Purpose of this alliance is to encourage legal initiative against domestic violence in Albania. This initiative is focused on these issues: creation of draft on domestic violence; proposal of this draft to Parliament of Albania; organization of public debates and lobbying of this draft to Albanian decision making institutions. Actually, this draft is expected to be approved by the Parliament. Law on domestic violence was approved by the Parliament on December 2006 and it will be empowered in July 2007.

**9- Law on Reproduction (approved on April 4 2002, no. 8876).** “Every woman that is free of any kind of discrimination, force has the right to freely control issues regarding her sexuality and her sexual health and reproduction<sup>43</sup>”. Article 8 of this law states “this law guarantees decision making about their reproductive rights according to their will and interest, free of discrimination, enforcement and violence to all citizens. On the other hand, this law offers specific support and health services to mother and child<sup>44</sup>”.

**10- Governmental platform on equality between men and women for the period of 2002 –2005<sup>45</sup>** stated these four directions: (1) gender impartiality in governance and decision making; (2) economic and social issues; (3) health and (4) education. One of the main objectives of the platform was focus on women from rural areas that are more discriminated and almost entirely separated from social and political life of the country because of existing prejudices, poor education and culture. Collection of statistical records regarding issues of women, tendencies, periodic editions and distribution of information based on issues of gender relations is an important step in creation of social policies that have gender impartiality as an objective.

Despite political and legislative activities, it must be said that equality between men and women in Albanian reality does not exist and is quite vulnerable in all areas of life. This is because appropriate mechanism that would monitor implementation of the above-mentioned measures, do not exist. A little is done to inform the benefiting category and especially women for possibilities that exist and are legally supported to help improve their situation. For e.g. lack of transparency in implementation of temporary measures stated by law results in loss of faith by women in these measures.

41 Article 4, paragraph (d) states “To correct gender relations in institutions in the decision making process, in selection procedures, for equal evaluations and equal qualifications and experiences, priority should be given to the female candidate”

42 Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

43 Law Concerning Reproductive Health, no. 8857, date April 4,2002, Article 6

44 Law Concerning Reproductive Health, no. 8857, date April 4,2002, Article 13/2

45 Governmental Platform of Equality between Men and Women. 2002-2005 prepared by Committee of Equal Opportunities.

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## ARTICLE 5 – STEREOTYPES OF THE COMMUNITY<sup>46</sup>

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### A. NATIONAL CAMPAIGN AGAINST GENDER STEREOTYPES

AG did not organize national information campaigns for eliminating gender stereotypes. Vast part of this work is executed by NGO's specialized in gender relations.

Training sessions are held almost in entire Albania that aimed various groups of women and men of different age, education and profession. However, this work was poorly coordinated. Participants said that because of this poor coordination funds were misused.

**Media.** Journalists and reporters come from an environment with stereotypes that discriminate against women. They are ready to reflect this reality. For example a participant recollected a chronic on the International day of Women (March 8) that reflected great accomplishments of women in education, but did not state that in university level most of the leading positions are still held by men. Other methods that media can feed these stereotypes are partial reporting and presentation of women as objects of attraction. Women are glorified sexually in commercials for phone lines. A research that monitored how media described domestic violence in 2001–2002 concluded that media encourages gender stereotypes that are seen in the Albanian community. Media does so by labelling women, with non professional use of vocabulary when description of women is the case and by searching of sensational news with no consideration for parties involved. (Gjermeni & Bregu, 2003).

### B. MUTUAL RESPONSIBILITY OF PARENTS IN CHILD RAISING

Albania has taken a long road towards the sharing of equal responsibilities of parental care in raising a child. In fact, Albanian government did not do much about this issue. For example, Albanian legislation does not allow leave of fathers when a child is born. Huge working environments that employ many women have no child care services.

Nevertheless, main problem remains in tradition – responsibility to raise children is not shared among parents and women still bear most of the burden, despite the fact that they can be employed somewhere outside the house.

Stereotypes are passed from generation to another and even that there are differences on how it is performed between groups that have lived in Tirana for a long time and migrants that moved in Tirana outskirts recently. State can create a legislation that would assist in this direction. Civil society has done something such as that, meaning education in recent 15 years. Nevertheless, there are no records on how this affected their behaviour.

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<sup>46</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

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## ARTICLE 6 – TRAFFICKING AND PROSTITUTION

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### A. NATIONAL LEGISLATION AND POLICIES AGAINST TRAFFIC AND PROSTITUTION OF WOMEN AND GIRLS

According to Palermo Protocol “prevent, suppress and punish trafficking in persons, especially women and children”, supplementing The United Nations “Convention Against International Organized Crime”, ratified by Albania in 2002, important modifications of Criminal Code were done regarding issues of women trafficking.

Trafficking of women for prostitution, as stated in a special disposition of Albanian Criminal Code in 2001, underlines trade of these women in secrecy, in fraud or with violence, to ensure illegal profit by traffickers. Because women are used not for prostitution only, lawmakers gave this disposition a broader character nominating it “Traffic of women”.

In article 114/b women traffic includes recruitment, transport, transfer, conceal or wait of women through threat or use of force or other means of extortion, kidnap, use of authority or benefit of social, physical and psychological circumstances; execution of payments to get approval of the person that controls another person, for: a) use of prostitution of others or other forms of sexual use; b) forced labour or other services; c) slavery or other forms similar to slavery; d) to use or transplant organs; e) and of other forms of exploitation.

It seems that the lawmaker does not limit forms of trafficking thus including other forms of exploitation as defined by judicial system. Criminal code states as punishment for this punitive act sentence of imprisonment from seven to 15 years and with fine from three million up to six million leke.

Bearing in consideration that trafficking of women is one of the most dangerous forms of organized crime, criminal code states hard punishments even for subjects that organize, direct and finance traffic of women. Criminal code states even harder punishments when crime results in death of the victim. It is considered as circumstantial execution of this act in collaboration with others and more than once, when this is associated with abuse or through use of public function.

Even that there is no definition for prostitution; it is considered a punitive act. Criminal Code in section of “Punitive acts against moral and dignity” states four divisions of punitive acts that are directly related to execution of prostitution; execution of prostitution (article 113, sentence with fine or imprisonment up to three years), use of prostitution (article 114, sentence with fine or imprisonment up to five years), traffic of women for prostitution (114/b sentence with imprisonment from seven up to 15 years or fine from 3 million up to 6 million leke) and administration of environment for execution of prostitution (article 115 sentence with fine or imprisonment up to ten years)

Meanwhile, after 2001 we are a witness of an awakening of the Albanian state in war against traffic of human beings, with most affected being women and girls. For this purpose during 2002-2006, governments continuously approved a number of strategies and national mechanisms of fight against trafficking.

In 2002 Ministry of Public Order prepared in cooperation with civil society First National Strategy against Trafficking of Human Beings. This strategy represents first political document of Albania and that was effective until 2004. While, in 2005 Albanian government approves two new strategies against traffic of human beings: National Strategy on war against Traffic of Human Beings (2005-2007) and National Strategy on war against Child Trafficking (2005-2007).

### B. SITUATION OF TRAFFICKING OF WOMEN AND GIRLS IN ALBANIA

#### 1. International traffic of women and girls

Trafficking of women and girls for a long time has been one of the most severe violations of rights of women in Albania. Even that trafficking of human beings has turned into a serious and very concerning issue, Albanian government in these years did not take any actions that would prevent or evade it.

By the end of 2001 and on, Albanian government under the pressure of international partners and civil society in Albania began to take actions that would affect the war against traffic of women and girls. Besides improving legislation, several state structures were established against trafficking of women and children. Some of these structures are: International Anti Traffic Centre in Vlora, Offices against Trafficking in every Directory of County Police; Court of Severe Crimes; Prosecution of Severe Crimes and National Hospitality Centre.

One of the main organizations that worked with women and girls as victims of traffic was Centre Vatra. So, Vatra in 2001 established the very first shelter for women and girls as victims of such traffic. Purpose of the shelter was that women and girls as victims of human trafficking, could feel comfortable, treated with dignity and according to their will and that could benefit from other services.

**TABLE 1: Group ages of women and girls involved in traffic  
(Treated by Vatra)**

Group age	2002	2003	2004	2005	2006
13- 18 years	78	52	48	43	18
19- 25 years	131	107	109	86	57
Over 26 years	80	75	74	66	27

**TABELA 2: Areas of origin of women and girls  
(Treated by Vatra)**

Years	Urban areas	Rural areas
2002	172	104
2003	116	115
2004	112	119
2005	81	114
2006	49	53

In years 2005-2006 situation of trafficking of human beings in Albania changed in form and in content. Even that traffic rate in our country is falling, it is still presented in two forms: a) recycle of victims in traffic; b) internal traffic that is based on daily prostitution. Based on the created situation we can say that Albania is not any longer a country of transit of trafficking of human beings but more it remains as a country of its origin.

From researches and continuous analysis that took part in recent years it can be seen that 50.2 percent of victims of traffic originate from Roma and Egyptian minority. Besides economical condition, which is evident for all communities in Albania, what makes these two communities different is: a) mentality: is related to attitude expressed towards prostitution in general; b) tradition: early age and unofficial marriages, marriages between relatives, etc.; c) education: low level of education or its absence; d) un-registration of children, especially for Roma community.

## 2. Internal traffic of women and girls

Trafficking of women and girls presents a severe violation of human rights in Albania. Among factors that encourage this phenomenon is unstable economic and political situation. Poverty, lack of border controls and corruption are some of the factors that encourage it. Event that recent records of Ministry of Internal Affairs show that trafficking of children is at its lowest rate, which means that children continue to get exploited for sexual and economic purposes<sup>47</sup>.

<sup>47</sup>Childrens Human Rights Centre of Albania – CRCA, Joint Research East – West on child trafficking for purpose of sexual use in Europe: Deployment Countries. Albania Report Tirana 2004-2005.

Children that work and homeless children are one of the most suffering category, more exposed and less protected of children that are exposed more than any one else to risk of traffic. Only in Tirana more than 800 children live as beggars, street sale children<sup>48</sup>, etc. about 50 percent of these children are girls. More than 50 thousand children under age 18 work full time or part time in Albania<sup>49</sup>.

In Albania records on children that were trafficked within the country and are used for labour and beggary is deficient, while this phenomenon on its own is very evident and is one of the most concerning problems regarding children. Economic use of children is a very complex phenomenon. Lack of system of protection and care of children renders that working children and homeless children are often victims of punitive acts such as robbery or drug or of other forbidden substance distribution<sup>50</sup>.

Lack of system of referral and of qualified services makes rehabilitation of working children and homeless children very difficult. Existing services, only few, are offered only from NGO's while public services are almost deficient.

Meanwhile, society Vatra in more than 2 years, supported by facts and collected information regarding function of traffic network in our country, has raised concern to governmental institutions that are responsible in order to take necessary actions against it. Considering that internal traffic is a new phenomenon and untreated before form state institutions, a little is known for its development and distribution. This is why this phenomenon is not well studied.

Victims that feed internal traffic are mostly adult girls that were repatriated from different states of EU, and that still want to return to those places where they were deported from. This is both, because they are used to that way of life and because they cannot earn their living differently. All of this has made internal traffic develop and function as business with profits for many smugglers that encourage and keep it up and running.

Also, from records that "Vatra" has collected in interviews, it resulted that this phenomenon of internal trafficking functions as well established national network, which in its core includes all elements of trafficking of human beings. A number of recruits that are from northern or southern rural regions of the country are transported and accompanied by smugglers or tutors that according to their territories distribute their victims in hotels and motels away from their place of origin.

*E.H. is a minor 17 year old girl from a village of north of Albania and for over a year is staying in coastal city. She was conned by a person that promised to marry her, but for a year now is using her for prostitution in a big hotel of this city.*

*Works at any time, according to clients. During the day she works as a waitress but also has a room in the hotel. All the money that she earns gives it to the tutor and when she needs anything he provides for her. He continuously lies to her that the earnings are mutual and he has stored in a bank, but E does not believe him anymore. She is forced to work.*

*She says that she can not go back to her family, because not just she won't be accepted but she is afraid for her life too.*

*During touristic season, in hotel where she works there were 6 other girls that came from distant region of North and Northeast of Albania .....all of them had a son.*

### 3. Re –trafficking of victims

Vatra declares that from records collected more than 57.5 percent of total number of girls are involved in re trafficking. If we would analyze closely on the profile of women and girls that are re-trafficked we see that they come from groups that have major social problems, extreme poverty and very often they are the ones that look for a new tutor in order to return in those places where they were repatriated from. In particular, these women and girls are the ones that represent primary

48 National Strategy for Children, Republic of Albania, Committee for Equal Rights

49 Childrens Human Rights Centre Albania – CRCA. Research "Child Labour and Street Children in Albania", Tirana 2005-2006.

50 Childrens Human Rights Centre Albania – CRCA. Research "Child Labour and Street Children in Albania", Tirana 2005-2006.

source of not just of human trafficking but also of new arising phenomenon that is developing in our country, the internal trafficking.

In interview performed by "Vatra" Centre, girls have stated the fact that their recycle in traffic of human beings was made easier by the fact that they could easily pass borders, in border crossing points that connect Albania with Macedonia, Kosovo and Greece.

*A. from a village of Fier was traffickated when was age 9 from a boy of that area. For three years she was used as a beggar in Greece. In her age of 12 years she was sold to another smuggler, that used her for prostitution again in the same city. After 3 years she was apprehended by the police of this state and she was repatriated. She was gone for 6 years and she has forgotten her language and her family.*

#### **4. Protection of women and girls as victims of trafficking.**

War against traffic of human beings cannot be executed or accepted with report of, trial and conviction of smugglers. In 2004, Albanian Parliament approved law of witness protection that has never been executed for not even a single victim of trafficking or prostitution. Vatra thinks that because of actual circumstances of Albania law cannot be executed because of:

*Firstly*, Albania is a small country with a geographic extent of the territory of 28 000 km<sup>2</sup>. Anywhere that you might dislocate the victim you can never guarantee her life, because she can never live a peaceful and normal life in any of the cities of the country, neither north or south. Criminal groups that are interested in her, can find her anywhere where she is hiding or is sheltered, because these criminal groups are operational throughout Albania.

*Secondly*, witness protection program has a high financial cost that can get unbearable for the Albanian state.

*Thirdly*, execution of law requires execution of numerous procedures that take time to get prepared and operational. Proven deficiencies of execution of law and bureaucratic delay make women and girls feel frightened, and because of it, they want to leave Albania forever.

#### **5. Exploitation of prostitution<sup>51</sup>**

Prostitution remains hidden in Albania and it is very hard to differentiate it. Women and girls usually are put to play if practice prostitution. Through efforts of NGO's and awareness of judges and jurists, cases of human traffic are less treated as prostitution.

Among law enforcement officers, we found out that their concern is that police should identify people that feed prostitution and not just to arrest victims. Violence against women that practice prostitution is never reported to police or to appropriate institutions. It is believed that because prostitution can be criminalized, women are frightened to report such problems. A police officer commented that law of witness protections is very new and has a number of legal and financial problems. Protection of witnesses requires cooperation from other countries. For this law to be properly executed a cooperation and approval of other legal acts is required.

<sup>51</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005.

## 6. Suicide of women and girls

The phenomenon of suicide in general and of females in particular remains a concern for the Albanian community. From records taken by the structures of the war against crime in the state police in a ten-month period of 2006, 180 cases of suicide appear, and females committed 71 of them or 40 percent. In the same period of 2005, 195 cases of suicide were recorded, and females committed 81 of them or 42 percent<sup>52</sup>.

Gender relations bring up the fact that males dominate in that act of suicide. It is interesting that these indicators do not synchronize with the overturned proportion of domestic violence, where victims are mostly women and girls. It is seen that most of the suicide cases of women and girls were committed in rural areas: 45 out of 71 cases, while in cities the numbers are lower, 26 of them. Most of the people that committed suicide are with elementary education only.

According to age groups, suicide of girl and women is presented as follows:

- Suicide of women and girls of age 16-25 dominate.
- Suicides in younger ages mainly belong to girls of elementary schools. From records and operative data it is seen that they are mostly because of family argue.
- The lowest rate of suicide of women is for ages 56-65 years of age.

Suicide of women, according to months, is presented: 18 people in average have committed suicide per month, and seven of them were women. The highest rate of suicide of women and girls in 2006 was in July, August, January and October. While the lowest rate of suicides of females was seen in July with only one case. Judging from that worldwide average per 100.000, our country has a tendency of moving towards average rate.

This phenomenon besides usual factors (such as loneliness at elder ages, psychological disturbances, etc), we believe it occurred because of returned immigrants for holidays or against their will, psychologically violated, aggravated economy that serve for creation or reinitiating of conflicts mainly in new families and for poor motives also, such as season of exams for students, anxiety of children that fall behind in school, etc.

Even though suicide of females is low, 71 cases in 2006, from 81 in the same period of 2005, it is seen that most of them are committed with poison, with organic phosphor toxin mostly. Actually, this poison can easily be found in market and that in a way makes act of suicide easy. Compared to a ten-month period of 2005, in the same period of 2006, number of suicides with this toxin has increased in 27 or 14 more.

Also, presence of fire weapons has significantly affected act of suicide by women. The rest is attributed to drowning, fall from heights such as balconies, castle walls, and also there are cases of cut of veins, self stroke with an axe or knife, etc.

Concluding that most of reasons for suicide is violence expressed towards women, work of preventing such violence is of particular importance, as is legal pursue of anyone who expresses such violent behaviour on women.

In this situation concerning suicides committed by women, the improper execution of article 99 of Criminal Code "Causing suicide" had its effects. This article states that when this act or attempt to suicide is a result or consequence of systematic cruel treatment or from behaviours that affect ones dignity from person that victim is related to materially or other, it is punished with imprisonment up to five years or fine.

<sup>52</sup> Records from Ministry of Internal Affairs, Tirana 2006

## ARTICLES 7 and 8: DISCRIMINATION IN POLITICAL AND PUBLIC LIFE

### A. LEGAL ASPECTS OF DISCRIMINATION

*Article 45 of the constitution affirms elective right as a fundamental right and freedom of political character. Political rights in this wide scope include: freedom of expression, freedom of association and assembly, right to participate in country government, right to vote and participate in periodic elections, through secret vote.*

Right to vote is one of the most important rights. Men and women without any limitations regarding gender share the same right, so they are entitled to elective right. Vote is equal for every elector, so it has the same value regardless of gender. There are two important qualities of vote that are often abused. Vote is free and personal.

*Election Code of Republic of Albania<sup>53</sup> is overwritten by principle that every citizen has the right to elect and be elected without any discrimination on race, ethnicity, gender, language, political belief, religion or economic condition.*

According to many national and international institutions that monitor elections in Albania, cases of family imposition of woman to vote or family vote are very often and continue to remain a concern for elections in Albania.

Another right is the right to get organized. This right is guaranteed by the constitution of Republic of Albania for all its citizens regardless of their gender. Article 46 of the constitution of Republic of Albania sanctions that anyone has the right to get organized collectively for any legal objective. In Albania, women are organized in political parties, in forums of respective parties such as Forum of women of Socialist Party, Forum of women of Democratic Party, Forum of women of Socialist Movement for Integration, etc. there is a positive accomplishment in regard to organization of women in different non profit organizations with legally bound activities.

It is worth to mention the so-called “rights to participate”. Increase of number of women in Parliament of Republic of Albania remains a challenge. Right to participate in general is considered as of categories of fundamental rights, serving as condition for respect of all other fundamental rights.

Law “For gender impartiality” is entitled to determine implementation of equal participation of men and women in decision-making processes, through: enabling of equal chances of creation and execution of governmental policies in local and central level and of policies of private institutions; balanced support of men and women in the process of management and decision making by political parties and non-profit organizations; creation of equal gender possibilities by leaders of high state organs that propose important candidates; equal recruitment, selection and evaluation criteria by DAP and by human resources of private institutions; correction of gender relations in institutions by selecting a woman over a man when they are equal in qualifications. Execution of these rights in real life is followed by some difficulties.

Compared to other countries, representation of women in Parliament of Albania is at relatively low level. Efforts are under way by various actors of civil society in order to increase participation of women in political organs. Election systems that are executed are not in position to offer gender impartiality on elected representatives. Application of quota is considered as an important mechanism. Quota for women does not represent discrimination against men, but rather a compensation for structural obstacles that women face during election processes. So, an effort to determine this system of quota along with sanctions for their un-execution. Establishment of platform of accord of Albanian legislation to gender relations (Code of Elections and law “For gender Impartiality”) would render prediction by these acts of temporary and specific measures to acquire gender equality<sup>54</sup>.

<sup>53</sup> Law No.9087,dt.19.06.2003,article 3

<sup>54</sup> Aurela Anastasi, Gazzette “Ndryshe”, “Participation of women in decision making politics”, Tirana, August 16, 2006.

## B. WOMAN MOVEMENT AND HER PARTICIPATION IN POLITICAL AND PUBLIC LIFE

### 1. Participation of women and girls in political life.<sup>55</sup>

Even that parliamentary election of 2005 marked an increase of participation of women as candidates for representatives; at the end of elections, Albania recorded lowest number of female representative in the parliament. Out of 101 candidates for representatives from the majoritary list, only eight of them were elected. Two other women were selected from the proportional list making total of female representative's count only ten out of 140 seats of the Albanian parliament. Compared to previous elections, parliament of 2005 has only one female representative more than that of previous. Women make only 7 percent compared to 93 percent of men representatives.

Albania is considered as the place with lowest number of females that participate in politics and who occupy a public position. According to a research of Inter-parliamentary Union, Albania is ranked in 114<sup>th</sup> out 187 countries and last compared to other countries of southern Europe.

Party with the highest number of female representatives is Socialist Party (4 women) followed by Democratic Party (3 women), Social Democrat Party (2 women) and Republican Party (1). Other political parties in the parliament do not have female representatives.

It is hard for a woman in Albania to get actively involved in politics. Even that there are positive models of women from all political parties; most of them have to put up with a harsh political environment. Male domination of parliament and of politics renders political language rude and violent, a difficult model to accept from women. Mostly women in politics have listed violence and rude vocabulary as one of the main obstacles to join political life<sup>56</sup>.

Secondly, organization of women within political parties is very weak. Most of the parties have forums of women, but they are mostly held as the beautiful background of the party rather than a mean to encourage participation of women in politics. None of the forums has their own funding. They mostly depend on donations of businessmen or from the president of the party. Process of policy making by these forums is very limited and often is not taken into consideration by executives of the party.

Thirdly, imposition of a quota for the participation of women presents a new public debate in Albania. Election Code of 2005 did not apply any quota for women. This issue was not part of discussions between political parties for the Code. Some parties before and after elections initiated a process of establishing a quota for participation of women, but wasn't successful. In some occasions, women were against quota of participation, because according to them it shows that women are not successful and need quota in order to secure position in politics.

Women candidates for representatives had to put up with a tough competition during election campaign of 2005. Many women ran for representatives in very difficult areas against tough male candidates. When male candidates were weaker, they turned to a negative pattern of expression against women candidates and sometimes they questioned their moral values<sup>57</sup>.

<sup>55</sup> "2005 Parliamentary Elections and Human Rights in Albania" – National Report for 2005 Parliamentary Elections and promotion of human rights by political parties in Albania. Prepared by Altin Hazizaj. Edition of Children Human Rights Centre of Albania, Tirana, December 2005.

<sup>56</sup> "2005 Parliamentary Elections and Human Rights in Albania" – National Report for 2005 Parliamentary Elections and promotion of human rights by political parties in Albania. Prepared by Altin Hazizaj. Edition of Children Human Rights Centre of Albania, Tirana, December 2005.

<sup>57</sup> "2005 Parliamentary Elections and Human Rights in Albania" – National Report for 2005 Parliamentary Elections and promotion of human rights by political parties in Albania. Prepared by Altin Hazizaj. Edition of Children Human Rights Centre of Albania, Tirana, December 2005.

## 2. Organization of movement of civil society for women and girls

Period of 1994-1996 was a dynamic period of evolution of movement of women in Albania and reflected promoting political environment that was created because of transition. Nevertheless, there was only small communication<sup>58</sup> among groups of NGO's for women created in mid of 1990. During 1995–1999, a gradual process of maturity and creation of network of communication between these groups is seen. Because of their maturity, some networks of groups with certain intentions began to institutionalize. These intentions were: a) undertaking of joint activities (Federation of the Albanian Woman, Millennium); b) cooperation in creation of joint strategies (National Council of the Albanian Woman).

Another distinguishing feature of these organizations is their offer of social services for affected categories of the society. From bank of records that exists in Centre of the Gender Alliance it results that out 110 NGO's for women that are registered, 23 percent of them work as attorneys; 18 percent perform in mission of Woman and Family (children); 11 percent work in field of economy; 10 percent in that of culture; 9 percent in information; 6 percent in counselling and direct services; 6 percent of them have rural women as their objective; 4 percent of these NGO's belong to political forums of women; 2 percent are involved in decision making, health, religion, education, media, employment and trafficking.

With all of the achievements of women movement in Albania, it still faces challenges and difficulties, moreover such as the rest of the Albanian community. What is noticed is the need for cooperation and coordination of activities, programs and projects with the purpose of increasing impact of these movements in social and political events of the country. Another difficulty noticed by the non-profit organizations is that international donators are leaving. In such terms chances for survival are only few and competition is growing. Continuance of these social services will be possible if only state – locally or centrally – or business will financially support their activities.

## 3. Participation of women in decision making

Participation of women in decision-making processes and in politics in particular remains at a low level, compared to other countries of Eastern and Central Europe. Level of participation of women in politics is conditioned by qualities of democratic development of society; from economical, social and cultural development of the country; by heritage and existing mentalities; way of education and of expectation that society has for boys and girls; features of the transition period in Albania, etc.

**Table 3: Composition of the Parliament, June 2005<sup>59</sup>**

Post	Male	Female	% Female
Speaker of the Parliament	0	1	
v/Speaker of the Parliament	2	0	
Heads of Parliamentary Commissions	7	1	13
Representatives	140	10	7
Heads of Parliamentary Groups	9	0	0

58 Foundation " Open Society for Albania – SOROS", 90+10 Woman in the postcommunist transition, National Conference, Tirana, March 12, 2001, p. 23-24.

59 Men and Women in Albania, INSTAT 2005,

**Table 4: Participation of Women in the Government, June 2005<sup>60</sup>**

Position	Number		%	
	Male	Female	Male	Female
Prime minister	1	0		
v/Prime minister	1	0		
Ministers	17	1	94	6
v/Ministers	23	6	79	21
General Secretary	15	2	88	12

Meanwhile, when it comes to positions in local government, again level of participation remains low. In recent local elections (October 2003) out of 76 candidates (men and women) for city mayor only three women were elected, and for heads of city hall units three of them were elected, so, only 4 percent<sup>61</sup>. While, for the position of the chairman of municipality out of 308 of candidates, men and women, only 6 women were elected, so, only 2 percent.

### C. PRACTICAL ASPECTS OF LAW ENFORCEMENT

Albania continues to remain a country with a young population and with a yearly average increase of population. In 2004, it recorded a population of 3.127.263 inhabitants where 50.2 percent of them were females<sup>62</sup>.

**Health.** Albania is one of the 183 countries that approved Plan of Action of Cairo Conference for International Expansion of Population of 1994, which determines woman as the Centre of reproductive health services in primary health care<sup>63</sup>. As for maternal mortality, even that in 2004 was 50 percent less than in 1990, compared to other European countries remains high<sup>64</sup>.

As for abortion, it continues to be considered as a usual method of family planning. There are many reasons that force women to abortion, and we can state only a few such as economic factors as main factors, such as: poverty, unemployment, high number of children, shelter, health, etc. another factor that should be mentioned is increase of abortions when child expected is a girl. Traditionally Albanian family valued birth of baby boys for two important reasons: heritage and the fact that boys would become men and face the enemy. Nevertheless, abortion because of gender shows the patriarchal and prejudicing mentality of the Albanian community, that despite changing events it remained a masculine community.

**Infant mortality.** Infant mortality, and as well maternal mortality, has marked a decrease as a result of several factors. Politics and health services that are offered by public institutions and non-profit organizations influenced decrease of infant mortality rate. According to INSTAT in county of Fier and Lushnja recently infant mortality rate has decreased<sup>65</sup>. In rural areas, infant mortality rate is expected to be higher because of impossibility to reach health services and low information on issues regarding health. Establishment of Centres for child and maternal care, maternities, especially in rural areas where mortality rates are higher, are some of the methods to improve life in these areas.

60 Men and Women in Albania, INSTAT 2005,

61 Official Gazette of the Republic of Albania, no.8 February 27, 2004.

62 Men and Women in Albania, INSTAT 2005, p. 6

63 Human Development Promotion Centre "Improvement of Mothers Health" In: Albania and Objectives of Millenium, prepared for UNDP by HDPC Tirana May 2002 p.34

64 Human Development Promotion Centre "Improvement of Mothers Health" In: Albania and Objectives of Millenium, prepared for UNDP by HDPC Tirana May 2002 p.34

65 Regional Strategy of Development of County Fier – In accordance to Objectives of National Development and of Millenium Development. Union of people for a better future, September 2003.

**Maternity leave.** Maternity leave plays an important role in facilitating the role of and the responsibility of women in family. This period, after birth creates possibility for women to get paid while they dedicate them selves to child raise. In Albania, maternity leave is 365 days and payment is 50 –80 percent of the salary. Of course, this is executed in governmental and public institutions only, while in private enterprises and business this is not executed in general. Mostly women and girls are employed without regular contracts and loose their jobs because of their maternity leave or even for leaves to take care of child's health. Even that Albanian legislation accepts the possibility of maternity leave to be taken by both parents, it states that father can require leave only when child is ill and for the shortest period possible. This reflects a gender stereotype according to which only mothers can and should take care for children.

**Employment.** According to the latest edition of “Men and Women 2005” of INSTAT, employees made 50.3 percent of the population of working age. In 2004, 931 thousand people were employed and 578 thousand of them were men and 353 thousand were women<sup>66</sup>. If we analyse employment in relation to gender, a small participation of women and girls in job market compared to men, is noticed. Women make only 38.9 percent of employees in total. Analyse of employment in regard with gender it can be seen that during 1994-2004 employment rate for women was significantly lower that that for men. Differences among men and women for employment rate are more expressed in non-agricultural private sector, where women make only 25 percent of employees; participation of women is increased in public sector where women make 43.4 percent of employees while in agricultural private sector rates are approximately the same. These indicators are related to actual situation of job market where employment of women falls behind because:

- Closing of many industrial sites that were active before 1990’;
- Development of economic activities that is oriented towards employment of men, such as construction or trade;
- Rural-urban movement that does not favour women in urban job markets, because of their poor education, actual technologies, etc.
- Return of several prejudices and gender stereotypes regarding women employment.

Most of the women are employed and continue to work in sectors traditionally designed for women. Therefore, in education they represent 67.5 percent of employees, in health 74.7 percent of employees. Nevertheless, even in these sectors it can be seen that women are mostly employed as specialist and when it comes to leading positions men are again first to be considered. Women participation falls behind in industries, hotels and restaurants, trade, where men make most of the percentage. Men dominate sectors of construction and transport/communication.

**Unemployment.** According to INSTAT, in “Men and Women 2005” at the end of 2004 there were 157 000 people registered as unemployed, and 11 000 of them collected unemployment. Most of the unemployed, 92.3 percent were unemployed for a very long time (more than 12 months)<sup>67</sup>. Unemployment rate, in a national level, in the end of 2004 was 14.4 percent. This indicator had a gender differential of 17.5 percent for women and girls to 12.4 percent for men and boys. This indicator is high for younger ages, and differential male-female was present for all age groups.

According to INSTAT during the entire period of 1994-2004 a higher rate of unemployment for women than for men is seen. In the group of unemployed that are registered, analysis based on gender shows that women make 47.7 percent and this has nothing to do with unemployment rate but rather with the fact that women are less interested to be registered for employment because of pitiable opportunities that are obvious. Moreover, the lower employment rate for women certainly shows fewer women registered as unemployed.

**Salaries and gender differences.** Information on proportion of salaries between men and women (INSTAT) shows that salaries of women in non-agricultural sector were 27 percent lower than that of men and this difference was more expressed for employees of the private non-agricultural sector, compared to employees of the public sector. This difference is evident for all ages and almost entire branches of our economy. Gender difference in salaries is little bit lesser in education and public administration, because of dominance of government on this sector<sup>68</sup>. Average salaries for an employee of the public sector for the year 2004 were 24.393 leke.

66 Men and Women in Albania, INSTAT 2005, p. 7

67 Men and Women in Albania, INSTAT 2005, p. 7

68 Men and Women in Albania, INSTAT 2003, p. 8

Change of prices of consume compared to the previous year by 2.9 percent impacted realistic increase of average salary in the public sector for 11.2 percent. Meanwhile records collected according to statistical programs show only information on average salary for the public sector, family questionnaire LSMS 2002 followed by panel questionnaire 2003, 2004 provides information on average salaries for the private sector also. Records show that average salaries for men are approximately 50 percent higher than that for women. More detailed analyses according to branches of economy show that in agriculture, industry or public services average salaries for men are apparently higher than for women especially for employees of the private non-agricultural sector. So, in industry average monthly salaries for 2004 is 19.738 leke but salaries for women are less than that, only 14 771 while salaries for men are 22 642 leke per month. Same differences are seen in agriculture and services where average for women is apparently less than that of men. Also, these differences are apparent for all age groups.

**Income according to gender of Head of Household.** In 2002 average monthly income in Albanian families with a man as a Head of Household goes up to 35 935 leke while for families with a woman as a head of household go up to 25 671 leke. An analyse of income according to the gender of head of household shows that it changes in average of 29 percent in national level a fact that shows that income of families with a woman as a head of household are even lower than that of families with a man for a head of household. This difference is more expressed in Tirana, about 40 percent, and is lower in rural areas of Central and Mountainous regions. This enormous difference of income of families by men/women proportion of heads of households shows an inequality especially in areas of highest income and around, this fact shows that polarization brings only disadvantage for women.

**Discrimination during employment.** Besides gender discrimination, age discrimination is another characteristic that affect possibilities of women for employment. Possibility of pregnancy makes some women of reproductive age unsuitable for employment. Also, women that are above 35 are treated as unsuitable. With all legal dispositions and equal rights that constitution grants to men and women, in daily publications for employment signs of gender and age discrimination are obvious.

**Situation of education in Albania under gender perspective.** Education level is an important indicator that speaks of status of women and girls in Albanian community. Statistical records according to INSTAT "Women and men in Albania 2005" show that in all grades of education girls are more successful than boys. According to statistics from education department in every end of the school year there are more girls students than boy students regardless of the fact that in beginning of the year there are more boys registered.

Girls in superior education make 62 percent of total students in four recent years. For 2004 this percentage is higher for particular faculties. So, 78 percent of students of education are girls, 71 percent in health studies and 68 percent on human sciences and arts.

In rural areas of the country participation of girls in school is low. Often girls in rural areas after conclusion of their elementary education, drop school and do various kinds of housework. Women teachers also represent 67 percent of entire teaching staff in elementary education and 57 percent in secondary education. In university education women and girls make 50n percent of teaching staff.

**Rate of school drop out.** A very concerning phenomenon of recent years is school truancy and abandonment and according to recent statistics this rate has reached 2.7 percent. This unexpected increase is a result of opinion that education is not the only way to secure a decent living. This is more obvious in rural areas, where difficult economics forces children to drop out of school and help their families in farming work. Besides this migration at large scales from rural areas to urban Centres created problems of ensuring teaching staff (especially in distant areas) and as well in overpopulation of schools in cities and closing of schools in rural areas. As for girls they face other difficulties to follow school, such as poor sanitation, infrastructure and distance of school (schools are very far away and there is no transport), etc. phenomenon has reached its dramatic proportions in some of the cities, that makes us realize that geographic extent of the phenomenon includes not just rural areas but cities as well.

Referring to records regarding school drop out<sup>69</sup> in year of 2003/2004, it can be said that in national level rate of school drop out is equal for boys and girls. Figures are different in different counties. On this scope, in some counties rates are higher for girls and in some other counties they are higher for boys. In counties such as Dibra, Kavaja and Tirana rates are higher for girls while in counties of Kukes and Dibra rates are higher for boys.

**Woman in rural areas.** According to the report of the Women Centre “Gender belongings and farming” in 2003<sup>70</sup> a deficiency in records regarding gender perspective of farming has been noted. Besides, because of triple roles that women have in family and community, a huge burden of women and girls in rural areas has been noted thus contributing enormously in agriculture.

A tendency of involvement of women that bear a remarkable burden in farming activities has been noted. Also involvement of women in those activities that were considered as of “male monopoly” is seen. Poverty, tradition, previous needs, migration and education are factors that affect involvement of women in agriculture.

**Situation of gender development**<sup>71</sup>. During the last decade, in Albania no special attention is paid to the role of women in society, despite that women represent more than half of population. Measurement of level of gender development through calculation of Gender Development Index and Gender Energy Measure was performed for the first time in Report of Human Development – Albania 2002. GDI and GEM treat only measured aspects and still do not include other aspects of gender inequality, such as the rate of participation of women in community life and decision making, consume of resources within the family, dignity and personal security of women, etc. These aspects determinate status of the women in society and of her quality of life.

**Gender Development Index (GDI)** Measures inequality between men and women from the perspective of basic abilities and of living conditions, supporting same variables and HDI (Human Development Report): longevity, education and income. According to calculations, Gender Development Index for Albania, based on records of 2001, is 0.758 and Albania is ranked 61-th in classification United Nations for 173 countries that calculate this index. With this value of GDI, Albania is included in countries with average gender development.

**Gender Energy Measure (GEM)** is focused on possibilities created for women in order to show their abilities and to actively participate in political, economical life and in decision making while particularly analyzing their participation in political life and economical professional life. This index is focused on three variables that reflect participation of women in political decision making; possibility to perform professionally; and their income.

According to calculations, Gender Energy Measure for Albania, based on records of 2001, is 0.422 and Albania is ranked 58-th in classification of United Nations for 173 countries that calculate this index. With this value of GEM, Albania is included in countries with average gender energy.

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## ARTICLE 9 – NATIONALITY AND CITIZENSHIP

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Citizenship is a stable legal relation, which is expressed in rights and reciprocal obligations of an individual and of Albanian state. It is a right that is guaranteed equally for men and women in Albania. Legislation that supports it is entirely accorded to Convention of Elimination of Discrimination Against Women (CEDAW).

<sup>69</sup> Analyze of Gender Policies in Education in Albania, P.34, Source: Ministry of Education and Science, Tirana 2004.

<sup>70</sup> Woman Centre, “Gender and Agriculture”. Prepared by Eglantina Gjermeni, Agron Hetoja, Daniela Kalaja & Marsela Dauti, Tirana 2003.

<sup>71</sup> Human Development Report – Albania 2002. Challenges of local government and regional development. Prepared for UNDP by Human Development Promotion Centre (HDPC) (34-36).

Principal fundament of citizenship is Constitution of Republic of Albania and Law of Albanian Citizenship. As in constitution and as in particular law there is no difference regarding methods of earning or dismissing Albanian citizenship. And in this way legislator uses term “citizen” thus equalling position of men and women in regard to issues of citizenship.

In constitution, article 19, subsection 2 sanctions that “Albanian citizen can not loose its citizenship unless when it’s willingly dismissed”. This article guarantees protection of Albanian citizenship, relating it can be dismissed only by the Albanian citizen on its free will, so gives up willingly of its citizenship.

Furthermore, law of “Albanian citizenship” in its article 4 guarantees this protection, specifying that Albanian citizenship can not be arbitrarily abolished to any one. Every Albanian citizen has the right to dismiss its Albanian citizenship with condition that he has another citizenship or it is guaranteed by proper authorities of that foreign country for another citizenship.

Law, following constitution ion its 6<sup>th</sup> article states ways of acquiring Albanian citizenship, which are as follows:

- a) By birth;
- b) By naturalization;
- c) Adoption.

All these dispositions predict that alteration of Albanian citizenship does not come as a consequence of marriage with a foreign citizen but rather as dismissal based on free will and that by completing a request form as stated by conditions as quoted in article 15 of the law.

As for children and acquire of their Albanian citizenship, Albanian legislation is accorded entirely with Convention. As in constitution and as in law, legislator uses term “parent” thus equalling mother and father. In this way equal rights are granted to both parents in regard to citizenship that a child can get if only one of its parents is Albanian. In relation, article 19 of the constitution states “Everyone born of at least one parent with Albanian citizenship gains automatically Albanian citizenship”. Mean while law states in more detailed manner ways of acquiring Albanian citizenship of child by birth (article 7). Constitution and law go along on issue that no difference is made of which parent has Albanian citizenship. It is sufficient that one of the parents has Albanian citizenship in order a child to acquire Albanian citizenship.

In cases of terminating citizenship of juveniles’ law states that if both parents have given up their citizenship and if they both agree that their child should give it up too. Another case is when one of the parents does not agree that child should give up its citizenship, child’s citizenship is dismissed only if judged to be in the best interest of the child or when another citizenship is being guaranteed to the child. Even in this case no difference is made, by law, between mother and a father.

## ARTICLE 10 – EQUALITY OF CULTURAL RIGHTS AND RIGHT TO EDUCATION AND TRAINING

### A. LOCAL AND GLOBAL CONTEXT IN SUPPORT OF GENDER INTEGRATION IN EDUCATION <sup>72</sup>

According to the Constitution of Republic of Albania every one is entitled to an education. Elementary education and secondary education in public schools are free (of charge) (article 57 of Constitution). In article 18 of Constitution it is stated that all citizens are equal before law and that no one can be discriminated for reasons of gender, race, religion, ethnicity, political, religious and philosophical beliefs, economic, educational and social situation.

Law “For an equal gender society” approved on July 2004, by the Albanian Parliament, intends to fill legal loopholes regarding equal rights for men and women. This law consists on positioning of both genders on equal terms in regard to education, employment and decision making. Law also addresses issues of gender differences in education. In its 8<sup>th</sup> article is stated that:

*Acts of education and science institutions will be considered discriminating if based on gender:*

- *Various requests of men and women are taken in consideration for their employment or for research programs are taken, for creation of curricula and evaluation of knowledge;*
- *Various possibilities of selections for a particular field of research, training, graduation and lasting of studies are taken.*

Council of ministers approved decision no. 238 date 12.08.2004, National Strategy of Development of Pre-university Education (NSDPE). National strategy of development of education is a political document. It “intends to treat aspects of actual situation and to propose actions and necessary interventions for any respective main areas of education while trying to avoid unnecessary descriptions” (page 11). In strategy does not have well articulated commitments for gender education or sensitivity for gender issues, but instead has possibilities for interpretation that can be used for gender education of students<sup>73</sup>.

Strategy of Education in Sector of Education in context of SKZHES has as an objective sector of education and science. This sector, within SKZHES, is concluded at “involvement of all children in basic education, increase of number of registration and participation on elementary and secondary education, especially of that professional and in distant and poor regions of the country, better adaptation of professional education according to market requests, increase of qualities of education (in accord to continuous education of teaching personnel), increase of efficiency of administration and of educational system in cooperation with interested groups”.

In law “For Pre-university Education” no. 7952 date 21.06.1995, textually in its 1<sup>st</sup> article is said: “Education in Republic of Albania is a national privilege”.

This means that education, with all its elements, so also on the “text for students” should conclude obligations for spiritual emancipation and social and cultural development. Translated to every day language, first three articles of law create sufficient possibilities and space to focus on issues of gender relations. Furthermore, law on pre-university education does not forbid creation of initiatives and creates possibilities to take care of issues of gender relations<sup>74</sup>.

In some cases Albanian legislation shows a particular care for education of women. For e.g. Constitution declares education of women in severe economic and social situation as one of the main social objectives of Albania. Categories of

<sup>72</sup>Gender Integration in Policies and Strategies. Gender Alliance Development Centre. Tirana, October 2005.

<sup>73</sup>Gender Alliance Development Centre. Gender analyze of the National Strategy of Pre-University Education 2004-2015, August 2005.

<sup>74</sup> Gender Analyze of School Texts for Elementary Schools, QAGJZH 2005

individuals that benefit from Law on Education and Vocational training include unemployed women-mothers, trafficked girls and women and divorced women with social problems<sup>75</sup>.

## B. EDUCATION OF WOMEN / GIRLS AND STATE MECHANISMS OF GENDER EQUALITY

Platform of Government of Albania on equality between men and women 2002-2005 was continuous to governmental platform of 1999-2000. This platform approved with DCM no. 267 date 03.06.1999 has on its establishment 12 items of Platform of Action of Beijing, adapted to circumstances and environment of our country. Also, it is in accord with all national laws and international documents for human rights in general and that of women in particular.

Platform of the Government of Albania on equality between men and women 2002-2005 had these items as priority: a) equality between men and women in government and decision making; b) economy; c) social issues; d) health; e) education.

As it can be seen education is one of the priorities of this platform of Albanian government that goes along with objectives of millennium. As for issues of gender, this platform intended to take a step ahead in involvement of gender perspective in it. But for this to be achieved it is important that everyone should have basic concepts of gender equality clear, and this can be achieved only if this concepts are given through education starting from elementary and so on.

Education is the main instrument of the society, through which social alteration can be reached. Education is of extraordinary importance, and is not just related to the number of schools, texts or qualified teachers. It is related to a more certain social milieu that should be seen as everyone's right, where individuals share possibilities of their social and economical wellbeing and participation on public life<sup>76</sup>.

Some challenges that face education in Albania are:

- Creation of clear landscape of roles and grade of gender involvement in various levels and areas of system of education using specific resources for both genders;
- Gender inequalities that exist in all planes of education: registrations, graduations, structural inequalities in teaching and educational institutions;
- Evaluation of specific educational needs, as immediate and practical and in long term and strategic plans, for boys and girls, men and women and specific planning to meet these needs;
- Strong gender stereotypes in curricula, school texts of all grades;
- Various orientation of careers for boys and girls;
- Professional trainings in relation to existing possibilities of job market;
- Ensuring of an equal distribution of men and women in creation, planning, decision making, management, administration and distribution of education and equal benefits for men and women in terms of access, participation and distribution of resources.

## C. EDUCATION OF WOMEN AND GIRLS OF MINORITIES.

**Education of Roma children<sup>77</sup>** – Even that situation of education for this minority has changed for the better in these recent years, poor education remains a problem for Roma minority. This is supported by an increase in number of Roma children that attend school. This is a result of a commitment of the minority itself, through its organizations and of civil society and governmental structures. This fact is confirmed by representatives of Roma organizations and by representatives of local educational institutions. Information provided by AHC shows that:

<sup>75</sup> DCM no. 616, December 4, 2002. Report on Evaluation of Execution of the CEDAW in Albania.

<sup>76</sup> National Report on Human Development – UNDP, March 2005

<sup>77</sup> For more see the report of ACH on monitor of the National Strategy for improvement of life conditions of Roma Minority, their educational circumstances in counties Tirana and Fier, Tirana 2005.

- Level of illiteracy of Roma minority for years 1994-1996 was 83-86 percent<sup>78</sup>
- In years 2002-2003 level of illiteracy was approximately 62.2 percent (in Tirana 61.9 percent, while in Fier 66.2 percent)<sup>79</sup>
- In school year of 2004-2005 this level was 40 - 46 percent<sup>80</sup>.

On this relation, besides important role of Roma minority in raising awareness of the minority, role of respective governmental organs in taking realistic steps for education of this minority is very important. Still there is a lot to be done.

With all improvements made in relation to education of Roma minority, school abandonment by Roma children remains at high levels. Feature of this minority is that number of children that begin education and continue it to a higher level is low. School drop out results in negative consequences for this minority, such as: illiteracy, difficulties of involvement in job market, inability to develop and integrate in society and to participate in the public life of the country, but also raises possibilities for criminal involvement.

Beginning from evaluation of figure of women in Roma families it results that level of illiteracy is higher in women than in men. This is confirmed by all representatives that AHC has contacted. Taken that Roma girls according to their mentality are forced to get married as minors, without concluding their elementary education, rate of school abandonment for girls is higher than for boys.

Factors that affect deficiency in education of this community have to do with mentalities (subjective reasons) that are outlined in following sentences:

- Mentality and poor culture is reflected in lack of vision of this minority and that evaluates education as a long cycle. Therefore, they choose faster alternatives of employment in unsuitable professions in very young ages. Also, mentality and culture of this minority are affected by poor cultural and educational level of parents, nomad traditions of this minority and traditional gender roles in Roma families (early age marriages within the minority, taking of family responsibilities early from young girls).
- Life in motion of a part of this community, lack of a permanent residence. In relation to this, AHC has even earlier before pointed that efforts are being taken to resolve this problem, but there is a lot to be done. Unresolved issues are lack of registration in offices of civil registration of a vast part of this minority, possibilities of shelter and employment.
- Internal and external migration<sup>81</sup>.

<sup>78</sup> This information was taken from meeting that ACH held with mr. Skender Veliu alone, President of Union "Amaro-Drom".

<sup>79</sup> This information is taken from the report of the World Bank "Roma and Egyptians in Albania – from social exclusion to social inclusion" published in March, 2005

<sup>80</sup> This information was taken from meeting that ACH held with mr. Skender Veliu alone, President of Union "Amaro-Drom".

<sup>81</sup> This fact was mentioned by mr. Skender Veliu alone, President of Union "Amaro-Drom" in meetings with AHC .

## ARTICLE 11 – EMPLOYMENT OF WOMEN AND GIRLS

### 1. LEGAL ASPECTS

In Albania, the legal framework in regard to employment and even to vocational training, states several measures with intention to stop discrimination in the area of employment, professional activity and benefits from social security. So, if we would analyse to see how these predictions and legal frameworks regarding employment match to request outlined in article 11 of Convention CEDAW and how this legislation is executed in reality, situation seems to be as follows:

*“All human beings regardless of race, religion or gender are entitled to the right to seek their material and spiritual well-being freely and with dignity, economical safety and equal opportunities. Recognition of the right to work includes the right to take necessary steps to progressively reach execution and protection of this right. Everyone has the right to earn means of their life support through a profession that is legal and chosen freely. Everyone shares the right to free choice of profession and employment and right to receive vocational training. Employees are entitled to social allowances”.*

This right is acknowledged and guaranteed by the Constitution of the Republic of Albania<sup>82</sup> and along with other rights, stands as fundament of legal order. Employment Code of Republic of Albania, approved with law no. 7961, date 12.07.1995, states: basic rights (prohibition of forced labour, union liberty, and collective negotiations)<sup>83</sup>, creation of individual working relations (employment contract)<sup>84</sup> or of terminating these relations<sup>85</sup>. This code was perceived as an institution of modern structure that was modified and supplemented with law no. 8085 of date 13.03.1996 and with law no. 9125, date 29.07.2003.

- Employment Code is based on Main Constitutional Dispositions of Republic of Albania.
- Employment Code respects International Conventions ratified by Republic of Albania.
- Employment Code is based on norms that are generally accepted by means of international right<sup>86</sup>.

In altered Employment Code basic rights are stated:

- Prohibition of forced labour of any kind;
- Prohibition of discrimination;
- Union liberty and collective negotiations<sup>87</sup>;
- Establishment of working relations;
- Special protection for juveniles and women<sup>88</sup>.

In the Constitution of the Republic of Albania and in particular in dispositions of Employment Code, several standards are adequately reflected, such as standards of “Convention and Recommendations on employment” 1964<sup>89</sup>, “European Convention of Basic Human Rights and Freedoms”<sup>90</sup> for ensuring of complete employment, benefiting and freely chosen as a mean of practical execution of right to work.

Republic of Albania based on law no. 8086, date 13.03.1996 has adhered to Conventions of International Labour Organization (ILO):

- Convention no. 105 "For elimination of forced labour",
- Convention no. 111 "For discrimination on work and profession",
- Convention no. 138 "For minimal age of employment".

<sup>82</sup> Article 49 of the Constitution of the Republic of Albania

<sup>83</sup> Chapter III of Employment Code

<sup>84</sup> Chapter V of Employment Code

<sup>85</sup> Chapter XIV of Employment Code

<sup>86</sup> Article 6, Employment Code of the Republic of Albania

<sup>87</sup> Modified by Law no. 8085, date 13.03.1996. Employment Code. RA

<sup>88</sup> Modified by Law no. 9125, date 29.07.2003. Employment Code. RA

<sup>89</sup> Article 1. General Principles. Recommendations on Employment Policy – 1984.

<sup>90</sup> Article 4, concerns enforced labour, European Convention on Human Right, ratified by Albania in 1996.

Employment Code, literally expresses a principle in one of its dispositions “equal salaries for the same work”<sup>91</sup>. However, there are a number of laws that cover some particular working relations and categories of employees, such as for e.g.: law for the status of a public civil employee, law for organization of judicial rule in republic of Albania and law for organization and function of prosecution in Republic of Albania; and don't mention this principle literally. However, these laws use an impartial language when it comes to gender. Law on gender impartiality renders mandatory for employer to use equal criteria of evolution of work for men and for women employees and obligation for equal salaries for men and women for the same work.

It can be said, in principle, that women in Albania are granted equal employment possibilities. This is reflected in open competition for various job positions in public and in the private sector. Nevertheless, it is a fact that in the private sector employment is more depended in personal preferences of the employer rather than respect of actual legislation in power. Even that it was mentioned that reviewed Employment Code prohibits differentiation of selection of employees based on race, age or gender; in reality several discriminating practices are encountered.

Law for public service regulates employment in civil and state administration and thus eliminating employment through direct nomination. Contest, test, interview and carefully selected criteria have resulted in employment of qualified personnel, either intellectually or professionally without discrimination to gender. However, researches show that women that are educated abroad can get discriminated when it comes to employment. A research of Albanian immigrant women in United States clearly showed that women returnees to Albania after a period of study there are to a great extent disappointed. Not just that it is thought that they might be overqualified for the job market in Albania but their employment was related to sexual offers for employers (Orgocka, 2005)<sup>92</sup>.

Attention of state should be focused more on possibilities of integration of women in rural areas that have migrated recently in urban areas, or/and of Roma women. Vast part of these women have only elementary education and work in severe conditions, have big families with five or six children that need parental care, and have many professional deficiencies. In times of blossom of informal economy, many Albanian women began to work in their houses, and it is not realistically known on what conditions them professionally perform. Despite efforts and positive results achieved from several NGO's that act in employment and vocational training issues, for the purpose of training and relief of integration of these women in job market, realistic state policies are required.

As for free choice of employment, and as for equal criteria for promotion and benefits, including retraining, legal framework is, again, non-discriminating and even in favour of women. Strategy of Employment and Vocational Training is approved with Council of Ministers Decision no. 67 date 10.01.2003. In Strategy of Employment and Vocational Training a presentation of actual situation of job market is made, short and mid term tendencies for changes of this market have been evidenced and practical objectives in regard to problematic of employment in the country are determined. This strategy contains a number of measures to be taken, states main directions of improvement acts regarding employment in the future, new programs in extent of encouragement of employment, vocational training and support of new businesses or existing ones, with the purpose of encouragement of employment and new job postings.

Strategy pays particular attention for vocational training of those groups of population with social–economical problems, including people with limited abilities, mother with lots of children, persons under age 18, long-term unemployed, persons from families below level of poverty, unemployed girl-mothers, trafficked women and girls, divorced women with social problems, returned immigrants with economical problems, newly graduated, not oriented in job market, etc. in this context it is thought to apply reduced fees for their vocational training and their involvement in new programs of job market in order to ensure their employment and integration in social and economical life of the country<sup>93</sup>. Nevertheless, it must be said that despite these measure, career advancing is difficult for women. Despite pursue of recruitment procedures based on contest and evaluation of individual professional abilities, it's obvious that these procedures are avoid when it comes to leading and decision making positions. In many sectors where number of women employed is in a considerable rate (education, health, etc.) their positions are more of specialist rather than in leading and decision making. In practice, execution of predictions and achievement of objectives quoted in National Strategy of Employment and Vocational

91 Article 115, Employment Code, Law no 7961, dt July 12, 1995

92 Women Rights Initiative, Evaluation Report on CEDAW – Albania, December 2005, p43

93 Geographic extend of network of vocational training – Strategy of Employment and Vocational Training (SEVT) 2003, p28

training (SEVT), and as well efficacious accomplishment of objectives by respective institutions that are related to employment, it is obviously obstructed by lack of knowledge of vast part of these documents and policies created for this purpose.

So from monitoring of the scale of knowledge and implementation of SEVT, it results that one of the main problems is lack of knowledge of its existence and/or its content, and at large extent, especially among groups that are responsible for its implementation. About 71.5 percent of the interviewed, never have heard for a strategy such as that. While 33.7 percent of the interviewed don't have any information on adress or contact persons in Local Employment Offices and this figure goes up to 40.1 percent for Regional Employment Offices<sup>94</sup>.

SEVT is hardly known, even that have past three years from its approval and it is intended to get implemented with precedence in order to soften problem of unemployment of the country. Lack of information on SEVT begins from its existence and content of this document and to go on with its transparency and availability of records and true indices to show its practical implementation. Grasp of swift and accurate information about implementation of SEVT in Regional and Local Offices is almost impossible. Difficulties are of all kinds, starting from bureaucratic behaviour and lack of information as a consequence of shortages of computerized networks, shortages of specialized human resources, etc. from monitoring it results that employees of Regional or Local Employment Offices are not that familiar with this document. Vast part of them are occupied with their daily routines and are not always well informed of required modifications that they should implement and that should reflect in their performance, are in relation to this strategy or any other documents<sup>95</sup>.

In relation to social security and benefits, Constitution of Republic of Albania guarantees to any one right to benefit from social security when they reach the age of pension or in case of disabilities, as it guarantees benefits in time of unemployment. Law for Social Security<sup>96</sup> follows the same line, although it makes a difference in payments of compensations and benefits from social security for pregnancies that includes birth and afterbirth period; *this is applied for women only*. Another difference among women and men employees is maternity leave. Albanian legislation does not support such leaves for fathers even that acknowledges right of three day leave for new fathers. While, other leaves and annual leaves are equal for men and women. Another example of different treatment of women in regard to men is article 31 of law of social security that determines that ensured individuals are entitled to their pension when reaching age 65 for men and 60 for women. In order to benefit the entire pension scheme one must have paid for 35 years contribution on social security scheme.

Not just that legislation of work does not discriminate women, but to some categories of women, such as for e.g. mothers with lots of children priority is given for employment. Constitution states special protection for young mothers and pregnant women. According to Employment Code pregnancy does not serve as a reason for discrimination. So, for example, article 105/a prohibits pregnancy tests before employing a woman. Furthermore, when a woman's contract is terminated while in pregnancy or after return from maternity leave, it is employer's obligation to convince court that termination of such contract is not based on pregnancy or birth of children.

Albanian legislation offers special protection for women reproductive health. Work 35 days before and 42 after the birth is absolutely forbidden and when pregnant woman has more than one child this period is even longer. After consumption of these days, women employee has the right to choose between return to work or continue to take care for her child. If second is chosen, employer is obligated to safeguard her working position for a period of 12 months. Adoptive mothers are entitled to their leave also.

Also, according to Employment Code it is forbidden by law for employers to put women employees in types of work proven to be harmful for them on the grounds of pregnancy or maternity leave. Therefore, night shift is not allowed for pregnant women. DCM no. 207, date May 9, 2002 determines list of hard and dangerous labour, where only employees that have a medical clearance or medical certificate that shows that they are clinically well can get employed. Maternity leave is considered as a working year for the woman and she does not loose her year of experience because of pregnancy or raise of the child. Nevertheless, execution of these laws is difficult especially for women employed in the private sector. Pregnant women are a subject of poor working conditions, and furthermore of pressure of doing housework in their

94 Organization "Refleksione" Report on monitor of Knowledge of and Execution of SEVT concerning gender point of view, August 2006, p5

95 Organization "Refleksione" Report on monitor of Knowledge of and Execution of SEVT concerning gender point of view, August 2006, p5

96 Law on Social Security, no 7703, dt. May 11, 1993

homes (this is an unpaid work that has never been a subject of research for our government). And in addition they often find it difficult to benefit a maternity leave of more than 42 days after birth, because they might lose their working position.

Another phenomenon that is seen, but this time in public sector, is indirect pressure to request a maternity leave of 12 months, because of high number of people registered in the waiting list of employment. This is more obvious in sector of education, where maternity leave for one teacher means that another one will have to work for that period of time. So, despite right of the woman to choose whether she wants to continue to work or take care of the child, in reality, most of the women do not enjoy this right of selection "up to 12 months", but rather as a legal obligation that one should execute, till the end of period of 12 months.

Discrimination because of marriage is not mentioned, especially not in the Albanian legislation of work. However, article 9 of Employment Code forbids discrimination for family relation issues. Farther interpretation of this notion could have involved also civil status of the employee. Besides this, employer must not collect personal information for the employee, unless this is related to professional performance or are important to extent of contract. Furthermore, article 146 of Employment Code considers as unjustifiable termination of contract for motives of pregnancy, civil status, family obligations, etc. Termination of contract without reasonable excuses is invalid and employers compensates employee with a claim that is equal to an annual salary. As for frequency of review of defensive Albanian legislation in order to incorporate recent research and recommendations, it can be said that Albanian legislation does not or just slightly concur to requests of CEDAW. Review of categories of job positions that are considered dangerous to women, is only of rare occasion or by initiative of respective ministry, or as a result of pressure by NGO's and international organizations<sup>97</sup>.

Albanian legislation only rarely mentions issues of sexual harassment. Employment Code textually forbids every compulsion by the employer that can be considered a sexual harassment of the employee and puts to priority obligations that employees are protected from any kind of sexual harassment, nor by employer or by other employees<sup>98</sup>. Law on gender equality forces employers to take necessary disciplinary actions and other organizational means to counter sexual harassment of them employees<sup>99</sup>. But in order to do so, to put these rights to place; creation of procedural mechanisms is required, which create possibilities for victims of such sexual harassments to ask for legal protection, incorporation in legislation definition of sexual harassment and, maybe, transfer of responsibility of law suit to the employer.

## 2. EMPLOYMENT OF WOMEN AND GIRLS OF MINORITIES

**Employment of Roma women**<sup>100</sup> – Ministry of Social Affairs and Equal Opportunities has taken several practical measures for integration of Roma minority in society in harmony with objectives stated in National Strategy "For improvement of life conditions of Roma minority". The Ministry has organized three programs of encouragement of employment of women and girls and has ensured employment of 500 women and girls with social problems. Out of this number, only 86 are Roma women and girls, and the rest are from majority of the population<sup>101</sup>.

Involvement of Roma women and girls in employment programs is related to, among other, their lack of interest and information by them.

Even that Ministry of Labour, Social Affairs and Equal Opportunities has tried to organize training and professional courses in eight counties of the country, involvement of Roma girls was low. Therefore, in all of these courses of vocational training, generally for cosmetics, tailoring, hairdressing, 67 women and girls are involved. Their short participation is related to lack of promotion of such courses, lack of information and improper management of Local

97 Women Rights Initiative, Evaluation Report on CEDAW – Albania, December 2005, p42.

98 Article 32, Employment Code, Law no 7961, dt July 12, 1995

99 Law For a Gender Impartial Society no. 9198, date July 1, 2004 article 6

100 For this material report of verification of execution of National Strategy "For Improvement of Life Conditions for Roma Minority" was used, SOROS Foundation with assistance of AHC

101 These information were taken from participation in a round table, subject "Development and Integration of Roma Community a Governmental Priority", by MLSIEP, 9.02.2006. Hotel Mondial

employment offices that would enable broader participation of this minority. Meanwhile, Roma organizations have tried to organize professional courses for tailoring, hairdressing in Korca, Kucove and Berat<sup>102</sup>.

Employment is another essential issue for the Roma minority, since vast part of it is unemployed and only a small portion of it is self-employed in trade of used clothing. Self-employment is thought to be an important factor of integration of Roma woman. According to records of Amaro-Drom, 70-80 percent of women are involved in business of used clothing and 20-30 percent of them are active in farming and this is more specific for the region of Myzeqe.

As for discrimination of this minority, its representatives have shown that it did not have any uttered form of discrimination of this minority. Latent form of discrimination is the one kind of it that negatively affects integration of this minority in Albanian community.

In rural areas qualifying courses are organized for Roma women and girls and from various foreign societies. Organizations and societies themselves representatives of this minority have organized various activities for the purpose of information and awareness of members of this minority in regard to their rights in general and forms of discrimination in particular<sup>103</sup>. Some Roma organizations have paid attention to gender balance in their leading structures, for e.g. 30-50 percent of local boards of Union Amaro-Drom are made of women.

Traditionally husband in Roma families has played an important role. Positive efforts have been noted by some Roma organizations for raising awareness of Roma women about guarantees of their rights in families and society. Also, it is worth of mention efforts of local government that in cooperation with employment offices and local NGO's, to work on integration of Roma women and her vocational training<sup>104</sup>. From Roma organizations themselves, on this accord, efforts are being taken to aware men of their role in family and to be better aware of basic rights and freedoms of women in their community. Purpose of these in promotional campaigns is to work closely and more often with Roma community itself for their integration in the community and to alter their mentality<sup>105</sup>.

As for employment and vocational training of Roma minority in Korca, according to representatives of Roma minority, there is no particular program for implementation. From local government institutions in this county no particular program for their employment or vocational training has been organized. In this direction have contributed several local organizations in cooperation with Roma societies that have organized some training seminaries for awareness of women and girls for their rights in families and community<sup>106</sup>.

102 Such vocational training was organized by Amaro-Drom Union

103 This information was taken from a meeting with leaders of organization "Future roma woman"

104 This concerns roma community in Elbasan

105 Data related to Roma Minority in other counties than Tirana, AHC, Korçë, Elbasan, Shkodër and Fier.

106 One of these organization has worked in Korça - CSDS.

## ARTICLE 12 – HEALTH CARE AND FAMILY PLANNING<sup>107</sup>

### A. LEGAL ASPECTS

Albanian legislation, more or less matches article 12 of CEDAW. Article 55 of Albanian Constitution guarantees to all citizens equal rights on health care that is provided by state. Nevertheless, this disposition remains only declarative, while other legal formulations that prohibit discrimination in health care do not exist.

The Law concerning Health Care is very old (1963) and reflects a different legal culture. Its amendments or even a new law for health care is mandatory and necessary to reflect standards and international commitments that Albania is obliged to. However, there is a disposition that uses the term “discrimination”: “every woman, free of and excluded of any kind of discrimination, compels or violence has the right to a physical examination and to freely decide on all matters regarding her sexuality and reproductive and sexual health<sup>108</sup>.”

Article 8 of Law for Reproductive Health expands even more this principle and that involves both genders: “This law guarantees to individuals the decision to perform reproductive rights freely and according to their interest, free from any kind of discrimination, compel or violence.”

Albanian legislation offers special support and health services to mother and child.<sup>109</sup> “All pregnant women benefit free periodic follow up visits during pregnancy (antenatal), birth and afterbirth (postnatal), and especially examinations in antenatal and postnatal period that are mandatory and determined with an act of Ministry of Health.<sup>110</sup>” With all formulations of these dispositions, their implementation and quality of health services is inappropriate.

Even that Parliament recently approved law for preservation of breastfeeding<sup>111</sup>; this law is created only to dis-encourage bottle-feeding instead of breastfeeding, to regulate trade of food products for children and distribution of information for advances of breastfeeding. Protection that Albanian legislation provides to breastfeeding is limited and dispositions or programs to support proper nutrition for new mother are absent in general. Some of these aspects are treated by ILO Convention no 183 for Protection of Maternity, ratified by RA in 2001 (see table outlined below) and in DCM no 397, date May 20, 1996, modified later, that forbids breastfeeding mothers to lift heavy weights and guarantees to them right for periodic leave during working hours to breastfeed.

Until 1992, termination of pregnancy was considered illegal in Albania, while now termination of pregnancy or abortion is allowed till 12<sup>th</sup> week of pregnancy and afterwards a special permission from a medical commission is required, in regard to health of mother and foetus.

### B. PRACTICAL ASPECTS OF LAW ENFORCEMENT<sup>112</sup>

**Access to health care.** Access to services of health care is equal for men and women. In fact, in some cases, legislation is more generous to women because of special attributes of their health, including disease of reproductive organs, or examinations such as mammography that help diagnose serious diseases. Instructed by principles of Health 21 by World Health Organization (WHO), vast part of these instruments is equal for men and women. Nevertheless, campaigns are required for promotion of health. Women usually seek help only when they are ill. In rural areas, women still don't attend periodic physical examinations in order to avoid complications during and after birth. Regular periodic examinations are not a part of health support for elder women and women with disabilities. Also, patients can choose services, and they can

<sup>107</sup>Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

<sup>108</sup>Law concerning Reproductive Health no.8876, date April 4,2002, article 6

<sup>109</sup> Law concerning Reproductive Health no.8876, date April 4,2002, article 13/2

<sup>110</sup> Law concerning Reproductive Health no.8876, date April 4,2002, article 24/1

<sup>111</sup>Law no 8528, date 23.9.1999, “For Preservation of Breastfeeding”

<sup>112</sup>Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

prefer women doctors for examinations and men doctors for surgeries. In general, maternities are seen as women haven, while according to health professionals, problems of health should be dealt as a couple.

Moreover, more attention should be paid to older women owing the menopause. According to opinions of participants, insufficient access to health care is usually justified with the fact that the health care system is in crisis. While doctors and surgeons have moved to the main cities of the country, lack of qualified medical personnel in distant and small areas thus leading to chaos in health services. Most of the patients still go to Tirana for their health problems. Women and men equally deal with problem of access to services of health care. Interviewees mention that some women give birth to their child in their homes. On some occasions, medical personnel are paid under the table, and this means that not all patients have the same attention from the medical facilities.

**Free services and proper nutrition during pregnancy.** Women are followed during their entire pregnancies and are given at least three sessions of ultrasound freely in hospital Centres. Specialized staff addresses their concerns. Nevertheless, the questionnaire *Albania – Knowledge, Attitude, Faith and Practice 2000* shows that antenatal care is very limited. Only 18 percent of women that were pregnant at the time of this questionnaire said that they were examined in their first trimester; 45 percent weren't examined until second trimester and 37 percent didn't go to visit until last trimester of pregnancy.

This can be explained from the educational level and social-economical status – groups with low social-economical status have lesser access to health care services before birth, while highly educated women have a greater understanding with regards to health care before birth.

After the birth of the child, the child's and the woman's health is attended by a physician in counselling (specialized Centres for mother and child). Vaccinations of children and mothers are free and mothers are given a book where all vaccinations are registered. A primary concern was that new mothers are not provided with adequate baby care. Women are encouraged to get discharged within 24 h from giving birth.

A number of measures are taken to improve nutrition during pregnancy. According to the Protocol of Ministry of Health, measures are taken to distribute supplements of iron and folic acid during pregnancies. The Law that encourages breastfeeding is formed based on recommendations of World Health Organizations and International Code of Marketing of Breast Milk Substitutes, which says that women should breastfeed their babies in their first six months. The Law does not prohibit marketing of substitutes, but regulates how these products are sold and forbids the health care provider to issue prescriptions for them without doctor's authorization.

The hospital does not take any measures regarding the nutrition of pregnant women, but it does promote breastfeeding. If a mother can not breastfeed, than the child should be fed by other healthy women that are able to do so. More economical help for women in time of their pregnancies and breast milk is required – even that women get informed on how they should feed their baby and themselves, means to support this nutrition weren't provided.

Participants reported well established practices of training sessions for breast control. Women that participated in these training sessions were consulted with doctors more than women that did not participate. The vast part of services of family planning, including information on family planning are offered free of charge, but not all women benefit from these services because they are not certain if confidentiality is respected by medical staff. Women can go to different places rather than the facilities in her area, there where they are not known and get their free contraceptive medication. Family planning as a measure to provide counsel for more space of time between children is not yet accepted, especially by men and more campaigns should be organized for promotion of such ideas on this subject.

Abortion is widely accepted as a contraceptive method. A report from 2004 from Mary Stopes/Nesmark Clinic found 17.000 abortions annually amongst women of 25-35 years of age, even young women between 14 or 15 terminate their pregnancies. Abortions based on gender of the foetus are considered a concerning and a serious event. While services of abortion are offered, campaigns that are focused on consequences of abortion on women health are necessary.

**Discriminating laws for HIV/AIDS.** Albania is a country of low prevalence of HIV/AIDS. In our country no discriminating laws for infected people exist. Confidentiality of treatment is guaranteed, even that in practice cases open

discrimination of women infected with HIV are often. There is a society<sup>113</sup> of affected people with HIV/AIDS, which protects the rights of women and girls. Even that this society is not supported by the state for development of prevention and promotional programs. People affected by HIV/AIDS take their medication free of charge. Even that sometimes is noted that medications are not always on time and sufficient. Albanian government does not have specific programs of promotion for women and girls about HIV/AIDS.

**Gender based violence.** Women and girls are a subject of violence especially in their family environments. At least eight percent of women are physically abused by their partners, according to an international questionnaire of 2002, while 25 percent of women seem to be psychologically abused by their partners.

Another research conducted with a representative model of 1.039 married women aged 25-65 that live in Tirana was focused on violence from their partners and in social and demographic characteristics of women and their spouses. It found that more than one third of women was a subject of violence in family. Risk was higher for women of age 25-34, university educated women, employed women, women with less educated spouse and women married to men raised in rural areas.

Women were at a higher risk if they were more educated than their husbands (Burazeri, Roshi, Jewkes, Jordan, Bjegovic & Laaser, 2005). Even that participants in interviews confirmed existence of domestic violence, they also mentioned that records of abused women is problematic because women find it rather difficult to report that they were abused. This is especially true when women seek help in Health Care Centres. Training of health personnel that deal with victims of abuse is not systematic. General medical practitioners are trained and continue to train in order to diagnose and treat cases of violence in family, but this is only sporadic.

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## ARTICLE 13 – ECONOMY AND CULTURE-SPORT LIFE

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Property in the state of matrimony is presumed as combined, except in the case when spouse proves otherwise<sup>114</sup>.

Family Code states that any of the spouses is entitled to the right of common administration of joint property. Executions of acts that overcome common administration are a right of both spouses. This code also states that if one of the spouses overuses his rights on joint property, the other spouse has the right to demand an annulment of that act.

Even in cases of dissolution of marriage court can decide that one of the spouses to pay to the other one a compensation contribute with the purpose of overcoming any difference that might occur during split of the property after resolve of the marriage. Court can allow use of residence from a spouse that is not an owner in cases when: 1. it has children to take care and raise and educate, until children reach maturity age; 2. when resolve of the marriage was initiated by owner spouse; it is entitled to this right for seven years, if spouse doesn't get married in meantime; 3. when ex spouse that is not an owner has installed a professional cabinet of a great value and its relocation would require an enormous amount of funds. If this is the case then he/she is entitled to its use for three years.

Albanian legislation does not literally mention equality or non-discrimination of women regarding their civil rights. Even that Civil Code, banking legislation and other laws use impartial language when relate to gender issues, such as "every person", "parties", "physical person". So, Civil Code states that all individuals possess skills to act when 18 years old and since that moment he can freely execute any juridical act. There are cases when Civil Code uses terms as "creditor" or "owner" in male gender. But this happens anywhere in law texts in Albania<sup>115</sup>.

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<sup>113</sup> People Living With HIV in Albania Association - (PLWHA)

<sup>114</sup> Law no.9062, date 08.05.2003, article 76.

<sup>115</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

Even that anyone, including jurists, with these terms understands both genders, at least for future laws a particular language should be used for both genders and composers should be aware more of gender problems and their relation to legislation. Albanian constitution guarantees to anyone artistic and creative liberty and participation in scientific research (article 58) while article 59 states freedom of participation in sports and other entertainment activities. Again, language used is impartial in regard to gender, but particular dispositions of gender equality and non-discrimination of women in these areas of social and economical life are absent.

**Bank loans and other forms of financial loans.** Women only rarely apply for a loan, because they are often treated as having a support role in business activity. Moreover, for many banks, loan policy requires that applicant should own a collateral capital, while in reality only some women do. Women loose their ownership usually when property is registered under the name of husband. Research shows many cases when apartments of couples are registered (illegally) under husbands name only, even that both spouses share equal rights on the property. Usually women don't enjoy any support from men for their business initiatives, or in some cases they don't have the courage to take such an initiative. Lack of information contributes also in the inability to effectively use banks.

**Participation in sports, relaxation activities and all aspects of cultural life.** Women should engage in any sport or relaxing activities that they choose. Economical resources can influence equal participation of women and men in relaxing activities, social events even that women are more active in some of these events. Financially supported by government or other donors, societies that are focused on organizing cultural events lead by women organize various activities (painting, exhibitions, music festivals, television shows, etc.). It is hard to determine participation rate of women and girls in sport events. Institute of Statistics (INSTAT) does select data according to gender. Nevertheless, participants show that lack of funds and stereotypes for women participation in sports dis-encourage women to participate.

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## ARTICLE 14 – RURAL WOMAN

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### A. LEGAL ASPECTS

Firstly we should emphasize that in none of the laws and legal acts of the Republic of Albania a difference between rural and urban woman is made. Consequently women in rural area are entitled to the same opportunities and rights as women in urban areas.

However, reality speaks differently. Social and economical rights are many times more limited for women in rural area than in urban areas, regardless of the fact that rural women are entitled to those rights. This is not related to facts stated by law, but to access to the law and its enforcement. It is understood that for women in rural areas possibilities are many times more limited, both because of the above mentioned conditions and related to tradition and customs of rural areas.

Albanian legislation does not make any difference between agricultural and non-agricultural areas even that in reality life of a rural woman can be hard. Also, no difference is made in execution of CEDAW for rural women and urban women. So, considering absence of such particular legislation for rural women, these women or representatives of civil society as their representatives can appeal to courts and require from state to directly execute Convention of Elimination of Discrimination Against Women.

Law on gender equality in fact mentions a network of employees that reflects gender equality in a local level (county), but without specifying any further their duties and responsibilities, their organization and function, etc.

Albanian legislation offers possibilities of loans to anyone, regardless of their gender or residence. State offers more appropriate conditions for payments of agricultural loans, but yet again no difference is made in regard to gender<sup>116</sup>. Some articles in the Civil Code refer to the farming families. Property of these families belongs to all of its members, who with their work or other rights have contributed in creation and maintain of this joint economical activity. According to article

<sup>116</sup> CivilCode, law no. 7850, date July 29, 1994, article 222

224, farming families are represented by its master in trade or fortune relations with third parties. Family members choose their master that legally can be either a woman or a man; in real life it is of silent rule and agreement that this is always a man. Also, cases when property is registered under the name of the husband are usual. If we could consider difficulties that rural women encounter it is recommended that legal measures should be taken in order to offer them more opportunities.

## B. PRACTICAL ASPECT OF LAW ENFORCEMENT<sup>117</sup>

**Awareness of situation of women in rural areas.** Discrimination of women in rural areas is extremely obvious. Rural areas feed more cultural traditions that obstruct women in their achievements. According to participants opinions, women in rural areas are treated with respect, since this areas don't go along with pace of development of urban areas. Many norms and old customs are deeply embedded in their mentality or the way they think and act and this is widely accepted.

**Participation in making and execution of development plans.** Women in rural areas in Albania can be interested to actively participate in development planning for all levels, but structural and technological changes brought new responsibilities in farming families, especially for women. Many community and social allowances don't exist any longer; these used to be free of charge or easy to put up with. Farming is not more mechanized than it used to be. Therefore, doubled load of productive and reproductive work, today leaves women with little energy and space to actively participate in community events

**Access to health care in rural areas.** There are possibilities to get properly informed about health care. When professional health care is not available, women refer to nearest urban health Centres, but this is only rarely affordable for them. NGO's on cooperation with local governments, work to compensate on information loopholes on general health care and especially of reproductive one. In distant areas a migration and/or discharge from medical services is seen. A number of health Centres are closed or work with short hours. Medical Centres are built in large communities, of 2000-3000 inhabitants. A bonus payment is given to encourage general medical practitioners to practice in distant areas that are short of these services. Even that medical staff in rural areas participate in trainings, patients are provided with specialized medical care only in urban areas. Information based selection is not common for rural women. They usually don't have any information of mental health.

**Direct benefit from social insurance programs.** According to INSTAT, pension payments for individuals in rural areas make one third of state payment for pensions in total. Also, women in rural areas find it hard to benefit from the scheme of social insurance, unemployment benefits, sick leaves, pension and age compensation. Only women that use to work in the state farm, which were destroyed after 1990, benefit from such social allowances. Nowadays, most of rural women are self-employed and do not wish or are not properly informed for payments of their social insurance so they could benefit from it at a later time.

**Education.** Girls in rural areas find it hard to continue with their education at secondary level. In fact, the number of girls in rural areas that attend secondary school has decreased. Research shows that in rural areas generations of women in rural areas, who dropped out of school as girls, will suffer future consequences of illiteracy.

According to records of Regional Education Directorate of Tirana it results that for the school year 2006/2007 793 students have abandoned school from rural areas and 490 of them are girls. From continuous observations made from the Centre of Development of Rural Women it results that abandonment or termination of education for girls after their fourth grade is made solely based on conservatory, patriarchal and "kanun" mentality. Girls remain closed in their homes, because they are physically grown and can be a subject of here say, and girls remain in such custody until their possible engagement or marriage.

An ethnic view of a village in the north of Albania in late 1990, shows that at the time of research almost not any of the girls was educated beyond their age 14 or 15. Nearest secondary school was in the city, and real fears of attack and kidnap made school attendance look and sound very dangerous in eyes of many parents (Lawson, Mcgregor & Saltmarshe, 2000).

<sup>117</sup> Report on Evaluation of Execution of CEDAW in Albania. Published by USAID. Prepared by Chemonics International, Tirana, December 2005

In legal framework of Law of Local Governance and decentralization of local governance, problems with school attendance of girls as for boys were individually resolved by municipalities. For e.g., even that it is not stated as legal obligation in many areas as Municipality of Fushe Arrez, Malesi e Madhe and Delvina a bus service that collects and distributes children to their schools was operational daily. This service was not nationalized, but participants discussed that such initiatives were taken where local governance was aware of gender related issues.

**Right of economical opportunities through employment or self employment.** While there are no big corporations, women have little opportunities of employment. This is not the same for men that can immigrate for seasonal work found in big cities or abroad. Even that some development agencies have assisted women to initiate their business; in general opportunities to initiate business based on loans are not the same as for men.

**Right to participate in all community events.** Women want to participate in social and cultural events. While they bear responsibility of child care, participation to such events of the community is based on existence of child care service. There are only few quality services in rural areas. Many areas don't have kindergarten or day care and other family members take care for their children. Furthermore immigration of men in countries abroad or trade activity of men leaves women alone in facing most of the farming work.

The only entertainment that remains for women are marriage celebrations and religious celebrations. Watching television shows can be another entertainment opportunity, but this is rarely possible because of regular electrical blackouts. As government and NGO's have done very little for addressing issues of participation of women in community events.

**Applying for credit and agricultural loan.** Human Development National Report (2005) reports that official records such as access to loan programs and financial institutions and the number of self employed women are short. In interviews, women said that in the beginning of 1990 when privatization began, all properties belonging to state farms were equally distributed to men and women according to rules. Nevertheless, a main problem remains if land or property will be redistributed as per number of family members, since it was registered under the name of head of family that is at the same the righteous owner of the property. So, usually, respect of rights of women to land and property is in the hand of men.

Women usually inherit property from their parents. According to law and tradition if a woman is entitled to the right of property in her family of origin, she is to surrender this to her family if she gets married. She doesn't have the right of ownership of land or any other thing in her spouse family. Nevertheless, even when land belongs to the wife, it is considered as a property of family and women usually are not allowed to administer it according to their will. When property conflicts arise, men and women equally have the right to protect it. Usually these matters are resolved in court. It is not reported, yet, a single case of discrimination against women for this matter.

**Shelter, sanitation, electricity and water supply, transport and communication.** While living conditions are better to some degree, living standards are lower than in urban areas. According to INSTAT, houses in villages have poorer living conditions than those of urban areas. Also, working conditions for women are more severe in rural areas. Even that most of rural families are supplied with water in their houses, records from INSTAT show that about 43 percent of families in the country are water supplied from an external source and about 41 percent use wells or water tankers.

As in urban areas, houses in rural areas resolve their heating issues individually. There is no system of central heating. Power supply is equally problematic as it is in urban and rural areas, if not worse. There is the possibility of transport in urban areas, but this is a private service and financial resources are required to cover the expenses.

**Gender based violence in rural areas.** While media reports cases of gender based violence, and especially murder cases, participants present in the public debate did not report any such case at all. Nevertheless, one of the challenges of the war against gender based violence in these areas is awareness of existence of such violence and faith in use of respective institutions for help in addressing this issue.

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## ARTICLE 15 – EQUAL IN THE EYES OF THE LAW

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Another group of civil rights is the one known as “right to a fair legal process”. Here, among other are included right to a public process from an impartial and fair court of justice, “presumption of innocence”, principle of double jeopardy and legal assistance.

Right to a righteous legal process is a right guaranteed by Constitution. Right to an equal treatment and legal protection is naturally classified as a civil right, while at the same time this right plays an essential role for execution of economic, social and cultural rights.

Women equally as men are entitled to the right to protect their legal interests and to address court or responsible governmental institutions.

Article 42 of the Constitution states acknowledgment of this right to all citizens and doesn't deprive any person for any reason from this right. Therefore, girls and women are not deprived of this right for the reason of gender, etc. If this right is violated, this should not be taken just as a procedural matter, because it wasn't just the legal process that wasn't right but also rights of freedom, of property and other constitutional rights are violated without a good legal process. A correct legal process according to article 42 of Constitution of Republic of Albania includes following:

- a. right to a fair and public trial
- b. within a reasonable time
- c. court specified by law
- d. by an independent and impartial court

One of the important elements that are related to issues is the impartial court. Impartiality includes several elements but essential element remains one of impartiality between parties in trial. In our legal practice, men and women share equal possibilities to present issues in front of responsible court. De jure men are entitled to privileges compared to women because of gender but none of the parties is to be discriminated because of that reason.

For any violation of this right women can address to Constitutional Court. Right to righteous legal process requires properly trained judges, prosecutors, attorneys and police officers, and as well appropriate prison and other facilities. Despite the fact that this right is guaranteed by law, practical enforcement of existing legislation violates women of this right.

Civil Code states age eighteen as age when an individual is considered as mature that in its acts is entitled to rights and take-over of civil responsibilities. Woman that is not of age eighteen gains maturity of legal acts when engages in matrimonial relations.

Laws of state ensure women of legal rights in all steps and court procedures and in all other organs and all functions. No difference is made based on gender.

The right to have a private property is equally guarantees to all citizens by The Constitution of the Republic of Albania. The Constitution does not include gender differences. Labels used in constitution such as “anyone”, “everyone” are known for its impartiality. There is no discriminating disposition in Albanian legislation that would limit women of their property rights. Women can own and enjoy of property and real estate and is entitled to sell and inherit equally as men.

Family Code states composition of joint family ownership, in its article 74. New Family Code states that fortune of spouses is taken as mutual wellbeing and rights to administer are not limited because of gender or civil status.

Article 11 of the Civil Code states that legal act that limits ability or right to act is invalid. Considering with legal act any contract or other private instrument, Civil Code states their invalidity when they intend to limit legal competency of women.

Civil Code states that every adult individual has the right to freely choose its place of residence.<sup>118</sup>

Family Code, in its article 55 states the right of spouses to choose their place of residence through a joint consent. In case of dispute Family Code states rights of any spouse, so despite of gender, to address court, which after careful hearing of both spouses and opinion of children that are of age 14, takes the best appropriate decision in regard to demands of the family.

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## ARTICLE 16 – PRIVATE AND FAMILY LIFE

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Article 16 of Convention CEDAW determines obligation of state parties to take all necessary measures to eliminate discrimination against women in all issues that have to deal with marriage and family relations.

Engagements and marriage of minors do not have legal effect, so from state parties necessary measures are taken, including legal dispositions, in order to predict or determine minimal age of marriage and to render mandatory registration of marriage in registrar's office.

Textually sanctioned in article 53 of our Constitution, right to a normal family life is more complex than it seems in first hand and it is made out of three important components: right to create a family; right to live in it and right to respect matrimonial equality and intimacy of family life.

Right to get married and to enjoy a quiet private and family life, is a subject of a continuous consolidation process with international legal acts ratified by the Albanian state. Internal civil and penal legislation in protection of this right is in a continuous access matching with international instruments.

New Family Code brought enormous transformation in family rights, in order to eliminate discrimination of women in issues that deal with marriage and family relations. It is pervaded entirely by principle of equality between spouses. Rights are known to both spouses regardless of gender, thus being in harmony with norms stated in article 16 of Convention CEDAW, to freely choose spouse and to engage in marriage willingly and freely.

Rights and obligations of spouses in marriage are equal. Obligation to support one spouse as morally and materially, in faith and cooperation is a mutual obligation of both spouses.

Family Code states free approval of spouses as one of essential conditions for establishment of matrimonial relation<sup>119</sup>. Element of will presents one important condition that has to be free. Lack of free will of spouses for establishment of matrimonial relation is stated to be as one of reasons to declare as legally invalid<sup>120</sup>.

**Invalidity of marriage.** New Family Code declares one marriage as legally invalid when: marriage is carried out in times of error judgement, marriage with a person that suffers from a psychiatric illness or is mentally retarded, and marriage in times of threat thus referring to the right of the free approval of future spouses. Therefore, approval is considered as an essential element and every enforced marriage of any kind will be declared as invalid<sup>121</sup>. Legislation states as punitive act any kind of enforcement or obstruction to begin or continue matrimonial relation, or to dissolve marriage (sentence with fine or imprisonment up to three months).

<sup>118</sup>Law no..7850, date 29.07.1994, "For the Civil Code of the Republic of Albania", article.12.

<sup>119</sup>Family Code, Law no..9062, date 08/05/2003, article 8

<sup>120</sup>Family Code, Law no..9062, date 08/05/2003, article 33

<sup>121</sup> Family Code, Law no..9062, date 08/05/2003, article 37

New Family Code states agreement between spouses in administration of property, resolve of property status, and resolve of mutual residence.

Spouses are free to choose mutual property status and to sign a notarized matrimonial contract. It is forbidden to predict in their matrimonial agreements disposition that enable them digression from obligations that result from marriage. Spouses are free to perform a particular profession, to provide certain income from their activities and other income, according to matrimonial property status after they have met obligations that result from marriage. Spouses are free to administer and alter freely their personal property.

Family Code states mutual approval of spouses to resolve or dissolve marriage, when marriage is dissolved willingly from both parties (spouses).

Principle of equality of spouses is extended to matters of segregation of property after marriage dissolution. Family Code states obligation of one of the spouses to contribute on others account, besides obligation of nourishment, considering this as a measure to compensate inequality that can result from segregation of property after marriage dissolution. Court decides amount of contribution by case, its immediate or periodic payment and method of payment of this contribution. Even that it presents as an important disposition, from monitor of family issues it results spouses rarely refer to this disposition.

With the purpose to alleviate inequality between spouses created after dissolution of marriage, when family residence is in ownership of only one former-spouse and other spouse doesn't own another suitable residence, article 153 of Family Code states that court can allow use of residence from a former non owner spouse in cases as follows: it has children to raise and educate and former owner spouse, with termination of cohabitation, has resulted in the marriage dissolution. This disposition has turned into the subject of debate, if based on principle of equality right of ownership of former owner spouse is violated or not. This disposition continues to remain declarative rather than applicable. Change of circumstances of former spouses gives right to them to address court.

The Family Code is based on the important principle of child's highest interest and equality of parents in performing their parental obligations.

Rights and obligations that parents have in regard to their children, such as: child raise, education, legal representation, administration of property, etc. compose parental responsibilities and parents perform these responsibilities equally. This principle is taken in consideration by the court, which when determines for methods of performing these responsibilities is based on a thorough analysis of Child's highest interest.

Family Code is overrun by principle of hearing of the child in every procedure that relates to it in regard to its age ability to understand.

Constitution guarantees protection for children born both in and outside of wedlock. This way mother is not discriminated because of the fact that she has created a family without marriage and furthermore child born can no be a subject of discrimination just because it was born from an unmarried mother.

New Family Code enables legal possibilities equally regarding to age, as for men and women, hence determination of minimal age of marriage as age 18<sup>122</sup>. This disposition that determines minimal age of marriage is a very important disposition that proves that our internal legislation is entirely harmonized with Convention CEDAW.

Marriage of a person that has not reached age stated as minimal age in Family Code is invalid and as such does not have legal effects. If the court finds that there are important reasons for this marriage it allows it even before reach of minimal age of marriage. As such reasons can be considered as follows: pregnancy, birth of a child, etc.

Marriage needs both of the spouses/parents to hold, raise and educate their children. Marriage dissolution does not relate to these duties and responsibilities that parents have towards their children<sup>123</sup>. A parent that does not enjoy child custody preserves the right to supervise custody and education of the child and hence it is to get informed and consulted for

<sup>122</sup>Family Code, Law no..9062, date 08/05/2003, article 7

<sup>123</sup> Family Code, Law no..9062, date 08/05/2003, article 154

resolve of issues important to child's life. Right of visit and residence can be rejected only for strong reasons that obviously are harm to child's best interest.

Family Code states that parental responsibility belongs and is performed equally from both parents in all matters that are related to their children.

Spouses are entitled to the right to choose their surname. There is no gender difference that will determine their choice. They are free to choose as mutual surname one of their surnames, or they are free to hold their surnames as they have them.

It can happen that parents have different surnames. In this case the child bears one surname, one that the parents decide in agreement. When parents do not reach an agreement, then child bears fathers surname.

Article 63 states that any of the spouses can freely perform a profession.

The Civil Code states equality between man and woman in regard to their land mastering as joint or mutual property of member of a farming family. Besides guarantee of this right by law, in reality wife is discriminated and doesn't enjoy equal rights on property, and in particular in relation to various transactions that are considered as an exclusive right of the husband. Administration and legal determination of rights of ownership of members of the farming family is stated in the Civil Code in articles 222-230.

But there are some aspects where violation of rights of women in regard to farm property is seen:

1. According to the old custom rights, heritage is regulated only through male line, thus rejecting girls as members of the farming family.
2. Change of ownership within farming family is done without the approval of the wife.
3. Split of property, including land, is a very complicated process. Unawareness of these procedures by one of the spouses – wife endangers her to loose her property.

Family Code states the right that any of the spouses is entitled to usual or common administration of mutual property.

## 4. WOMAN AND THE MEDIA

### A. Stereotypes and problems that exist for “Women in the Media”<sup>124</sup>

Presentation of women and girls in the media is a very sensitive matter for society since the media shapes the perceptions of the public and because it is a very important means of communication that influences the process of gender integration supported by the principle of democracy: equal right of representation. In most of the cases primary focus of the Albanian media was and still is – political affairs while other aspects of life are bypassed or treated carelessly. In Albania men are seen and used as the primary source of information when quoted in articles of daily papers, while women are seen as secondary, “more important” than politics and economy. This perception, by journalists, is transferred to them by their superiors or editors that in most of the cases decide on what “makes the news” for the day. Scopes of influence for women and men are very clear: for men is politics and business, while for women is fashion, beauty, house and culture. Men politicians are interviewed even for the most detailed matters while women politicians attract only few attention and their opinions are rarely exposed even for major problems that Albanian society faces. In daily papers entire biography for male politicians is published and reflected thus giving them a great consideration and sufficient spaces, while same thing is not encountered when women politicians are the case, their biographies are almost never published in articles of daily papers.

In most of the papers, women are presented in the role of the victim. She is a character that has suffered violence from someone else (usually men) or who was a subject of trafficking and not as an individual that has contributed in the society. Female is represented in a very unprofessional manner, not just because of language used to describe them but also because of the way they are presented through various images. They are not referred to as source of information, are negatively judged and their daily problems are not presented or featured in the public. Even in the cases that are reported, a masculine and untamed behaviour is seen when they are referred to as source of information. When we talk about articles, in most of the cases, women are simply ignored by not being a part of the subject or are simply scarcely described. There are many cases when women are described with a discriminatory language thus being underestimated in family and society. They are described as being depended from men, weak, incapable to carry out professional assignments and simply only able to do housework. Rarely subject like life conditions, unemployment, sexual harassment at work, domestic violence, etc. become subjects of a public debate? Regardless of the fact that women are part of the debate, main part is still played by men.

Women can be ignored in language use simply by not being a part of the subject. Masculine notions can be used to refer subjects undetermined by gender and this serves as a realistic example on how language discards women. They are simply described scarcely. This scarce description of language use over women is related to the fact that they debate more on their relations with others, while men debate about acts they take and things they do.

When we talk about images presented in the media of women we can hold on to some major aspects. Stereotypes that are presented through rapid images, split seconds images, one after another transmit messages to audience such as which gender is “weak and sensitive” and which is “strong and logical”. Sale of images through marketing and sensations is one of the main characteristics of the Albanian media. All kinds of products are sold in the media by women and young girls that enjoy “the ideal” of beauty, with their body exposure and sexuality.

Participation of women and men in the media is a very important matter that is related to access and control of media. While number of women in the media in Albania has increased; men continue to dominate in key positions. Obstructions that keep women away from key positions, limit women rights to participate in public life. The way how women and men are described in the media can strengthen or challenge gender stereotypes. For e.g. women and men politicians are often described differently: aggressive tactics that are used by men are seen as signs of “manhood and determination” while when women use same methods as men they are seen as “inappropriate”. Furthermore, media is more focused on the physical appearance of women politicians and their emotional aspects rather than on their contribution or values they

124 Gjermeni, E. and Bregu, M. “Monitor of press concerning domestic violence 2001-2002”, Women Centre, Tirana, 2003. / Picari, B. Turshilla, S. and Çausi, E. “Monitor of media during election campaign”, Gender Alliance for Development, Tirana, 2005. Gjermeni, E. and Picari, B. “Monitori of media 2006”, Gender Alliance for Development, Tirana, 2006

present. This presentation of women and men reflects social relations that follow their patterns, and especially trade patterns. Gender relations are usually perceived as “women issues” and consequently are published on the back pages of daily papers and magazines.

### **B. Presentation of women in media during elections**

Similar conclusions can be drawn while monitoring the electronic media during the election campaigns of 2005. Chronicles of election campaigns where focus were male politicians comprised 90 percent of all chronicles and also dominated approximately 95 percent edition time in electronic media. Even that most of the journalists of different televisions were women or girls, they did not focus on problems of women politicians but rather as general focused on subjects as plan of the parties and that of parties leaders. What in Albania was and continues to remain as problematic are hard line political debates. In 80 percent of cases of monitor of press in different articles it results that roughness of Albanian politics is the number criteria of fact that women never hit the top. In elections of 2005 an insignificant increase of elected women (7.1 percent) was noted and these elections are seen just as another chance to loose handling of this problem.

Even that media might not be responsible for acts, attitudes or behaviours of individual, it is undoubtedly most powerful in configuration of public opinion, reveal of issues or perspectives that can be a subject of public debates. Therefore, as a powerful mean of communication, media can play a key role in integration of gender perspective and is one of the main factors in elimination of social stereotypes with objective of attaining of gender equality. Monitored chronicles over candidates (male or female) of third of July elections were focused more on two big parties, SP and DP, whose candidates (men candidates) had a possibility of more quality presentation compared to presentation of candidates of smaller parties and of their parties women candidates that were even less presented.

Besides this, monitor concluded that inequality between smaller parties exists; some of them were reflected less than the others. We can say that in chronicles where woman candidates are presented it is not discussed about her directly but rather for importance of participation of women in politics hence commenting if these women would have got involved earlier, politics would have stand better today. In 80 percent of chronicles (121), women candidates could not get even self represented and less even to present their political agenda. In cases when they could have represented themselves or commented on by parties leaders (10 percent of chronicles), comments were not of quality thus outlining existing stereotypes of women role on our society. It is known that focus of a journalist in a chronicle over political candidate often gives a special colour to the chronicle it self and we can say that often “directs it”. In most of the cases, journalists had a determined focus and consequently hundreds of chronicles were based on party’s political plan rather on particular values of individual and various candidates. This comes as a consequence of and because media represents various features of society.

Monitor and method of treatment of Albanian media of women in politics presents a direct reflection of existing mentality over role of women in public life and its participation in decision making ranks. Weak mediatic reflection of women candidates of elections campaign of 2005 created a misbalanced proportion of representation between them as women candidates and men candidates. One of the reasons of this problem is the fact that market of media is under populated form women and girls in decision making positions.

### **C. Media and violence towards women and girls.**

When we talk about treatment of cases of violence of women in media, images and stereotypes are devastating. Women and new girls are main victims of domestic violence but there are no understanding form journalists to treat this as issues of primary concern for Albanian society. Violence in family is seen as a private matter and is not treated as a social problem. Furthermore, domestic violence is manifested as physical and sexual violence while emotional and psychological violence even that it is present is not treated extensively by media. Stereotypes of the society form various media are transmitted to public through imagery and writing. In most of the articles a through analyse of problem or their possible resolve is often absent. Most of the papers exist for the purpose of benefit of sell of highest number of copies per day. Intention to transmit sensational news that attracts attention of readers’ leads to their instant sell of papers creates

spaces of disrespect of ethics and journalistic professionalism. Mean while, journalists don't understand that such presentation often damages victim, abuser, families and entire community.

It is pitiful that the treatment of woman as property exists in the Albanian society and is one of the factors that drive to discrimination against women. This discrimination is intensified furthermore during treatment that various journalists do to this problem. Despite efforts to conduct a proper management of this problem, monitored articles often don't include thorough analysis of this problem that would identify the nature of this problem, its causes and ways to prevent this problem. Articles remain simply informing without even trying to perform the other primary function of the media, the educative one. Despite of efforts to give sufficient space to the problems that concern domestic violence, written media was never able to raise voice over problems of gender inequality. While media has a tremendous impact on alteration of attitudes and opinions, in configuration of perceptions, it can and should help in improving the status of women and encourage creation of a society of equal opportunities.

## 5. CONCLUSIONS

### Conclusions Article 1

- Albania doesn't have a particular legislation that prohibits discrimination in Albania and consequently many issues that have to do with discrimination of girls and women do not appear in front of the justice system, even that principle of gender equality goes through entire internal Albanian legislation.
- Records that would show if Albanian justice system has handled or not requests of individuals regarding discrimination that they might have been subject of.
- Albania ratified Convention CEDAW on May 11, 1994. Ratification of this convention means that the Albanian state accepts definition of discrimination included in this convention, which defines discrimination as "every difference, rejection or limitation based on gender, which results in or has intention to damage or devalue knowledge, joy or performance of a woman, regardless of her marital status, based on equality between men and women, on basic human rights and freedoms in political, economical, social and civil events or any other".
- The Constitution of the Republic of Albania even that it does not uphold to definition of discrimination, sanctions in its Article 18 that every one is equal in the eyes of the law and that no one can be a subject of unjust discrimination regardless of their gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry

### Conclusions Article 2

- In middle of 2004 the Parliament of Albania approved the law "For a society with gender impartiality". Because of several deficiencies noticed at the time of comprising the law, government decided that it would review for possible modifications of this law. Up until now Parliament of Albania has not taken into consideration its modifications.
- Even that in fundamentals of international standards it is required that murders on behalf of honour are to be legally pursued; our national legislation doesn't have dispositions that predict something such as that.
- In the Criminal Code, Torture (article 86 of CC) and "Torture resulting into severe consequences" (article 87 of CC) are considered as crimes against wellbeing and stated punishments for these acts are very severe.  
But out of monitor of penal proceedings in prosecution of first degree court in Tirana and of matters tried by first degree court of Tirana for period of 2000-2004 it hasn't turn out in any of the cases that these dispositions were executed for protection of women from violence resulting from family relations.
- Incomplete definition of torture in the Criminal Code with regard to elements such as subjects, motivation of act, scale of violence, etc. can affect in rare referral to and execution of such disposition.
- Internal legislation doesn't enable or allow penal pursue of cases, which result from domestic violence without a report by the victim itself.
- In 2003 the Government of Albania approved the National Strategy for Improvement of Life of Roma Minority. Purpose of the strategy is improvement of living conditions of this minority that suffers a devastating economical and social condition in Albanian society. National Strategy addresses particular attention to Roma women and girls, strengthening of their position in their Roma families, struggle against all kinds of discrimination against Roma women and girls and special programs for such focus groups.

- Up until now the Egyptian community is not recognized as such by the Albanian Parliament or Government. It doesn't have a language of its own, but speaks Albanian official language. Nevertheless, it differs from the rest of the population by its physical features and tradition and customs it has. Woman in Egyptian community is twice discriminated. Their discrimination is felt within the community and from society in general. As for employment of Egyptian women and girls, it is very different because of several reasons among which low professional level and their rejection because of their ethnic background associated with all characteristics of poor families.

### Conclusions Article 3

- Article 17 of Law on Gender Equality disengages legal acts that were created by Committee for Equal Opportunities and that described its organization and function.
- With all clear and continuous requests of international structures, Mechanism for Women in our country has never been in his highest state in recent years, in accordance to recommendations from various conferences worldwide for women, where Albania was a state party, and to the social need for progression and real equality. Un-doubly that situation would have been differently as it is today, if request for a new status for Albanian woman would have been valued as an integral part of development of our country and integration in EU.

### Conclusions Article 4

- Law on Gender Equality in Albania (approved in 01.07.2004) completes legal framework regarding equal rights between men and women. Law on Gender Equality brought for the first time concept of specific temporary measures in Albanian legislation. Nevertheless, it is unclear on which decision making processes and in which institutions (state offices, public or private institutions or all together) this disposition can be executed. Besides this, notion "selection procedure" creates vast possibilities for interpretation. Law should predict if preferential treatment will be applicable during process of hire of civilian employees or other employees, or will it be executed for promotions, trainings and /or further specialisation.
- Gender equality in government and decision making is one of the directions stated in the platform of Albanian government for equality between men and women for the period 2002 – 2005. But it results that until now nothing has been done in this direction since if we see proportion women-men in government or parliament it results that number of women is many times lower than that of men.
- Despite political and legislative measures taken, equality between men and women in Albanian reality does not exist and is extremely violated in all aspects of life. This is because appropriate mechanisms for monitor of practical implementation of outlined measures are deficient. And also only little has been done for sensibilisation of benefiting category and especially women in regard to their existing opportunities and that are stated by law to improve their situation.

### Conclusions Article 5

- The Albanian government hasn't organized national campaigns for information on how to address the elimination of gender stereotypes. Vast part of this work has been done by NGO's specialized in gender relations. Training sessions have been organised almost through out entire Albania and have intended towards various groups of men and women of different group ages, educational levels and professions.
- While journalists and reporters come from an environment full of stereotypes that discriminate women are prone to reflect this in real life. A research that monitored how written media describes domestic violence in 2001-2002 came to conclusion that media enforces gender stereotypes encountered in Albanian society

by labelling women, by using unprofessional vocabulary in the description of women and going after of a sensational news with no regard to gender issues.

### **Conclusions Article 6**

- In 2001 an awakening of the Albanian state was noticed in the struggle against human trafficking where most affected were women and girls. For this purpose during 2002 – 2006, governments continuously approved several strategies and national mechanisms in the fight against human trafficking.
- During 2005-2006 situation of development of human trafficking in Albania has changed in form and content. Even that trafficking in the country is decreasing; it is still presented in two forms: a) Recycle of victims in traffic; b) internal trafficking that is conducted through daily prostitution. Judging from created situation we can say that Albania is no longer just a transit country of the phenomenon of human trafficking but it continues to remain a country of origin.
- In 2004, Albanian Parliament approved a law on witness protection, a law that hasn't found its execution for any of the victims of trafficking and prostitution. Deficiencies shown in law enforcement and bureaucratic obstacles make women and girls feel frightened and consequently request to permanently leave Albania.
- With regard to situation of suicide cases committed by women, lack of proper execution of article 99 of the Criminal Code "Causing suicide" had its impact also. This article states that when this act or suicide attempt is a result of the systematic maltreatment or other systematic misbehaviours which seriously affect the dignity [of the person], committed by another person under whose material dependence or any other dependence the former person is subject, is punishable by a fine or up to five years of imprisonment.

### **Conclusions Article 7, 8**

- Representation of women in the Parliament of the Republic of Albania is at very low levels. Efforts are being made by different actors in a civil society to increase the representation of women in political organs. Election systems that are applicable are not able to offer a gender equilibrium. Establishment of a system of quota is being considered as a very important mechanism.
- With all achievements of the women movement in Albania, it still faces many challenges and difficulties as the entire Albanian society does. What is noticed is the need for corporation and coordination of activities, programs and projects, with purpose of increase of impact of this movement in social and political events of the country.

### **Conclusions Article 9**

- Citizenship is a right that is guaranteed equally to men and women in Albania. Legislation that guarantees it is entirely harmonized with Convention of Elimination of Discrimination Against Women.

### **Conclusions Article 10**

- In some cases Albanian legislation pays particular attention to education of women. For example, Constitution declares education of women in poor economic and social situation as one of the social objectives of Albania. Categories of persons that benefit from Law on Education and Vocational Training include unemployed girl – mothers, trafficked women and girls and divorced women with social problems.

- Education is one of the priorities of Platform of Albanian Government for Equality between Men and Women 2002-2005, that matches to objectives of millennium. As for matter of education, this platform intended to take a step ahead in involvement of gender perspective in it. But for this to be completed it is necessary that anyone to clarify their basic concepts of gender equality, and this can achieved only by learning these concepts even from elementary education.
- With all improvements made on education of Roma minority, school abandonment by Roma children remains at high rates. Judging from evaluation of figure of female in Roma families it results that women illiteracy is higher than in men.

### Conclusions Article 11

- In principle, equal opportunities of employment are guaranteed to women in Albania. This is reflected in open competition for various positions in the public and private sector. However, it is a fact that in the private sector employment depends more on personal preferences of employer than it does on standing legislation. Even the reviewed Employment Code forbids differentiation on selection of men or women employees regarding to race, age or gender, in reality several discriminating practices are encountered.
- Despite efforts and positive results achieved from a number NGO's that act in employment sector and vocational training, with the purpose of training and facilitation of integration of women from rural area that have migrated in urban areas in job market, governmental practical policies in this direction is required.
- In reality, application of predictions and achievements of objectives quoted in National Strategy of Employment and Profesional Molding (SEVT), and as well effective execution of duties of respective institutions in employment sector, it is obviously being obstructed form lack of knowledge of vast part of these documents and created policies for this reason.
- As for frequency of review of protective legislation in order to reflect recent scientific research and conclusions, it can be said that Albanian legislation matches a little or not at all to request of Convention CEDAW. Review of categories of employment positions that are considered dangerous to women, rarely happens, and that either with initiative of the respective ministry or because of pressure by NGO's or international organizations.
- The Law on Gender Equality obligates employers to take disciplinary measures and other necessary measures to work against sexual harassment of other employees. But in order to make these rights effective, creation of procedural mechanisms is required that creates possibilities for victims of sexual harassment to request for a legal protection, inclusion of such mechanisms in legislation that defines sexual harassment and maybe transfer of responsibility of proof of evidence to employer.
- The Ministry of Labour, Social Issues and Equal Opportunities has organized three programs of encouragement of employment of women and girls out of which employment of 500 women and girls with social problems was accomplished. Out of this number, 86 of them were Roma women and girls and the rest belongs to majoritary population. Even that Ministry was careful to organize trainings and professional courses in eight counties of the country; participation of Roma girls was low. Low participation of Roma women and girls is related among other to lack of information and awareness from them, lack of promotion of such courses and improper management of local employment offices for inclusion of this minority.

### Conclusions Article 12

- The Albanian legislation, in concern to health care and family planning it hardly matches to article 12 of CEDAW. Article 55 of the Albanian Constitution guarantees equal rights to anyone in relation to health care provided by state. Nevertheless, this disposition remains only declarative while more specific formulations that forbid discrimination in health care do not exist. Law concerning health care is very old

(1963) and reflects another legal culture. Its amendments or even a new law for health care is mandatory and necessary to reflect standards and international commitments that Albania is obliged to.

- The Albanian legislation offers particular protection and health care to mother and child. With all its formulations, execution of these dispositions and as well quality of health care that is offered is not appropriate.
- The Albanian legislation even that it does not discriminate women and girls affected by HIV/AIDS it doesn't either creates premises to ensure care, protection and their integration in the society. Domestic violence and exposure of women and girls to phenomenon such as trafficking and sexual abuse are the most possible factors of infection of women by this virus.
- Violence towards women and girls is one of the main cause and consequence of HIV/AIDS. Here we consider trafficking of human beings and use of girls and women for sexual exploitation that exposes them to HIV virus, sex professionals, etc. here we should intend to change notions of masculine and feminine stereotypes that render women to be under men rule and that not just on decision making. Economic dependence of women from men makes them feel not equal and consequently less protected.
- Women in distant rural areas deliver their babies in their homes. In some occasions medical personnel is paid under the table, meaning that not all patients have same medical attention when it comes to health care. New mothers are not trained for child care. Women are encouraged to get discharged from hospital within 24 hours after delivery.
- Vast part of services of family planning, including information on family planning are offered free of charge but not all women benefit from them because they are not informed and not ensured of confidentiality. Abortion is widely presented as contraceptive method. A report of 2004 of Mary Stopes/Nesmark resulted 17000 abortions are performed annually by women of age 25-35, even that woman of age 14-15 also terminate their pregnancies through abortion. Abortion based on foetus gender is evidenced as a serious phenomenon. And while abortion services are offered campaigns that focus on consequences of abortion for health of women are required.

### Conclusions Article 13

- The Albanian legislation dose not textually mention equality or non-discrimination of women in the scope of civil right. Nevertheless the Civil Code, banking legislation and other laws use gender impartial language, such as "anyone", "parties", "physical person". Therefore, Civil Code determines that all persons gain ability to act when becomes 18 years old and since that age they can freely perform any legal activity. There are cases when Civil Code uses notions as "creditor" or "owner" in male gender. But this is the case in all legal texts in Albania. Even that anyone, including jurists, in these notions understands both genders, at least for future laws a particular language for both genders should be used and composers should be aware more of gender problems and their relation to legislation.
- The Albanian constitution guarantees to anyone artistic and creative rights as well as participation in scientific research (article 58) while article 59 states freedom of participation in sports and entertainment events. Yet again language used is gender impartial but particular dispositions on equality and non-discrimination of women in these aspects of economical and social life are absent.
- Women rarely apply for loans, because they are perceived as having more a support role in business. Moreover, for many banks, loan policy requires that applicant must have collateral capital and only few women have. Lack of information also contributes in ineffective use of banks.

### Conclusions Article 14

- In none of the laws or legal acts in the Republic of Albania a differentiation between rural and urban woman is made. As a consequence woman in rural areas enjoys equal opportunities and rights as woman

in urban area. However, reality speaks differently. Judging from economical and social conditions that woman in rural areas enjoys we come to see that they are far more limited than that of woman from urban areas. Albanian legislation does not make any difference between farming and non-farming women, even that life of rural women is many times harder. If we consider difficulties that rural women encounter, it is recommended that legislative measures should be taken in order to offer them more opportunities.

- Women in rural areas of Albania are more interested to actively participate in development planning in all levels, but structural and technological changes have brought new responsibilities in the rural family, especially for women. Doubled load of productive work and of reproductive work leaves women little time and energy to actively participate in community work.
- Women are referred to medical centres in towns, when professional medical care is not available in rural areas, but these are rarely affordable. NGO's in cooperation with local government work to compensate information loophole for general medical care and especially for reproductive care. In distant areas a broad scale migration or discharge of medical staff is noted. A number of medical Centres either are closed or continue to work with reduced hours. Medical Centres are being built in larger communities of 2000 – 3000 inhabitants.
- Most of the women in rural areas are self-employed and are not informed or are improperly informed about payments of social security by them, so they could enjoy pension at later age.
- Girls in rural areas find it hard to follow secondary education. In fact, the number of girls in rural areas that attend school has decreased. Research shows that in rural areas new generation of women, who have dropped out of school as girls, will suffer future consequences of illiteracy.
- A considerable number of girls who have the school because of their mentality continue to remain high.

#### **Conclusions Article 15**

- In our legal practice men and women share equal possibilities to address issues to respective court. De jure men do not enjoy privileges compared to women because of gender and neither of the parties can get discriminated for this reason. For any violation of this right women can address to Constitutional Court. Right to a legally righteous process requires well trained judges, prosecutors, attorneys and police officers and appropriate detention Centres and other facilitations. Despite of the fact that this law is guaranteed by law, its execution in reality deprives women of this right.

#### **Conclusions Article 16**

- New Family Code brought huge transformations in family right, with intention to eliminate discrimination against woman in matters related to marriage and family relations. It is overrun by the principle of equality between spouses. Rights are recognized to both of spouses regardless of their gender hence being entirely matched to norms stated in article 16 of Convention CEDAW, to freely choose their spouses and to willingly engage in matrimonial relation. Rights and obligations for spouses are equal in marriage. Obligation to morally and materially support, for cooperation and faith are reciprocal for both spouses.
- With intention to soften inequality created after dissolution of marriage, when family residence is owned by one of the spouses and other one does not own an appropriate residence, article 153 of Family Code states that court can allow use of residence by the non-owner spouse on following cases: has children to raise and educate and when owner spouse, with termination of mutual life resulted in dissolution of marriage. This disposition has been a subject of debates that if in the name of principle of equality right of ownership of former spouse owner is violated or not. Disposition continues to remain more declarative rather than applicable. Change of circumstances of former spouses gives right to them to address court.

- The Constitution guarantees equal protection for children born both inside and outside of wedlock. In this way woman is not discriminated because she has created a family out of marriage and especially child that was born out of marriage is not discriminated for such reasons.
- The Civil Code states equality between men and women in regard to ownership of a land as a joint property of members of rural family. Regardless of guarantees of this right by law, in reality woman is discriminated when it comes to her property rights, especially of transactions that are considered as an exclusive right of the husband.
- Administration and legal arrangement of property rights of members of rural family is stated in the Civil Code in articles 222 – 230. But there are some aspects where violation of property rights of women is encountered.

### **Conclusions – Woman and Media**

- Role of the media should be that of objective information of the public. Consequently, reflection of news should not discriminate, prejudice or supported of existing social stereotypes but rather it should be sensitive to issues regarding gender relations. Media can play an important to achieve social alteration and promotion of gender equality. Therefore media can be a well used instrument to emancipate status of women and to educate equality between men and women. Elimination of these stereotypes is a primary component of gender equality while promoting democracy and prosperity.
- The media plays a key role in presentation of images of individuals and as such can not act as a traditional reflection of created stereotypes in the society, but should turn to an agent of change through access of women and proper presentation of her activities. Media should participate in creation of a new distinctive dimension of roles between genders and to become a prey of the existing mentality.
- Monitoring mechanisms of media (especially written media) that would identify discriminating images or that violate basic human rights and freedoms in time of information, advertising and marketing. Besides this there are no gender sensitive programs that are targeted against journalist men and women to encourage equality and diversity of portretisation of men and women in the media. What should be mentioned is use of masculine language when referred to feminine subjects.
- Journalists should aim to analyse and present the core of the problem and not just to deliver a cover of problem to readers. Presentation of news in shallow manner, simplified or unilateral is not ethical and violates human rights of individuals.
- It is mandatory to apply an ethical Employment Code in regard to issues of media presentation of individuals since a number of articles accuse individuals and institutions, not evidence based, thus discriminating possibilities of equal presentation in the media.
- Media personnel, starting from chief editor and to reporters, publisher to journalists, should be aware that stories that they publish in their articles, often violate gender equilibrium that is very important in complete consolidation of democracy and its supportive structures. Media plays a key role in the democratic process and should try to transmit this message by any means necessary.

## 6. RECOMMENDATIONS

### Recommendations Article 1

- The Government and the Albanian Parliament should encourage creation and approval of a particular law to prohibit discrimination in Albania.
- Creation of a database of cases, taken into review and treated by the judicial system of Albania, of individuals as subject of discrimination against them.
- Inclusion in the Constitution of the Republic of Albania of definition of discrimination according to definition of it in Convention CEDAW.

### Recommendations Article 2

- Parliament of Albania should take into consideration amendments of law "For society of equal gender".
- In punitive national legislation dispositions that predict penal pursue for murders on behalf of honour to be included.
- Court should execute dispositions of Criminal Code in cases when a woman is violated in her family relations and violence has in its content determining elements of torture.
- Clear definition of torture in Criminal Code should be completed.
- Modifications of internal legislation should be done to ensure penal pursue of cases such as punitive acts that have to do with domestic violence, without report by the victim.
- Government should take measures for efficient execution and in time of National Strategy of Improve of Living Conditions of Roma Minority.
- Parliament and Albanian Government should take actions to recognise Egyptian community as one.

### Recommendations Article 3

- Council of Ministers should draw new decisions for creation of Committee of Gender Equality and manage its organization and function. These legal acts should be taken as soon as possible because Committee of Equal Opportunities (already known as Committee of Gender Equality) does not enjoy a legally determined status (*de jure*).
- Lawmakers and governmental officials should clarify and empower ideas and perspectives for state mechanisms for women and equal opportunities between men and women.

### Recommendations Article 4

- Parliament is to approve modifications in Law of Gender Equality.
- Albanian Government should take measures to increase number of women candidates in its composition, and as well to force political parties to increase number of women candidates as for local and general elections.
- Appropriate mechanisms of monitor of realistic execution of all political and legislative measures taken for reasons of equality between men and women, are to be established and function.

- To increase the sensibilisation of women regarding existing opportunities and that are stated by law and operate in favour of their situation.

#### **Recommendations Article 5**

- Albanian government should organize national campaigns of information to eliminate gender stereotypes.
- Media should work to increase its ethics and to treat news with consideration when it comes to analyse of gender relations.

#### **Recommendations Article 6**

- Albanian State should take measures against internal trafficking that is executed through daily prostitution in the country.
- State should enable efficient enforcement of the law for witness protection and to approve further more laws in order to make this law interpreted correctly.

#### **Recommendations Article 7, 8**

- To put to function mechanisms that enable increase of representation of women in Parliament of Republic of Albania.
- Organization of women to increase their cooperation and coordination of their activities, programs and projects.

#### **Recommendations Article 10**

- To efficiently increase execution of Albanian legislation for education of women and girls and especially of Law for Education and Vocational training that includes benefiting categories of unemployed girl – mothers, trafficked women and girls and divorced women with social problems.
- To enable incorporation to curricula of obligated nine year education of basic concepts of gender equality and to fight gender stereotypes in programs and school texts of all levels.
- To ensure an equal share of men and women in creation, planning, decision making, management, administration and distribution of education and ensure of equal benefits for men and women in terms of access, participation and distribution of resources.
- To increase commitment of state structures, civil society and Roma community itself to decrease rate of school abandonment from Roma children and of illiteracy of Roma women.

#### **Recommendations Article 11**

- To establish monitoring mechanisms for practical and efficient enforcement of standing legislation as for employment of women and girls.
- State to take over creation of policies with the purpose of training, employment and facilitation of integration of women that have migrated form rural areas to urban areas.
- State is to take measures for acknowledgment of existence and content of National Strategy of Employment and Vocational Training, by responsible groups and by benefiting groups.

- As for the categories of employment, measures should be taken for modification and frequent review of legislation in order to consider categories that are dangerous to women and to adjust to research and recent scientific conclusions that affect these categories.
- To create proceedings mechanisms that offers the possibilities for victims of sexual harassment (article 137) in their working environment to request for legal protection from the court and to take measures to include in legislation definition of sexual harassment.
- Government and especially Ministry of Labour, Social Issues and Equal Opportunities are to take measures to encourage increase of number of Roma women and girls involved in employment programmes, training courses and vocational training.

### **Recommendations Article 12**

- The Government and the Parliament are to take measures for modification and correction of Albanian legislation regarding health care and family planning so it could be adjusted to required international standards.
- State should take measures to improve quality of health service and especially to women that expect to become mothers and mothers with children.
- To organize information campaigns for family planning and campaigns that would focus to consequences that abortion might have to health of women.
- Creation of preventive policies against HIV infection among adolescent girls, while focusing particularly to increase in access to reproductive health.
- Reduction of violence against women while promoting zero tolerance to all kinds of violence against women and girls.
- Promotion and protection of human rights of women and girls. Protection of human rights of women and girls is also their protection from HIV/AIDS.
- Insurance of access to care, treatment and support for women and girls that are HIV positive. Strengthening of basic care with women and girls as special focus.
- Promotion of access to recent development of technology in area of prevention of transmission of HIV virus. Increase of knowledge for these methods not just increases respect and responsibility in a sexual intercourse, but at the same time it affects encouragement of women and girls to protect them selves and their sexual partner.
- Support and promotion of programs that intend to intensify role of women and their education in a way to increase level of knowledge of HIV prevention by adolescent girls and women.
- Composition and promotion of policies to prevent transmission of the HIV virus from mother to child as an important factor to have a generation distant from HIV/AIDS. Increase of control and measures to prevent transmission from mother to child that would affect also cutback of stigma and discrimination of HIV positive women that are considered as vectors of transmission.

**Recommendations Article 13**

- Changes and correction of the Albanian legislation that would literally mention equality and non-discrimination of women in area of civil right and also to use a particular language for both genders thus being aware of gender relations and their connection to legislation.
- To create and approve particular dispositions in articles 58 and 59 of constitution for equality and non-discrimination of women in areas as social and economical such as sports, entertainment, creativity, science, etc.
- State in cooperation with banks should create policies that facilitate procedures and offer opportunities to women for credit loans.

**Recommendations Article 14**

- To create and approve a particular legislation for rural women and to create opportunities to access and enforce law beginning from the fact that for women in rural areas opportunities are far more limited than that of urban areas, because of conditions that relate to customs and tradition that dominate rural areas.
- State should take actions to encourage and facilitate participation of rural women in planning of development in all levels of community measures.
- State is to take actions to fill information loophole of rural women about general medical care and especially of reproductive care and to enable function of medical Centres in distant rural areas.
- To organize sensibilisation campaigns in rural areas to inform rural women of importance of social contribute payment and for benefit of pension.
- State is to take actions to encourage and increase number of rural girls that follow secondary education.
- To enforce law by Directorates of schools and Local Municipality Units to penalize families that force children to drop school.

**Recommendations Article 15**

- State is to take actions for efficient enforcement of standing legislation that guarantees right of women to righteous legal process. To organize trainings of judges, prosecutors, police officers, etc. that can affect execution of this right.

**Recommendations Article 16**

- State is to take actions for enforcement of article 153 of Family Code that states that court can allow use of residence by the former non-owner spouse in some determined cases, since this disposition continues to remain declarative rather than applicable.
- State is to take actions to enforce Civil Code, to offer women equal rights as to men over property, regarding to it as mutual property of all members of farming family and especially of rights of various transactions.
- To make changes and corrections to articles 222-230 of the Civil Code that states administration and legal management of rights of ownership by members of farming family since there are aspects where violation of rights of women regarding property is shown.

**Recommendations Woman and Media**

- Government is to reconstruct its policies of participation of women in politics and their representation in electronic and written media to ensure equal visibility opportunities for both genders.
- Government is to take actions for participation of women employees of the media in trainings and programs to understand importance of promotion of gender equality, for portretisation of non traditional women and focusing to fact that what economical and social damage is brought by underestimating women in society.
- To encourage development and use of methods of public information and various mediatic campaigns for role of women and men with tendency to achieve gender equality in aspect of equal opportunities for both parties.
- To establish monitoring mechanisms for media to identify images that are discriminating or that violate basic human rights of information, advertising and marketing.
- Journalists should cooperate with professionals in various fields to provide information of core issues when latter is not sufficient.
- State is to take actions to determine and enforce an ethical Employment Code in regard to presentation of individuals in media.