



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

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Forty-sixth session**

**12-30 July 2010**

**Responses to the list of issues and questions with regard to the  
consideration of the third periodic report**

**Albania\***

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\* The present report is being issued without formal editing.

**REPUBLIC OF ALBANIA**

**MINISTRY OF FOREIGN AFFAIRS**

**Information about list of issues and questions of the CEDAW  
Committee with regard to the consideration of periodic report  
on the Convention on the Elimination of all Forms of  
Discrimination Against Women**

**ALBANIA**

## General

*1) Please provide information as to whether the third periodic report of the Republic of Albania was adopted by the Government and presented to Parliament. Please also indicate whether the concluding observations adopted by the Committee upon the consideration of the combined initial and second periodic report of Albania were translated into national language and how and to who were they disseminated in order to make the people of Albania, in particular government officials and politicians, aware of the steps required to ensure de jure and de facto equality of women and men.*

1. The third periodic report in the framework of the Convention on the Elimination of all Forms of Discrimination Against Women” is adopted by Decision of the Council of Ministers no 1082, of 23.07.2008.

According to Article 118 of the Constitution, normative acts are issued pursuant to and in implementation of Laws by the bodies provided for in the Constitution. Decisions of the Council of Ministers are normative acts falling under the competency of the Council of Ministers and are not passed for approval to the Assembly of the Republic of Albania.

This Decision is issued pursuant to Article 122 of the Constitution of the Republic of Albania and Article 1 of Law no 7767, of 9.11.1993 “On adherence to Convention “On Elimination of all Forms of Discrimination against Women”.

2. With regards to dissemination of final observations of the Committee on Elimination of Discrimination Against Women, issued following the first and second combined report of the Government of Albania for the CEDAW Convention, the following measures are taken during the 28th Session, held on 13-31 January:

- Translation into Albanian was immediately done by the Government of Albania following submission of Final Observations.
- The observations were sent to all line ministries, through the official correspondence of the Secretary General of the Council of Ministers in March-April 2003, with the aim of getting familiarized with and taking of necessary measures for their implementation.
- During 2003-2005, the Government Mechanism on Gender Equality Issues<sup>1</sup> at training sessions realized on issues of gender equality and trainings for the CEDAW Convention, informed participants on obligations of the Albanian state in meeting recommendations submitted in the Final Observations.

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<sup>1</sup> Former Committee “On Equal Opportunities”.

- Observations were published in the official web page of the Ministry of Foreign Affairs and Ministry of Labor, Social Affairs and Equal Opportunities<sup>2</sup>.
- In the framework of drafting of the Third Government Report on CEDAW Convention, the Ministry of Foreign Affairs, as the responsible body for drafting Periodic National Reports on Conventions on Human Rights, with the aim of attaining the fullest information possible, has drafted questionnaires identifying questions related to articles in the Convention, as well as recommendations of Final Observations.
- During January - December 2009, the Directorate of Equal Opportunity Policies in the Ministry of Labor, Social Affairs and Equal Opportunities<sup>3</sup>, supported by UNIFEM, in implementation of the Joint UNO Programme on Gender Equality in Albania, has undertaken series of trainings related to training of local government representatives with the CEDAW Convention, where part of information are also observations and recommendations made the CEDAW Committee. In this framework, training on piloting of the explanatory manual of the CEDAW Convention and Law no 9970, of 24.07.2008 "On Gender Parity in the Society" was held in January 2009. A training of trainers activity on the CEDAW Convention was held in Tirana in June. Two two-day training activities were organized in the cities of Durres and Lezhe with local government representatives focusing on the CEDAW Convention and Law "On Gender Parity in Society"
- In the framework of the "One UN Programme", with regards to gender equality, mainly by the UNIFEM support, a Joint Working Plan is envisaged for 2010 on "Raising Awareness of central and local government level on CEDAW".
- Part of the awareness raising shall be dissemination and counseling of Final Observations of the CEDAW Committee, organization of round tables for discussing such observations and advocacy on taking concrete measures for their implementation. An important part in this context shall be played by the familiarization with the second Additional Protocol of CEDAW, which is ratified by Albania<sup>4</sup>.

### **Constitutional, legislative and institutional framework**

*2. According to paragraph 3 of the third periodic report, under article 122 of the Constitution of the Republic of Albania, the Convention, being an international instrument, is "part of the internal legal system, implemented directly and prevails over the country's laws that are not compatible with it". In the Core document (HRI/CORE/1/Add.124, paragraph 106), this principle of supremacy of international law over national legislation however, is limited by the condition that the agreement "foresees expressly the direct obedience". Please clarify the pre-requisite of direct obedience and how it affects the full implementation of the Convention. Please provide details of any court cases in which the Convention has been used or referred to. Also provide information on the outcome of such cases and indicate what administrative or other remedies are available to victims of discrimination.*

<sup>2</sup> Official web page of the Ministry of Foreign Affairs [www.mfa.gov.al](http://www.mfa.gov.al)- Conventions and reports.

Official web page of the Ministry of Labor, Social Affairs and Equal Opportunities:  
[www.mfa.gov.al](http://www.mfa.gov.al): [www.mpcs.gov.al/dpshb/monitorimi/raportetmonitoruese](http://www.mpcs.gov.al/dpshb/monitorimi/raportetmonitoruese)

<sup>3</sup> Hereinafter MLSAEO

<sup>4</sup> Ratified by the Assembly of Albania by Law no 9052, of 17.4.2003.

### 3. Relation between national law and international law.

International law has a privileged position vis-à-vis national law in the Republic of Albania. Article 5 of the Constitution provides for the obligation of the Albanian state to apply the international law. Article 22 of the Constitution provides that each international agreement ratified by the Assembly, becomes part of the national law after it is published in the Official Gazette. It is directly applicable, unless it is not self-applicable and its application requires issuance of a law. International agreements ratified by Law prevail over national laws that are not compatible with it. The norms issued by international bodies have priority too, in case of conflicts, over the national law, when the agreement ratified by the Republic of Albania on participation in that organization does expressly provide for a direct application of norms issued from it.

*3. In its report, the State party mentions several legislative amendments and legislation in preparation, such as the bill “On Gender Parity in Society” [No. 9534 of 2006] and the revised Electoral Code. Please provide updated information on the status of adoption of these amendments. Is the new bill “On Gender Parity in Society” expected to bridge the gaps of the 2004 Law identified in paragraph 23 of the report, and is it expected to include the prohibition of discrimination on the ground of sex and gender in the public and private spheres?*

4. Law no 9970, of 24.07.2008 “On Gender Parity in Society” was approved by the Assembly following an almost two-year-long work (2006-2008) of MLSAEO, with the support of International bodies active in the field, such as UNDP and OSCE, in cooperation with experts from the civil society and the academia, after taking the opinion of various institutions and NPOs operating in the field and after a long lobbying process in the Assembly. This Law abrogated Law no 9198, of 1.7.2004 “On Gender Parity in Society” and the other amendments made to it by Law no 9534, of 2006.

The purpose of the law was: a) to ensure efficient protection from discrimination on grounds of gender and any other form of behavior encouraging discrimination on grounds of gender; b) to set measures on guaranteeing equal opportunities between women and men to eliminate discrimination because of gender, in any form it appears; c) to set responsibilities of state central and local government authorities to draft and implement normative acts as well as policies supporting development and encouragement of gender parity in society.

Novelties of this law are: i) introduction of new definitions, such as: prohibition of discrimination on grounds of gender, which is compliant to the definition of discrimination by CEDAW, gender integration, definition and prohibition of harassment on grounds of gender, definition of equal gender representation (30%), definition and allowance as non-discriminatory of special provisional measures; ii) establishment of new policy-making, executive and protective structures; iii) provision of special temporary measures in political and public decision-making provided in the form of the neutral quota in the amount of not less than 30%; introduction of special measures in the education system and in the employment field; iv) Unpaid labor; v) Obligation on collection of gender statistics.

This Law is based on the principle of parity and non-discrimination, as well as other principles sanctioned by the Constitution of the Republic of Albania, and the CEDAW Convention.

Law no 9970, of 24.07.2008 “On Gender Parity in Society” filled the gaps of Law 9198, of 1.7.2004 (abrogated).

5. Normative acts on its implementation:

In implementation of obligations deriving from Law no 9970, of 24.07.2008 “On Gender Parity in Society”, the Directorate on Equal Opportunity Policies (DEOP) in the MLSAEO, as the responsible structure charged with gender issues, led the process of identification, drafting and approval of the normative acts issued in implementation of the Law. OSCE and UNDP supported the process of drafting of normative acts by a law expert group. The package of normative acts was discussed at a round table on 27 November 2008, supported by the OSCE, where representatives of MLSAEO and international bodies issued their opinions and suggestions, which were directly reflected in the final drafts. Normative acts regulating establishment and functioning of the Gender Parity National Council have been established, namely: 1) Order of the Prime Minister no 3, of 8.1.2009 “On Establishment and Functioning of National Gender Parity Council”. 2) Decision of the Council of Ministers no 122, of 2.2.2009 “On approval of rules on functioning of the National Gender Parity Council”. 3) Order of the Minister of Labor no 318/3 of 29.04.2009 “On Composition of National Gender Parity Council”. 4) Order no 2498, of 16.12. 2008 “On establishment of an Inter-institutional Working Group (GPNI) on insuring gender statistics and setting gender indicators in support of policies and monitoring of gender parity in Albania”.

6. Amendments to Electoral Code.

The quota provided for in Law no 9970, of 24.07.2008 “On Gender Parity in Society”, was reflected in the amendments to the Electoral Code of the Republic of Albania. More specifically, Article 67, item 5 provides that “for each electoral zone, at least for thirty percent of the multi-name list and/or one in the three first names of the multi-name list shall belong to each gender. In the local government elections, one in three names in the list shall belong to each gender”.

7. Establishment and functioning of new structures.

*a) National Gender Parity Council* – The legal basis on establishment and functioning of the National Gender Parity Council was established according to Order no 3, of 8.1.2009 “On Establishment and Functioning of National Gender Parity Council” of the Prime Minister and Decision of the Council of Ministers no 122, of 2.2.2009 “On Approval of Rules on Functioning of the National Gender Parity”. This Council is an advisory body on gender policies, chaired by the Minister in charge of gender issues (currently the Minister of Labor, Social Affairs and Equal Opportunities) and is composed of nine deputy ministers and three civil society members.

*b) Gender staff at the central and local government level.* Approval of Law no 9970, of 24.07.2008 “On Gender Parity in Society” added the legal obligation of naming gender staff in the line ministries and in local government structures.

c) *Introduction of new definitions* as discrimination on grounds of gender, gender integration, etc. which are made complaint to principles of the CEDAW Convention and the EU legislation.

d) *Field of implementation of Law no 9970*, of 24.07.2008 “On Gender Parity in Society” extends its field of activity in the public and private fields. In its Article 5 it defines that this Law protects from discrimination on grounds of gender all persons living and residing in the territory of the Republic of Albania. Also, the Law provides for those actions considered as discriminatory by the employer in the public and private sector (Chapter V), as well as in the media field. Provisions as non-discriminatory of special measures (Article 9) for special protection of pregnant women, young mothers and new parents; facilitation of aid for persons with special responsibilities in the family are indicators showing that the law includes the private sphere as well.

Law implementation monitoring is envisaged for the last quarter of 2010.

*4. Please indicate whether a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 and extending to acts of discrimination by public and private actors, in accordance with article 2, has been incorporated in domestic legislation. Please also indicate if a comprehensive review of laws has been undertaken, as recommended by the Committee in its previous concluding observations [A/58/38, para. 61] in order to ensure conformity of national legislation with the Convention.*

8. Measures undertaken for inclusion of gender discrimination in the Albanian legislation. Law no 9970 “On Gender Parity in Society”, approved on 24 July 2008, entered into force on 15 August 2008, and includes the definition of gender discrimination, which is compliant to the definition of Article 1 of the Convention “On Discrimination of all Forms of Discrimination Against Women”. Article 1 reads: “discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

9. Measures undertaken for reviewing legislation from the gender perspective are:

Law no 9970, of 24.07.2008 “On Gender Parity in Society” is based on the principle of parity and non-discrimination and on other principles sanctioned in the Constitution of the Republic of Albania, and the Convention “On Elimination of All Forms of Discriminations Against Women” as well as all the other international acts ratified by the Republic of Albania. Compliance with the EU Directives is also taken into account during the drafting process of this Law.

10. In implementation of its tasks and recommendations deriving from obligations from different international documents in the gender equality field, in the framework of the implementation of the Action Plan of the National Strategy on Gender Parity and Domestic Violence<sup>5</sup> 2007-2010, the Directorate of Policies for Equal Opportunity has submitted its proposals on 1 - some amendments to

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<sup>5</sup> Hereinafter NSGEFADV.7

the Labor Code, which is under the review process. The amendments shall in particular relate to giving of the maternity leave to fathers too, as well as to extension of the concept of sexual harassment concerns at the working place; proposals on provisions of flexible working hours for people with family responsibilities; 2 – other proposals for amendments were submitted for the draft-law “On Special Safety for Pregnant Women, New Mothers, or Nursing Mothers, compliant to Directive no 92/85/CEE; 3 – viewing of the Albanian legislation, in particular of the social insurance legislation from the gender perspective is planned in the Joint Gender Parity Plan, in the framework of the “One UN” Programme. Preparation of a report and submission of proposals are planned to end at the end of second trimester of 2010.

*5. According to paragraph 23 of the report, Albanian legal system requires that citizens seeking recourse in courts to obtain redress for violations of their rights must “state also the concrete article of a certain law on which their application is based and not a general right that the Constitution provides for”. Please provide information on existing counsel and legal aid services available to women, including women belonging to ethnic and linguistic minorities, women in rural areas, and women belonging to vulnerable groups, in order to ensure that women utilize available legal remedies against discrimination. Please also indicate whether the legislation provides for the reversal of the burden of proof in cases of alleged discrimination on the grounds of sex and gender, in particular in cases of sexual harassment, protection of pregnancy and maternity, employment and access to and supply of goods and services.*

11. With regards to the reversal of the burden of proof in cases of alleged discrimination on grounds of sex and gender, as a rule, our legislation provides that in cases of allegations for discrimination on grounds of gender, sex, and in particular in cases of sexual harassment, the obligation of the burden of proof lays with the person claiming discrimination on grounds of sex or sexual harassment.

According to the legal doctrine on employment relationships, the obligation of the burden on proof lays with the employee in cases of allegations for discrimination on grounds of gender, and sexual harassment. Only in cases of termination of the contract with no reasonable grounds (according to Article 146/c of the Labor Code, as amended) the burden of proof rests with the employer. Termination of the contract by the employer is considered as being beyond reasonable grounds when “c) it is made for motives indivisible from the employee personality, having no legitimate relations with the labor relations. Race, color, sex, age, .... civil status, family obligations, pregnancy , ..... are considered as such motives”.

In case of allegations in particular related to sexual harassment, protection of pregnancy and maternity, employment, etc., Article 105/b of the Labor Code, Protection of Women Employment, provides that: 1. Pregnancy tests before employment are prohibited when so required by the employer, unless the working environment requires working in conditions that might negatively impact pregnancy or that can harm the life or health of the mother and the child. 2. In case of termination of contract by the employer when the woman is working during the pregnancy period or has returned to work after the childbirth, according to Article 30 of this Code, it is up to the employer to attest that cause of dismissal was not pregnancy or childbirth.”



6. *The report states that the provision of the 2004 law on Gender Parity providing for temporary special measures has never been implemented and notes that the new bill “On Gender Parity” is expected to introduce temporary special measures in several areas, such as in decision making and public life, employment, and education [CEDAW/C/ALB/3, paragraph 59]. Please elaborate on the factors and difficulties encountered in implementing the 2004 legislation and explain how the new bill is expected to succeed when adopted where the previous law failed. Does the new bill fully comply with the State party’s obligations under article 4, paragraph 1, of the Convention, which is a constituent part of the domestic legal system, and the Committee’s General Recommendation No. 25?*

12. Law no 9970, of 24.07.2008 “On Gender Parity in Society”, which is currently in force, regarding measures necessary for ensuring gender parity (Article 7) provides that with the purpose of ensuring gender parity and elimination of discrimination on grounds of gender, the state bodies, compliant to their competencies: 1. Ensure, through legislative measures or other suitable means, followed by sanctions, if so deemed reasonable, prohibition of any discrimination on grounds of gender. 3. Ensure, through laws and normative acts, amendment or abrogation of any legal act, custom or practice, composing discrimination on grounds of gender; 4. Take all appropriate measures to establish necessary and lawful facilities to ensure parity and equal access for both genders; 5. Ensure, through public institutions and national courts, an effective protection of both genders against any discriminatory action.

13. Article 8 of the Law (*Special Temporary Measures*) stipulates: 1. special temporary measures including the quota to ensure an equal gender equality, increase of participation of the less represented gender in decision-making and in public life, economic empowerment and positioning of persons of each gender in the employment field, equal improvement in the educational level as well as other measures in each field where persons of the same gender do not enjoy an equal position with the persons of the other gender; 2. cases when state bodies take special temporary measures, including legal provisions, aimed at accelerating establishment of factual equality between women and men, are not cases of discrimination on grounds of gender.

14. Article 9 (*Special measures*) provides that: There shall be no gender discrimination involved when the state takes special measures, including legal provisions, which aim at: a) Providing a special protection to women during their pregnancy and childbirth, young mothers, as well as young parents, as a result of their natural childbirth or adoption of a child, creating conditions for their protection and comfort at work; social insurance and social aid; ensuring the necessary healthcare assistance to mother and child; ensuring and encouraging the social services system, favoring development of a network of day nurseries and kindergartens; b) Facilitating and assisting persons who have special responsibilities in their families due to their daily care for disable members of the family, due to their age, physical and mental disabilities or other causes of disability; c) Limiting certain sectors of hard and dangerous work for pregnant women and breastfeeding mothers. Such limitations shall be reviewed regularly depending on the scientific and technical knowledge, as well as on the needs arising.”

15. With regards to factors and difficulties related to implementation of the 2004 legislation on special temporary measures, we explain as follows: no normative acts were issued and no structures were

therefore established for implementation of the Law two years after approval (Law no 9198, of 1.7.2004 “On Gender Parity in Society”).

The Inter-ministerial Committee on Gender Parity (which ceased functioning after changes introduced by Law no 9534, of 15.05.2006), in its meeting of May 2005 left the assignment of reviewing of this Law. Meantime, Law no 9970, of 24.07.2008 “On Gender Parity in Society” (Article 15) provides for temporary measures, such as the representation of above 30% of both sexes in legislative, executive and judicial bodies and other public institutions. The quota was reflected in the Electoral Code and was applied in the parliamentary elections of June 2009. Representation of women in parliament was made possible as a result of application of such a quota. After the 2009 elections, the Parliament of Albania has now 23 women MPs out of 140 seats, from 10 women it had in the previous mandate. This is a neutral quota from gender perspective, as representation of both genders is aimed in being not less 30% in the above-mentioned bodies, complaint to paragraph 1 of the Convention; the measures shall be suspended as soon as this objective is ensured.

16. Compliant to recommendation no 25 of the Committee, the responsible body on gender issues, namely the Ministry of Labor, Social Affairs and Equal Opportunities, in the context of the 3-year ONE UN Programme “On Gender Parity in Society”, has organized a seminar on piloting of manuals for training about Law on “Gender Parity in Society” and CEDAW under the objective of “Trainings for Getting to Know the Law “On Gender Parity in Society and the Convention on the Elimination of all Forms of Discrimination Against Women in January of 2009; a TOT Training in June of 2009; Training courses with local government representatives, and others. Part of the target group for such training were representatives of the judiciary, legal experts of central and local government institutions, counsels, etc.

*7. Please provide information on the national machinery for the advancement of women, and on whether the new mechanisms foreseen in the bill “On Gender Parity in Society” have been established. Please indicate whether these new mechanisms will replace the current machinery or whether they will complement it and if so, please clarify the roles and responsibilities of each structure and the coordination mechanisms in place or foreseen. Please indicate if the Government plans to establish a fully-independent body responsible for gender issues with a mandate to receive complaints and to develop, coordinate and draw accountability from all ministries for strong and consistent gender-sensitive activities and programmes that are effectively mainstreamed.*

17. Law “On Gender Parity in Society (Article 11) provides that the National Council on Gender Equality is an advisory body established by an order of the Prime Minister, upon the proposal of the minister who covers gender equality issues. Its composition is approved based on the principle of equal representation, according to gender dependency. It is chaired by the Minister in charge of gender issues, and is composed of 10 government-appointed representatives and three people from the civil society. Upon Decision of the Council of Ministers no 122, of 2.2.2009, Rules on Functioning of the National Gender Parity Council are approved.

18. The minister in charge of gender issues and domestic violence (namely the Minister of MLSAEO) is the responsible authority for implementation of Law no 9970, of 24.07.2008 “On Gender Parity in

Society” and Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”, and of state bodies on gender issues and domestic violence. The Minister dealing with gender parity issues, according to Law “On Gender Parity in Society” has the following tasks: a) implements and checks on the present Law, the National Strategy and Action Plan on Attaining Gender Parity as well the international obligations of the Republic of Albania in the field of Gender Parity; b - Presents to the government proposals on law and normative act changes, the signing of international acts in the field of gender equality and women rights, and also the undertaking of other measures, aiming at eradicating distinctions between genders and enjoying the rights and offering of opportunities, after consultation with the National Council of Gender Equality; c) collaborates and offers support to non-governmental organizations active in the gender parity area; d) Organizes education and professional training for gender equality employees on gender equality issues; e) Establishes mechanisms for gathering gender disaggregated statistics in collaboration with the Institute of Statistics and other state institutions as well as supervises their gathering and processing; f) Organizes the gathering, analyzing and dissemination of information on gender issues; g) Either alone or in collaboration with other state institutions develops and carries out activities on the education, training, information and awareness of citizens and public administration and justice system employees, and officials on the concept of gender equality, non discrimination of women, elimination of gender stereotypes, the proper understanding of the role of women and men, of mother and father in the family and in the society; h) Within the first quarter of each year presents to the National Council on Gender Parity the previous year’s report on the activity of the office, the progress made to attain gender equality, problems encountered and the means for overcoming them; k) Organizes the meetings of the National Council on Gender Parity and prepares the necessary materials, acts and documents preceding or following these meetings.

The Minister realizes the tasks provided for in the Law and supervises the activity on gender parity and domestic violence through the structure in place for this purpose (namely the Directorate of Gender Equality Policies).

19. The Directorate of Policies for Equal Opportunities is operational since 2006 and is the responsible structure in the Ministry of Labor, Social Affairs and Equal Opportunities, which main mission is: “to formulate and develop policies for encouraging parity in such fields as gender parity, parity/disparity in skills, problems of ethnic, ethno-cultural and linguistic minorities, age disparity, age, race and other imparities”. DPEO is composed of two sectors: the sector on gender equality and the sector on measures against domestic violence.

The Directorate of Policies for Equal Opportunities is the responsible structure to “encourage gender parity, and a wide participation of women in the economic, political and cultural life of the country”, and to “prevent domestic violence. Interweaving of gender policies and fight against violence in public policies at the central and local government structures is realized in cooperation with the network of contact points at the ministry and prefecture level (central level), and municipality (at local level). The main tasks of this Directorate on gender parity issues and domestic violence are: 1) to formulate policies for equal opportunities, focused on gender parity perspective, to formulate national strategies and programmes on prevention and protection of victims of violence in family relations and protection of the rights of other categories of the society, as mentioned in its mission; 2) to propose

initiatives for studying and analysis in the area of all the range of policies of equal opportunities and domestic violence and to utilize such studies in the development policy process; 3) to draft necessary legal acts for attaining parity in various fields and implement and monitor the law provisions on parity in various fields and implement and monitor provisions of the law on equality and rules approved on its basis; 4) to cooperate for drafting laws and normative acts for implementing strategic objectives for protecting and caring for victims of domestic violence; 5) to monitor implementation of agreements and international acts in the field it covers, getting the government approval; 6) to cooperate with the non-government organizations which are active in the field of equal opportunities and domestic violence; 7) to coordinate the work for preparing national programmes on equal opportunities for the categories of people covered by the DPEO; 8) to draft prevention and promotional social programmes on reduction of domestic violence; 9) to cooperate with local government structures on establishment of social and rehabilitation centers for the domestic violence victims and to help in drafting of strategies on these services, in cooperation with the Directorate General of Social Services and the Inspectorate of Economic Assistance regarding quality of services provided to victims; 10) to cooperate with responsible line bodies, civil society and international organizations active in the country to organize awareness raising campaigns, to achieve gender parity and prevent and fight domestic violence.

The staff covering these issues is hired based on the provision of Law “On Civil Servants”. The staff has a long working experience of 10 years and is trained in gender, gender integration, gender budgeting issues as well as international women rights and national legislation, drafting and management of projects and other fields. In 2008-2009 building of staff capacities of the DPEO is realized by taking experience from countries like Spain and Austria on issues of policies, legislation in the gender equality field and domestic violence. Participation in training and regional seminars has served to the exchange of experience and further staff qualification.

20. State institutions at the central level (ministries) and at the local government level (regions, municipalities and communes) are: 1) gender employees in all ministries. 2) gender employees on gender issues – (the process of nomination of the gender staff in the municipalities of the country in ongoing). Approval of Law no 9970, of 24.07.2008 “On Gender Parity” provided for the institutional obligation of nominating gender employees in ministries and local government issues. According to Article 13/3 of Law no 9970, of 24.07.2008 “On Gender Parity in Society”, “State institutions at the central and local level shall have the legal obligation to collaborate with the respective minister for exchanging information and facilitating the accomplishment of his function. For this reason there shall be a gender equality employee appointed in every ministry”. Article 14/4 of the present Law stipulates that “Local government bodies shall appoint one or several local gender equality employees in their structures to deal with gender parity issues”.

21. Current situation: At the central level, most of the ministries have appointed a person responsible for gender issues. At the local government level, with decisions of municipal councils, changes in structures of the municipalities have been approved, appointing responsible people for gender issues and domestic violence, mainly attached to the social protection sector in the Municipality of Pogradec, Durrës, Sukth, Cërrik, Krujë, Laç, Gjirokastër and Vorë (in 8 municipalities of the country). Appointment of other gender staff shall continue during 2010. Meantime, draft job descriptions have

been elaborated for these employees from MLSAEO (DPEP) in cooperation with UNIFEM and UNDP, in the context of the ONE UN Programme “On Gender Parity in Albania”. Also, again in the context of this programme, a number of training programmes are initiated on the “Gender Parity in the Society” and CEDAW, which has so far trained 100 people. The Austrian Government Programme “Equality in Governance” is working on building capacities of local government staff with the gender equality and gender mainstreaming issues, international employees of local government units have been trained in the context of this project so far.

22. The Ministry of Labor, Social Affairs and Equal Opportunities (Directorate of Policies for Equal Opportunities) has prepared draft job descriptions for these employees, and, according to them, their work is related to: 1) drafting of policies, programmes, documents and normative acts related to gender and fight against domestic violence; 2) supporting of integration of gender equality issues in drafting of policies, programmes, documents, and the legal framework, drafted by the local government unit; 3) monitoring and implementation of commitments of local government on gender equality and domestic violence, expressed in the strategic documents and in the national laws and in the international conventions and declarations on gender and fight against domestic violence; 4) coordinating the work and providing the necessary support on preventing and fighting domestic violence at the local level.

23. Advisory bodies – National Council on Gender Parity – which is an advisory body on gender issues (namely the Minister of Labor, Social Affairs and Equal Opportunities) and is composed of nine deputy ministers and three civil society representatives. The Council convenes not less frequently than twice per annum, and its tasks are: a. counseling of the government in defining the direction of state policies on gender equality, with the exception of those issues that fall within the mandate of the National Council on Labor. On issues of special importance, the National Council on Gender Equality may hold joint sessions with the National Council on Labor; b. ensuring gender mainstreaming in all fields, especially in the political, social, economic, and cultural ones; c. proposing the CoM main programs for encouraging and achieving gender equality in Albania; d) evaluating the actual situation of gender equality in the country, coming up with guidelines on the structure of gender equality issues as well as proposals and recommendations to the government on the improvement of the situation; e) approving the annual report on gender issues produced by the ministry which covers gender equality issues.

The National Council on Gender Equality convened on 3 June 2009, and discussed about the Annual Report 2008 of the Action Plan of the National Strategy on Gender Parity and Domestic Violence 2007-2010. At the end of the meeting, the Council submitted recommendations about the future, in particular about appointment of gender staff, improvement of the work coordination between institutions at the central and local government structures. In the coming meetings, the Council shall discuss issues related to the network of gender employees, budget planning, activities related to gender issues and domestic violence, approval of the sensitive gender indicators and others.

24. The Inter-institutional Working Group, ensured gender statistics and defined indicators in Albania; the Inter-institutional Working Group was established as an advisory group pursuant to Law no 9970 “On Gender Parity in Society” and upon the Order no 2498, of 16.12.2008 for ensuing gender

statistics and gender indicators based on the monitoring of gender equality policies in Albania. The tasks of this group are: 1) to review existing data (qualitative and quantitative data) at the national level, identifying gaps and needs, and to prepare recommendations for this purpose. 2) to analyze the legislation on statistics and recommendation of changes regarding ensuring of gender statistics; 3) to suggest and recommend inclusion of gender parity issues in the sector monitoring and statistical processes; 4) to identify needs for establishing and strengthening capacities and means for improving collection, processing and analyzing of statistics and gender indexes, for functioning of coordinated monitoring of gender parity; 5) to ensure cross-sector cooperation to enable collection, processing and analyzing of statistics of gender indicators and their publication.

The list of gender mainstream indexes, which shall serve for monitoring the Strategy and other policies, has been drafted with the UNIFEM support, in the context of the ONE UN Programme.

25. Other structures in support of domestic violence victims: with the aim of building the capacities of structures assisting domestic violence victims, and pursuant to Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”, the Ministry of Labor, Social Affairs and UNDP have organized a considerable number of training activities for the local government staff, the Social Service Staff, police, health, contact points of gender parity in prefectures, and others. About 984 employees from institutions of direct responsibility were trained in 2008.

26. Ministry of Interior: 1) The Sector “On Protection of Minors and Domestic Violence” – in the General Directorate of State Police as well as respective sections of each Regional Police Directorate; 2) Department “On Police Training” in the General Directorate of state Police, during 2008 has organized series of trainings focusing on the state police role on domestic violence cases; this project was organized in partnership with the UNDP, with the police structures of each level in all regional directorates in regions. During this programme, which ended in December of 2008, 690 police staff were trained on issues related to domestic violence, building human resources in the field through a well-trained administration, capable of treating issues of violence of any case of domestic denouncement.

27. Ministry of Health: 1) the National Association of Social Workers, in cooperation with the Ministry of Health, is training the health sector staff (doctors and nurses of the primary and hospital sectors) on gender-based violence; 2) 160 health people were trained during the first phase in the districts of Tirana, Vlorë, Shkodër, Peshkopi and Pogradec. All the Public Health Directorates have responsible teams composed of doctors (Inspectorate of Reproductive Health), nurses (Specialist of Nursery Care) and a social worker or a psychologist. The task of this team is to manage and monitor implementation of Law no 9669, of 18 /12/ 2006, “On Measures Against Domestic Violence” and normative acts and rules issued by the Ministry.

28. Ministry of Education and Science: 1) the Institute of Curricula and Training has established groups for drafting of the curricula on basic education and is in the process of drafting new curricula and of assessing the existing curricula; 2) treatment of the domestic violence topics in the context of protection of human rights has already started in some Universities of teaching; 3) in the context of implementation of various modules in free classes in the basic education, schools are oriented in

treating issues of violence against children; 4) at the Regional Educational Directorates, the schools, in implementation of Circular no 8373, of 26.11.2006, in the annual, monthly plans, plan for and apply activities related to domestic violence, school and community violence; 5) publications are issued for pupils dealing with domestic violence, identification and reaction towards these issues, in the context of the project of the Ministry of Education and Science and Save the Children.

29. Shelters for the domestic violence victims: With the support of UNDP, relevant bodies are working to fulfill one of the main obligations of Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”, CEDAW and CoE recommendations on establishing the first state-run shelter on rehabilitation of victims of domestic violence. This shelter is planned to become operational in the first trimester of 2010.

30. In the parliamentary level: Until before elections of 2009, there was a Parliamentary Commission on Minors and Equal Opportunities within the Committee on Health, Labor and Social Affairs; a new committee or sub-committee is expected to be established for these issues.

31. Regarding the request for information on whether the government has planned establishment of an independent institution on gender parity issues, which mandate is taking of appeals, we clarify that: In the context of the ONE UN Programme for 2010, gender issues are planned to be mainstreamed in the office of the People’s Advocate, through building of capacities on gender issues and domestic violence. Lobbying is underway to establish a Commissioner in this Office for gender issues, whereas the institution developing and coordinating the work with ministries regarding activities on sensitive gender issues and various programmes is the Minister of Labor, Social Affairs and Equal Opportunities (as already identified above in the responsibilities of the Minister dealing with gender parity issues).

*8. The Committee, in its previous concluding observations, recommended that gender mainstreaming in all ministries, policies and programmes be strengthened through gender training and the creation of focal points [A/58/38, paragraph 67]. What measures have been taken in this regard? Please explain how gender perspectives and the goal of gender equality have been integrated into all activities carried out by the State party during the reporting period, how this has been reflected in the budget allocation, and whether gender trainings have been conducted.*

32. As already identified above, the Directorate of Policies for Equal Opportunities in the Ministry of Labor, Social Affairs and Equal Opportunities is the responsible structure “to encourage gender equality and a wide participation of women in the political, economic, cultural life of the country” and “to prevent domestic violence”. One of the main tasks of the Directorate is inclusion of gender issues in central and local government policies. Interweaving of gender policies and fight against violence in public policies at the central and local government level is realized by the gender employees in the line ministries and local government gender staff.

33. Legal obligation on institutionalization of the gender staff network at the central and local government level. Approval of Law no 9970, of 24.07.2008 “On Gender Parity in Society” added the institutional obligation on appointing gender employees at the central and local government level, that is at the ministry and municipality/commune level. To this end, each Ministry appoints an employee

dealing with gender issues, and “the local government bodies appoint one or some staff dealing with gender parity issues”.

The Ministry of Labor, Social Affairs and equal Opportunities, as the responsible body on gender issues and domestic violence, has asked the line ministries and municipalities, through some official requests, pursuant to Law no 9970 “On Gender Parity in Society” to plan vacancies for the people that shall specifically deal with gender issues, orienting changes in the organizational chart of their ministries and municipalities.

34. Situation of gender staff in the ministry and local government level.

Line ministries have appointed as gender experts people who do currently have other posts within the ministries, naming them as contact points on gender issues, although this is not their functional task. At the local government level, most of the municipalities have appointed gender and domestic violence contact points, but structural changes are performed in 10 municipalities by Decisions of the Municipality Councils, appointing people responsible for gender issues and domestic violence, who, in most of cases, are attached to the social protection or human resource sector.

35. Strengthening of Gender Employee Network; A) strengthening of the network is supported on the Austrian Project “Equality in Governance”, through trainings on: “Basic concepts of gender dependency in local government”, aimed at training the municipality administration in including them in an equal gender governance and their role as advocates of gender parity and encouragement of regional networks to monitor regional and local government on gender parity (strategies and regional development plans, social services).

ToT training on gender issues. 2. Annual Contact Points Regional Meeting, which aim was to convene all the gender equality employees from the municipalities of Albania and main collaborators included in the gender issues in Albania. The coming meeting shall be held in March of 2010; 2) trainings in 36 municipalities of the country “on basic principles of gender dependency in local government”. A total of 672 persons have been trained so far.

B- Strengthening of the gender staff is also being supported by the One UN Programme on Gender Parity in Albania, which focuses on building of capacities of participants regarding Law no 9970 “On Gender Parity in Society” and Convention on Elimination of all Forms of Discrimination Against Women (CEDAW).

36. Activities: 1) Seminars on piloting the training manual on the Law “On Gender Parity in Society” and CEDAW- January 2009. 2) ToT training on Law “On Gender Parity in Society” and CEDAW – June 2009. 3) Training activities with representatives of institutions at the central and local government level, with some municipalities of the country, on Law no 9970 “On Gender Parity in Society” and CEDAW.

A total of 100 people have been trained so far.



37. Some recommendations regarding the network institutionalization: 1) Meetings or training of the municipality and commune heads or member of the municipality councils to raise their awareness on establishing structures on local government and concepts of gender equality. 2) building of further capacities of appointed gender employees through advance training on gender, gender mainstreaming and gender budgeting; 3) establishment and strengthening of the network of gender employees through supply with the necessary logistics.

38. Inclusion of the gender perspective in all levels is being realized via: 1) drafting, approval and implementation of Law no 9970, of 24.07.2008 “On Gender Parity in Society”. Outcomes of monitoring of law implementation shall be made at the end of 2010; 2) drafting, approval and implementation of the National Strategy on Gender Equality and Fight Against Domestic Violence 2007- 2010. The first monitoring report for 2008 was submitted in the National Council on Gender Equality in June of 2008. The second monitoring report for 2009 on the Action Plan of the National Strategy on Gender Equality and Fight Against Domestic Violence shall be submitted in the first quarter of 2010; 3) establishment and functioning of structures on gender issues at the central and local government structures – gender employees in the ministries and local government units; 4) establishment and functioning of the National Council on Gender Equality, where one of the main tasks is ensuring of gender mainstreaming in all the fields, in particular in the political, social, economic and cultural domains; 5) holding of awareness raising campaigns on gender equality and domestic violence issues.

Activities mentioned above were held by state budget funding and donor support, and it is worth mentioning in particular the joint three-year programme ONE UN on Gender Parity in Albania 2007-2010 and the joint project between the Albanian and the Austrian government, “Equality in Governance” on building of local government capacities.

*9. Please provide statistical data on the number of cases involving discrimination against women that have been reported to the People’s Advocate, as well as outcome decisions of these cases. Please specify whether the People’s Advocate has the mandate to examine cases of discrimination in employment, private life, or against particular vulnerable groups outside of the public sphere.*

39. The People’s Advocate, since submission of the report in 2008 so far has received one case from a national related to her maltreatment by her husband, who was constantly intimidated, who wanted her to leave the house, which was under joint ownership. For this case, the applicant had submitted a complaint to the police commissariat of Pogradec, but she claimed that the complaint was not accepted by the police, under pretences that there were no witness of such actions. After verification of facts and treatment of the case from the People’s Advocate, the conclusion reached was that it was a case of domestic violence, and that state police structures had failed in treating of the case.

Pursuant to what said above, and to prevent similar violations in the future, the People Advocate’s institution, pursuant to competencies recognized to it by Law, recommended to the Director of Police of the Region of Korça to: 1) make necessary verifications on this case, analyze it with objectiveness and correctness, and issue disciplinary measures for the police staff not meeting obligations deriving from Law 9669, of 18.12.2006 “On Measures Against Domestic Violence”; 2) take appropriate

measures charging concrete tasks to the section on prevention and fight against domestic violence in the Police Directorate of the Region of Korça, with the aim of legally pursuing the case denounced by the national; 3) take appropriate measures on informing the State Police staff about Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”, with the aim of preventing such violations in the future.

In reply to the recommendation of the People’s Advocate, the Regional Police Director of Korça accepted the recommendations, and took disciplinary measures against two police staff in implementation of such recommendation.

40. Referring to second part of question 9, we inform that, as already treated in the 2008 report, the People’s Advocate, pursuant to competencies provided for in Law no 8454, of 4.2.1999, supplemented by Law no 8600, of 10.04.2000, amended by Law no 9398, of 12.05.2005 can launch investigation of a case (including cases of discrimination related to employment, private life, or in particular against vulnerable and in-need groups, through; 1) direct submission of complaints to the People’s Advocate. Article 12 of the above Law provides that “any individual, group of individuals or non-government organizations alleging on violation of their lawful rights, freedoms and interests from unlawful or irregular actions or omissions of the public administration bodies are entitled to submit complains and to notify the People’s Advocate and seek his intervention to restore justice or violated freedoms/rights; 2) the People’s Advocate can launch the procedure on examining a case under his initiative for cases that are made public, but with the consent of the harmed party ”(Article 13 of Law no 8454, of 4.2.1999 with relevant amendments); also the People’s Advocate can launch an administrative case in protection of interests of a wide community that can be affected from the administrative process” (Article 13 (3)).

### ***Stereotypes and cultural practices***

*10. The Committee, in its previous concluding observations [A/58/38, paragraph 68], expressed concern about the persistence of entrenched traditional stereotypes and the resurgence of discriminatory customary law (Kanun), as well as traditional codes of conduct in some northern areas of the country. Please provide information on the results of the measures described in the report [CEDAW/C/ALB/3, paragraphs 69 to 77] undertaken to overcome these attitudes, and indicate if clear strategies and measurable indicators have been used in order to evaluate progress achieved. In this regard, also indicate any measures taken to address stereotyped roles of women and men in the education system, mainly through the inclusion of a gender equality perspective in teachers’ initial training, retraining and in-service training programmes, as well as through the revision of textbooks and school curricula at all levels of the educational system.*

41. Outcomes of measures taken by structures responsible on gender issues and other government structures on elimination of gender stereotypes have had an obvious impact on raising awareness of central and local government bodies and of the entire public. Media discusses issues on gender equality constantly. Problems media deals with are seen in the gender perspective.

With regards to measurable indicators on elimination of gender stereotypes by the Directorate of Policies for Gender Equality, there is no separate strategy in place, but list of gender harmonized indicators on monitoring of commitments of the Albanian government on gender equality and human rights of women is at the final stage. Drafting of this indicator list is done referring to eight main directions of the National Strategy on Gender Equality and Fight Against Domestic Violence, obligations deriving from CEDAW, Law “On Gender Parity in Society”, Law “On Measures Against Domestic Violence”, Millennium Goals, standards of the Council of Europe on gender equality, norms and standards of the European Union as well as sector policies/strategies, such as the Social Protection Strategy 2007-2013, and the National Strategy on Social Inclusion (2007-2013).

The list contains indicators regarding: inclusion of concepts of gender parity in the first and second level education; number of teachers starting initial and continuous education course in gender awareness and in the sexual education, ratio of females and males attending vocational specialized education, in the second education level, and further, as per the specialization profile, the female-male ratio in the central and local government elected positions, in the judiciary, in the public sector, in administrative level, managerial level, etc.

Periodic surveys about indicators of inclusion of gender parity concepts in school texts and in defining them as primary source of data shall be used.

### ***Violence against women***

*11. The report describes a number of legal and other measures that have been put in place to combat violence against women, including the formulation of the “National Strategy on Gender Equality and the Eradication of Domestic Violence” 2007-2010 and the adoption of the law “On Measures against Violence in Family Relations” [Law No. 9669 of 2006] and of some implementing regulations providing, inter alia, for urgent protective measures. Please provide information on the number of petitions for protection orders presented to courts and on the number issued by the courts. Please, provide court statistics on the number of prosecutions, convictions and penalties imposed on perpetrators of domestic violence. Please indicate what the government is doing to improve data collection on domestic violence and other forms of violence against women. Please provide information on the availability and the resources provided to shelters and rehabilitation centers for victims of domestic violence thorough the country. Please indicate the time-frame for the enactment of the remaining implementing regulations.*

42. As already identified in the report submitted by Albania, Law no 9669, of 18.12.2006, “On Measures Against Domestic Violence” is aimed at preventing and reducing gender violence in all its forms through suitable legal measures and guaranteeing of protection of family members that are victims of domestic violence by legal remedies. Appropriate measures are taken in implementation of the law in establishing a coordinated network of institutions to reply in due time to cases of domestic violence and issuance of immediate protection orders by courts. The Law provides for the state bodies that have obligations and competencies on the domestic violence and enables the court to issue protection orders against the violators, providing for a mechanism in protection of victims of domestic violence. Government mechanisms addressing domestic violence are: the Ministry of Labor, Social

Affairs and Equal Opportunities, as the main responsible authority charged with the coordination, supportive and supervisory role in implementing the law; the Ministry of interior, Ministry of Health, Ministry of Justice; cooperation agreement between the responsible ministries on implementation of this law is aimed at establishing a coordination mechanism of responsibilities of the entire institution. Normative acts have also been approved on establishment of responsible bodies on issues of domestic violence and measures on preventing, identification and reduction of domestic violence.

The National Strategy on Gender Equality and Fight Against Domestic Violence and its Action Plan provide for concrete measures on prevention, fight against domestic violence, and support for victims of domestic violence as well as raising awareness on violence phenomena and legal and administrative protection as well as support of individuals affected from domestic violence.

43. Referring to the Annual Report 2008 on Monitoring of the Action Plan of the National Strategy of Gender Equality and Domestic Violence, according to data from Ministry of Justice, Ministry of Interior, Ministry of Health (responsible structures on implementation of Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”; Cooperation Agreement on implementation of Law no 9669, of 18.12.2006 between the MLSAEP, MI, MJ, MES on 14.11.2008; on implementation of the National Strategy on Gender Equality and Fight Against Domestic Violence) data related to domestic violence for 2008 are as follows:

- Data from the State Police show that during 2008 there were 822 cases of domestic violence, where 77 were cases under the age of 18;

Meantime, during 2007, 274 similar cases were identified and increase of identified cases in 2008 compared to 2007 shows of an increase of awareness of victims to denounce violence and of the trust in institutions. About 75% of the ones suffering from domestic violence in 2008 were women).

- In 2008, the State Police have handled 377 cases on lawsuits “On Issuance of the Immediate Protection Order/Protection Order”.

Almost in all these cases, police has supported victims during the respective court processes, and necessary protection is ensured to the victims. This process is applied more effectively from the Police Directorates of the Regions of Tirana and Durrës, where cases of denouncements have been more considerable.

- 456 cases of domestic violence are reported by the Ministry of Justice, which are examined by courts, and out of which 162 cases received the Protection Order.
- Ministry of Health reports about 96 registered cases, which have received the appropriate assistance from the Primary Health Service Structures.
- These are data reported by the DPEO according to the form for cases of domestic violence treated by the above-mentioned institutions during January-December 2008.

44. *For 2009*: Ministry of Interior, General Police Directorate, Department of Crime Investigation, has constantly collected information about the situation and measures taken on prevention and reduction of domestic violence for the first half of 2009. Police structures have identified and treated 546 cases of domestic violence in the period of January-June of 2009.

These statistical data show once again that domestic violence is a phenomenon mainly affecting spouses. During this period, 366 women are violated by their spouses/former spouses (or 67% of the overall number of persons subject to domestic violence).

Protection Orders issued by the Courts are infringed in 13 cases by the violators; in three cases perpetrators are arrested and for 10 other cases perpetrators are tried without being arrested.

45. All the local police structures have successfully continued filling out of law-suits “On Issuance of Immediate Protection Order/Protection Order” and appropriate protection is guaranteed almost in all cases to victims.

About 396 law-suits “On Issuance of the Immediate Protection Oder/Protection Order” were issued in the second half of 2009.

The process of submission of law-suits on issuance of protection orders has started implementation during the second half of 2009, even by the Regional Police Directorate of Shkoder (27 cases), Regional Police Directorate of Berat (22 cases), Regional Police Directorate of Lezhë (20 cases), Regional Police Directorate of Vlora (11 cases), Regional Police of Elbasan (8 cases), Regional Police of Korçë (8 cases), etc.

46. Statistical data on domestic violence during first half of 2009, according to regions:

Regional Police Directorate													
Identified cases Law-suits on protection orders	total	Tirana	Durrës	Vlora	Shkodra	Berat	Fier	Kukës	Dibra	Elbasan	Gjirokastra	Korça	Lezha
identified	546	302	68	29	31	23	10	6	6	22	10	15	24
Requests for law-suits on Protection Orders	396	218	66	11	27	22	0	6	6	8	4	8	20

47. 915 cases of domestic violence were identified during January-September of 2009, by the police structures.

Statistical data of this 9-month period shows again that domestic violence is a phenomenon mainly related to women spouses.

Therefore 78% of the total number of persons subject of domestic violence are women violated by the spouses, former spouses, partners, ect.

640 requests on law-suits “On Issuance of Immediate Protection Order/Protection Order” were issued during the first nine months of this year, although in 2008 this process is more effectively applied from the police directorates of the Regions of Tirana and Durrës, this year this process is successfully carried out by other regions as well.

Statistical data on domestic violence during the 9-months, according to Regions:

<b>Regional Police Directorate</b>													
	<b>total</b>	Tirana	Durrës	Vlora	Shkodra	Berat	Fier	Kukës	Dibra	Elbasan	Gjirokastra	Korça	Lezhë
Identified	<b>915</b>	459	116	61	59	39	22	7	6	55	10	36	45
Request on law-suits for Protection Orders	<b>640</b>	332	113	30	38	38	5	7	6	12	4	16	40

Also, there is an increase of the number of women seeking protection for their children and other family members. The Region of Tirana has identified 55.3% of the total number of denunciations on domestic violence. With the aim of improving the labor indexes for identification of all cases of domestic violence, by Order no 251/1, of 22.06.2009, of the Minister of Interior, opening of special registers from each Police Directorate in Region or Commissariat has been approved – that is the “register on identification of domestic violence”.

48. Statistical data related to criminal offences referred to in the Prosecution Office from the police structures against serious crimes, subject to women, during 1008 are:

<b>Affected women</b>	
Crimes against freedom of persons, such as kidnapping, illegal removal of freedom, etc.	10
Sexual crimes, such as forced sexual relations, etc.	68
Crimes against the individual	19 murders 10 attempted murders

Crimes against health, such as bodily injuries.	15
<b>Total</b>	<b>122</b>

49. Regarding offences/criminal contraventions sent to prosecution office from police structures on crime prevention and community policing, where victims are women, in 2008, statistical data show as follows:

<b>Victim women</b>	
Threats	10
Injuries /other damages	197
Cause of suicide	52
Criminal offences against moral, dignity, intervention in private life, insulting, slander, libel, etc.	13
<b>Total</b>	<b>272</b>

50. Measures undertaken on improving data collection on domestic violence:

Ministry of Labor, Social Affairs and Equal Opportunities, the responsible authority on issues of domestic violence, collects statistical data on the level of domestic violence. In this regard, work consists in:

- Collecting of the data every three months (according to the sample form) coming from line ministries, in implementation of the Cooperation Agreement on Implementation of Law no 9669, of 18.12.2006 “On Measures of Domestic Violence”.
- Constant collection of information from local government (municipalities and communes) about current situation and problems related to domestic violence.
- Approval of the gender mainstreamed and domestic violence indicators on monitoring Strategies and policies in this field.

51. The General Police Directorate is part of the inter-ministerial working group on monitoring the National Strategy on Gender Equality and Domestic Violence, and being such, it is included in all the activities organized on setting gender indicators (in particular in the domestic violence level).

52. Rehabilitation centers on violence victims all over the country. Shelters for the domestic violence victims. Work is underway with the UNDP support to put into light one of the most important obligations of Law no 9669, of 18.12.2006 “On measures against domestic violence”, CEDAW and Council of Europe recommendations -- establishment of the first shelter on rehabilitation of the domestic violence victims. This shelter is planned to be put in operation in the first quarter of 2010.

53. Also, in implementation of Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”, police sectors/sections on protection of minors and domestic violence are established in the General State Police Directorate. This service is extended in the 2 Regions of Albania. Amongst the

main objectives of these structures, established in the second half of 2007, are measures on implementation of Law no 9669, of 18.12.2006 “On Measures Against Domestic Violence”.

54. Overall number of domestic violence (in particular number of women) seeking protection from police increased in 2008, as a result of protection measures offered by the Law, awareness raising campaigns offered of the Assembly of Albania, Government of Albania and civil society.

The following normative acts were drafted and adopted in 2008: 1. Order no 981, of 31.10.2008 of the General Police Director “On measures to be taken by State Police in preventing and reducing domestic violence, treatment of victims of domestic violence”. 2. Manual of the Crime Investigation Department and Order and Public Security Department “On standard procedures to be applied by the state police staff in taking measures on preventing violence, protecting and taking care of domestic violence victims”, approved by Order no 1035, of 17.11.2008 of the General Police Director.

These documents are put at the disposal of the local police structures and all appropriate measures are taken for their implementation.

55. Regarding the need for coordination of activities for protecting and rehabilitating domestic violence victims in the family grounds, a Cooperation Agreement was signed in November 2008 between responsible authorities of line ministries, in implementation of Law 9669, of 18.12.2006 “On Measures Against Domestic Violence”.

56. Another obligation in implementation of the Law is training of police structures dealing cases of domestic violence.

Department “On Police Training” in the General Police Directorate programmed in 2008 development of a training cycle related to “Role of the police in cases of domestic violence”. This project was realized in cooperation and in partnership with UNDP, police structures of all levels, in all the Regional Police directorates, where 690 police staff were trained. This project was concluded on 27 December 2008.

We have drafted and approved the training development programme on “Police Role in Implementation of the Legislation on Domestic Violence” as a result of legal obligations and needs identified regarding the police role in implementation of the above-cited law. This training programme was offered to nine Regional Police Directorates in September-November 2009, in cooperation with the Institute of Gender Applied Policies.

57. With the aim of improving work indexes on identification of all cases of domestic violence, opening of special registers of each Regional Police Directorate or Commissariat is approved, called “Register on Identification of Domestic Violence Cases” upon Order no 251/1, of 22.06.2009, of the Minister of Interior, while some sections and indispensable indexes are added and clarified in the statistical form no 13 “Statistics on Domestic Violence Cases”. These registers were produced and distributed to police local structures for a unified identification and registration of all denunciations on domestic violence.



### ***Trafficking and exploitation of prostitution***

*13) The Committee expressed concern in 2003 [A/58/38, paragraph 70] that victims of trafficking are subject to punishment under the Albanian Penal Code. The report reconfirms that the “Albanian Criminal Code is one of the fewest, if not the only one in Europe, that holds prostitutes criminally accountable” [CEDAW/C/ALB/3, paragraph 100]. Please provide information on measures taken to address this issue. Was there any assessment of the number of women and girls involved in prostitution made and were factors driving women and girls in prostitution identified and adequately addressed. Please provide information in this regard.*

*Such information should also include measures undertaken and/or planned to provide for rehabilitation and reintegration into society of women who wish to leave prostitution, as well as measures aimed at discouraging the demand for prostitution.*

58. Concerns of the CEDAW Committee are reflected in amendments made to the Criminal Code by Law no 9188, of 12.02.2004. According to such amendments, the victims of trafficking are not subject of conviction (Article 110/a, 114/b, 128/b of the Criminal Code of the Republic of Albania).

The Criminal Code of the Republic of Albania stipulates that prostitution is a criminal offence, as do many other codes of European states, but the criminal responsibility for this offence is lifted if the perpetrator is identified as a victim of trafficking. A victim of trafficking is not charged with criminal responsibility for offences carried out at the time the person was subject to exploitation. With regards to the criminal responsibility of exercising of prostitution, this issue is closely related to the mentality of the Albanian society, and, being such, it shall take time for it to be subject of review. The Ministry of Justice has no data regarding number of women and girls included in prostitution, factors leading them to prostituting and measures taken against this phenomenon. But, according to statistics, number of people sentenced for prostitution in 2007 is 45, for 2008 is 53 and for the first half of 2009 is 19.

*14) According to the report [A/58/38, paragraph 107], the Government is continuing to work intensively to further complete the legal framework with a view to complete internationally required standards in the field of trafficking of human beings. Please indicate the gaps identified in the national legislation and indicate how the Government plans to bridge them.*

59. Once again, we reiterate that the Criminal Code of the Republic of Albania since 2001 stipulates that trafficking of human beings is a criminal offence. Constant amendments are made to the Code since 2001 onwards with the purpose of complying our legislation with the international legislation. The legislation against trafficking of human beings has undergone constant improvements and is in line with the United Nations Convention Against International Organized crime; criminal offences related to this issue in the Albanian legislation are:

- Criminal offences provided for in Article 114/b of the CC – “*Trafficking of women*”;
- Criminal offences provided for in Article 128/b of the CC – “*Trafficking of minors*”;
- Criminal offences provided for in Article 110/a of the CC - “*Trafficking of persons*”.

60. Amendments in the Criminal Code in 2008 are related with mal-treatment of minors and pornography, respectively Article 124/b “*Maltreatment of minors*”, which, inter alia, condemns the phenomenon of exploitation of children for forced work, begging and other forced services, addition of a paragraph in Article 117 “*Pornography*” regarding pornography of minors, etc.

61. Identification of victims and potential victims of trafficking in Albania is made through the questionnaire of National Referral Mechanism, which questions are oriented according to elements of the criminal offence of trafficking of women, provided for in Article 114/b of the Criminal Code. This Article is the same as Article 3 of the Palermo Protocol “On Prevention, Hindrance and Conviction of Trafficking of Persons, especially of women and children, in fulfillment of the United Nations Convention Against International Organized Crime” regarding the criminal offence of trafficking.

62. Also, compliant to obligations of Article 6 of this Protocol, a Cooperation Agreement on Establishment of a National Referral Mechanism on Identification and Improved Assistance for Victims of Human Trafficking was signed on 18 July 2005. The agreement was signed by authorities of the Ministry of Labor, Social Affairs and Equal Opportunities/general Directorate of State social Service, National Reception Center for Victims of Trafficking, Ministry of Interior/General Directorate of State Police, Ministry of Foreign Affairs/Directorate of Consular Service, “Vatra” Non-profit organization, the non-profit organization “Another Vision”, and the International Migration Organization (IOM). The agreement shall be open for signature for other parties in the future, including centers and NPOs. Signatories shall be required to fulfill the criteria of participation, as defined in the Agreement.

The agreement sets a clear frame of cooperation between the main stakeholders in the fight against trafficking of human beings; responsibilities of parties in the process of identification, referral, accommodation, assistance, rehabilitation of victims of trafficking. All signatory parties offer services, which, if properly coordinated, yield very positive results in the best interest of the victim. Implementation of the Agreement does closely depend from familiarization of involved institutions with the importance of the Agreement and the will of parties to apply the Agreement.

63. The responsible structure coordinating, processing and reporting the necessary actions for the victim is established in May of 2006, upon a Joint Order of the Minister of Interior, Minister of Labor, Social Affairs and Equal Opportunities and Minister of Foreign Affairs “On Establishment of the Responsible Authority on Protection and Assistance of Victims of Trafficking and Setting of Tasks of Institutions Included in this Process”. The responsible authority is composed of two representatives of three involved ministries. Regional Committees on Combating Trafficking of Human Beings are established in 12 regions of the country since June of 2006.

64. With regards to Article 113 to which this report refers to, we explain that exercising of prostitution is convicted with a penalty or term of imprisonment of three years. These sanctions are applied in case of exercising of prostitution individually, excluding use of force, threats or other forms of coercion provide for in article 11/b of the Criminal Code “Trafficking of Women”.

65. Improvements of legal framework in the field of social protection. The Ministry of Labor has prepared a draft-law on some amendments to Law no 9355, of 10.03.2005 “On Aid and Social Services” including support for victims of trafficking. A special article provides for the support of our non-public centers offering services for this category by budget funds. Cooperation shall be realized with the local government units in the framework of the service reform on service decentralization for distribution of funds. The Ministry of Labor has prepared some interventions in the legislation for financially supporting NPOs offering services for this category and for establishing new community services; the draft-guideline on standard implementation for the residential care institutions for the trafficked persons or people at risk of trafficking and a manual with relevant forms have been prepared following approval of Standards for Centers offering services for the victims of trafficking.

*15. Please provide statistics, if available, on the number of women and girls victims of internal trafficking for purposes of sexual and economic exploitation.*

66. According to the information received from the State Police, the following data are made available for year 2008-november 2009 on trafficking of human beings:

For 2008-2009

Criminal offences	Total number	Percentage
Trafficking of children	19	13.1%
Trafficking of women	119	81.51
Total	183	94.61%

#### **Victims during 2005-2009**

Year	Trafficking of women	Trafficking of minors	Exploitation for prostitution	Exploit. Aggravating circumstance	Prostituting
2005	29	6	13	22	0
2006	26	5	17	24	5
2007	12	4	36	35	4
2008	22	16	22	21	38
2009	5	2	8	6	43

66. Statistical data in years for the criminal offence of exploitation of prostitution, trafficking of children, trafficking of women, exercising of prostitution for 2005-2009:

#### Year 2005

<i>Criminal offences</i>	<i>Cases</i>	<i>Perpetrator</i>	<i>Arrested</i>	<i>Detained</i>	<i>Free</i>	<i>Wanted</i>
Exploitation for prostitution; aggravating circumstances	19	22	16	-	2	4
Exploitation for prostitution	11	19	9	-	10	-
Trafficking of children	10	16	4	-	11	1
Trafficking of women	30	49	14	-	18	17
Exercising of prostitution	14	16	14	-	2	-

#### Year 2006

<i>Criminal offences</i>	<i>Cases</i>	<i>Perpetrator</i>	<i>Arrested</i>	<i>Detained</i>	<i>Free</i>	<i>Wanted</i>
Exploitation for prostitution; aggravating circumstances	23	28	13	-	11	4
Exploitation for prostitution	9	11	6	-	2	3
Trafficking of children	2	4	3	-	1	1
Trafficking of women	25	28	12	-	7	9
Exercising of prostitution	27	32	19	-	13	-

#### Year 2007

<i>Criminal offences</i>	<i>Cases</i>	<i>Perpet.</i>	<i>Arrested</i>	<i>Detained</i>	<i>Free</i>	<i>Wanted</i>
Exploitation for prostitution; aggravating circumstances	24	30	7	3	17	3
Exploitation for prostitution	43	55	25	3	26	1
Trafficking of children	7	7	5	1	1	
Trafficking of women	13	13	2	1	9	1
Trafficking of people	2	3			2	1
Exercising of prostitution	45	48	34	1	13	

**Year 2008**

<i><b>Criminal offences</b></i>	<i><b>Cases</b></i>	<i><b>Perpetr.</b></i>	<i><b>Arrested</b></i>	<i><b>Detained</b></i>	<i><b>Free</b></i>	<i><b>Wanted</b></i>
Exploitation for prostitution; aggravating circumstances	12	23	2	4	4	13
Exploitation for prostitution	13	12	7	1	1	3
Trafficking of women	19	13	1	7	3	2
Exercising of prostitution	26	31	25	6	0	0
Trafficking of minors	4	5	2	3	0	0

**Year 2009**

<i><b>Criminal offences</b></i>	<i><b>Cases</b></i>	<i><b>Perpetr.</b></i>	<i><b>Arrested</b></i>	<i><b>Detained</b></i>	<i><b>Free</b></i>	<i><b>Wanted</b></i>
Exploitation for prostitution; aggravating circumstances	9	14	1	2	5	6
Exploitation for prostitution	11	12	8	2		2
Trafficking of children	2	3		3		
Trafficking of women	6	9	1	4	1	3
Trafficking of people	2	4		4		
Exercising of prostitution	35	40	33	6		1

67. Also, it is worth mentioning establishment of the database on victims of trafficking, which is accessed by the responsible authority and contains data on the person identified as potential victim of trafficking or victim of trafficking in the first contact moment up to its re-integration. This database contains all the victims identified as such based on the National referral Mechanism. So, currently, data on 142 people identified as victims or potential victims of trafficking for the period from January 2008 until November 18 2009 have been inserted in the database.

68. Services for trafficked persons or people at risk of trafficking are offered in five residential public and non-public centers on victims of trafficking, namely: National Center on Reception of Victims of Trafficking and some re-integration centers/shelters established by the NPOs, such as: Vatra Psycho-Social Center, “The Other Vision” center, Elbasan, “Different, but Equal”, community Center “Life and Hope“, Gjirokaster.

In a summarized way, groups and number of victims of trafficking/persons at risk of trafficking, receiving services at the residential centers offering services for the victims of trafficking in Albania is given below:

For the period January – September – October 2009

No	Name	No of beneficiaries according to groups						
		Trafficked	Potential victims of trafficking	Exploitation for internal prostitution	Exploitation for external prostitution	Risk of trafficking	Other groups	Number of beneficiaries in Centers offering services for VT
1	Linza center	4		3	1	28	9	45
2.	Different and Equal	10	2	3		2		17
3	“Vatra”	15	7			8		30
4	Another vision	15	3			15	5	38
5	Life and hope	8				11		19
		<b>52</b>	<b>12</b>	6	1	64		
	<b>Total</b>	<b>64</b>		<b>7</b>		<b>64</b>	<b>14</b>	<b>149</b>

16. The report mentions the “National Strategy for the Fight against Trafficking of Human Beings” 2005-2007, as well as the new Strategy and its Action Plan for the period 2008-2010. Please provide information on the evaluation of the 2005-2007 Strategy and explain whether the new Strategy is being implemented and if so, whether it addresses internal trafficking and provides for support and assistance, including physical and psychosocial recovery for victims of trafficking, and their reintegration in society.

69. All efforts and objectives undertaken by the government in the field of trafficking of human beings are reflected in the National Strategy on Fight Against Trafficking of Human Beings 2005–2007, and in the new National Strategy 2008-2010.

The National Strategy Against Trafficking of Human Beings 2005-2007 ended in December 2007. The anti-traffic unit in the Ministry of Interior has monitored and coordinated actions of all structures and public and non-public stakeholders (national and foreign partner agencies) on implementation of the National Strategy on the Fight Against Human Trafficking and the Action Plan 2005-2007. Based on reports from line ministries and agencies under their dependency (reporting from responsible persons of the Ministry of Labor) and other stakeholders, the anti-traffic unit has prepared periodic reports and two-year reports for the period of 2005 and 2007 and the National Coordinator Office drafted and published in March of 2008 an Assessment Report on Implementation of the National Strategy on Fighting Trafficking of Human Beings 2005- 2007, Tirana, March 2008.

70. At the end of the National Strategy Against Trafficking of Human Beings 2005-2007, the Office of the National Coordinator drafted an all-inclusive assessment report on implementation of this strategy.

The National Strategy on Fight Against Trafficking of Human Beings 2008-2010 as well as the National Strategy on the Fight Against Trafficking of Children and Protection of Child Victims of Trafficking 2008-2010 were drafted based on findings of such a report and of a several-month working process (January – June 2008), in cooperation with other state and private stakeholders.

This strategy and its Action Plan is an instrument, which aim is to coordinate all efforts and state and non-state stakeholders, such as international partners, in the fight against trafficking of human beings. All these documents are published in the official web page of the Ministry of Interior<sup>6</sup>.

### ***71. Public and private centers offering services for victims of trafficking (VT).***

Social services on victims of trafficking started in 2001 from the Vatra Psycho-Social Association in Vlore. Afterwards IOM started offering of social services in a center in Tirana. Later, this service was transferred to the Albanian association “Different but Equal”. Services for victims of trafficking are offered by the “Another Vision” center in Elbasan. The National Center on Reception of Victims of Trafficking was established in 2003, upon a special decision of the Council of Ministers. Since 2005, services for this category are also offered in Gjirokaster by the Association “Life and Hope”.

All centers offering services for the victims of trafficking are organized in the National Coalition of Anti-traffic Shelters. The aim of the coalition is cooperation and coordination of the work and services, protection, education, support, rehabilitation and re-integration of victims of trafficking.

There is a mixed typology of services for all non-public centers, as they offer services for the victims of trafficking repatriating from abroad and services for other categories in need, such as persons at risk of trafficking, illegal migrants, victims of violence, and children of such victims. The center of public services for victims of trafficking does mainly treat victims of trafficking repatriated from abroad, children, persons at risk of trafficking, irregular migrants, foreigners and nationals.

Activity of centers, typology of services, number of beneficiaries and donations are as follows:

72. National Center for Reception of Victims of Trafficking: the National Center for Reception of Victims of Trafficking is established as an important institution depending from the State Social Service (MLSAEO) for reception, accommodation and rehabilitation of victims of trafficking or other persons at risk of trafficking (children included) and is operated based on a close cooperation between the Ministry of Interior and IOM. Capacity of this center is about 100 persons, whereas the main objective of the Center is intensification of the work against trafficking of human beings and building of awareness of the public for this phenomenon through reception and support for rehabilitation of victims of trafficking.

Since July 2003 the National Center on Reception of Victims of Trafficking is assisting in receiving, accommodating, rehabilitating, referring for integration and repatriation (when beneficiaries are of a

<sup>6</sup> [http://www.moi.gov.al/index.php?option=com\\_content&view=article&id=107&Itemid=188](http://www.moi.gov.al/index.php?option=com_content&view=article&id=107&Itemid=188).

foreign nationality) of the three main target: 1) Trafficked women and girls and women and girls at risk of trafficking; 2) trafficked children and children at risk of trafficking; 3) Illegal migrants.

Organization and management of this Center consists in the following activities:

- Food, clothes, temporary sheltering (covering of all emergent needs of the beneficiary)
- Psycho-social assistance (qualified social workers, Legal Clinic for Minors).
- Medical assistance (offered by the Center, IOM, Institute of Public Health, University Hospital Center “Mother Teresa”, etc.)
- Legal assistance (trained staff in legal field, Legal Clinic for Minors, etc.)
- Guaranteed security and protection for witnesses (Ministry of Interior, State Police)
- Occupational rehabilitation and integration activities.
- Referral for integration.
- Repatriation and family union.
- Follow-up of victims when they leave the Center (when possible)

Via its activity, the Center has given an impact on prevention of illicit trafficking, protection and union with the family is possible, as well as pre-preparation of victims for their integration in the social life.

73. Vatra Psycho-Social Center is established in 1999. In 2001, this Center extended its activity with establishment of the first shelter in Albania, covering two main fields of this phenomenon, namely: (i) prevention of trafficking of human beings; (ii) rehabilitation and re-integration of victims of trafficking.

The Center offers services for the accommodation, interviewing, medical counseling assistance, provision of identification documents, referrals to other centers, witness protection, protection of the shelter with policemen.

74. The Center “Different and Equal” Tirana, has started its activity in 2004; the International Migration Organization (IOM), since 2002, has dealt with treatment of trafficked women and girls and of the ones at risk of trafficking.

“Different and Equal” has a four-year-long experience in offering reception and re-integration services for the trafficked girls and women and the ones at risk of trafficking. It is composed of professionals in the field of social work, teaching, nursery, psychiatry, etc.

The Association offers a full package of short-term and long-term re-integration services, medical assistance, psychological counseling, negotiation/intermediation with the family, support and legal assistance, social activities, assistance on registration/follow-up in education, vocational trainings, and



employment, monitoring and follow-up of the beneficiaries of the programme, support for integration in the social life, shelter/alternative care, financial support for sheltering, etc.

75. Non-profit center “Another Vision” in Elbasan was established on 20 February 2002.

The Shelter “On Women and Girls” offers a residential service for trafficked girls/women or women and girls at risk of trafficking and in difficulties, who have suffered physical, psychological, sexual or economic violence. The shelter offers accommodation, food, medical support, emotional support, legal assistance, boosting of communicative capacities and co-existence in the community as well as support in the process of autonomy and integrity in the society;

76. Community Center “Life and Hope”, Gjirokastrë, opened in October 2005, through a funding delivered by the USAID/CAAHT (Coordinated Action Against Human Trafficking) Programme on establishing a multi-functional reception center on women and girls who are victims of trafficking or at risk of trafficking.

The Center offers initial support services for victims at risk of trafficking, primarily identified in the border crossing points of Kavaja and referred by the Regional Directorate of Gjirokatra Prefecture. Accommodation in this center for the beneficiaries is 0-8 days, and afterwards they are referred to other rehabilitation Centers or are returned to their biological families.

*Participation in decision-making and representation at the international level.*

*In view of the very low representation of women in public and political life (i.e. 7.1 percent in Parliament), the Government envisaged, through the bill “On Gender Equality in Society”, to set a minimum of 30 percent quota for representation of women and men in political and public decision making [CEDAW/C/ALB/3, paragraph 146]. Please provide updated information on the adoption of this gender quota and explain the difference in the application of the gender quota for local elections and proportional system of parliamentary elections. Please also explain how the envisaged financial sanctions for political parties and non-profit organizations shall be enforced, including with regard to non-compliance with the ranking order of male and female candidates on the lists. Please also describe other measures taken by the Government, including temporary special measures taken in accordance with article 4, paragraph 1 of the Convention to increase the number of women in management positions in the civil service and leading positions in the diplomatic service and the judiciary, and the impact of such measures.*

77. Law no 9970, of 24.08.2008 “On Gender Parity in Society” provides as temporary measures introduction of the quota, namely:

- a) Quota above 30% in the legislative, executive and judicial power and in other public institutions;
- b) Inclusion of not less than 30 % of each gender, in the list of candidates submitted by political parties or political coalitions, on the proportional system for the elections of the Assembly of the Republic of Albania.

This is a neutral quota from the gender perspective, as it aims at the representation of both genders in not less than 30% of the above-mentioned bodies. Sanctions are provided for in case of failure to respect the quota of the law “On Gender Parity” (Article 15/3); more specifically “Political parties pay a fine of up to one tenth of the state fund on funding of the electoral campaign, if provisions of this Law are violated, until restoration of the infringement.

78. For the first time, the Electoral Code of the Republic of Albania (approved by Law no 10019, of 29.12.2008) provided the obligation of electoral subjects to respect gender equality (Articles 19, 67).

Article 29 of the Electoral Code speaks of the obligation of electoral subjects to propose electoral commissions of the second level, with a composition of 30% of members from each gender. Also, Article 67 of the Electoral Code stipulates the obligations of the electoral subjects enrolled for elections in the Assembly of Albania to submit multi-name lists, 30% of candidates of each gender and/or one in three first names of the multi-name list should belong to each gender. For local government elections, the above-mentioned provision provides for the obligation of electoral subjects to submit one in three names from each gender in the multi-name list or local councils. In case of incompliance of the gender criteria of the multi-name lists for elections in the Assembly of Albania, Article 67 provides for the right of the Central Election Commission (CEC) to refuse the multi-name list of the relative subject. Regarding incompliance of the gender criteria for the local government elections, the Electoral Code, in its Article 175 provides that the relevant electoral subject is sentenced with a fine of Albanian Lek 30,000 for each electoral zone by the CEC.

Regarding women representation in the Zone Commissions of Election Administration (ZCEA), out of 528 members of these commissions in the parliamentary elections of 2009, 132 were women. Referring to the women representation in the multi-name list of candidates of participating electoral subjects, out of 3853 candidates in the parliamentary elections of 2009, 1165 of 30,23 % of candidates were women.

Setting of the quota for women in the “Gender Parity” Law and in the Electoral Code led to the increase of the women representation percentage in 16.4% in the Assembly of the Republic of Albania.

One woman minister – the Minister of Integration, is part of the government cabinet, that is 7,1% of the cabinet and out of 31 posts of deputy ministers, 8, or 25,8%, are women.

79. Pursuant to Law “On Gender Parity in Society” and of the gender quota of 30% in the Electoral Code, approved respectively in 2008 and 2009, gender dimension was included more than ever before in the parliamentary elections of 2009 in the electoral campaigns organized by political parties. Values of candidate women and girls are promoted through meetings, TV features, and other activities.

80. *Civil service* - Law 8549, of 11.11.1999, “Civil Servant Status” is aimed at setting similar conditions and procedures of recruitment, termination of working relations, career development, guaranteeing of rights in the civil service and setting of obligations of the civil servants, with the aim of establishing a sustainable, professional and efficient civil service.

Article 3 of this Law stipulates that the civil service is built upon and functions based on the principles of professionalism, independence and integrity, political impartiality, transparency, service to the public, career continuity, responsibility and correctness in implementation of the legislation in force.

The Public Administration Department operates based on the Law “Status of Civil Servants”, and one of its principles is gender parity in recruitment in the civil service. This spirit of the law is also reflected in other normative acts issued on the implementation of Law “On Civil Servants”.

#### *81. Foreign Service*

Law no 9095, of 3.7.2003 on “The Foreign Service of the Republic of Albania”, whose object is to regulate the activity of the foreign service, is provided that admission to the foreign service is done through open competition, in accordance with law no.8549, of 11.11.1999 "Status of Civil Servant". The criteria and procedures of transferral, parallel movement and promotion in duty without restriction to gender are determined in the foreign service regulations.

82. *Justice System*: Due to very specific features defined regarding the appointment of judges to the district and appeal courts, it is not possible to have a strategy regarding the increase of women in the justice system.

High Council of Justice, as an independent constitutional structure for the appointment, transfer or even removal of judges, case by case, in the appointment of judges and court presidents has been taking care for the respect of gender equality, attempting to increase the number of women, both compared to the general number of judges and number of court presidents.

*18. While the report indicates that Albanian women are represented at senior decision making positions in the legislative and executive powers, in the judiciary and justice system, the report, however, does not provide statistical data, showing the percentage of women compared to men in Government advisory bodies, local governments and judiciary. Please provide statistical data in that regard.*

83. Statistical data of distribution of women in public administration (in proportion to men):

From 100% of civil servants, their distribution is as follows:

Total of men-women employees is divided in the ratio 58,5% females and 41,5% males. In the executive level 67,4% are females and 32,6% are males.

In the leading level 43,2% are females and 56,8% are males.

As far as distribution in positions is concerned, regarding the position “Responsible of a Sector”, 52% are females and 48% are males.

In the position “Director of Directory”, 37% are females and 63% are males.

In the level “General Director”, 32% are females and 68% are males, whereas in the highest leading level of civil servants, that is the level of “General Secretary”, 25% are females and 75% are males.

84. Statistical data on women representation in the foreign service.

Total of servants in the foreign service, in the structure of the Ministry of Foreign Affairs is 188, of whom 89 are females.

In leading positions 22 are women.

85. Statistical data on the percentage of women in the justice system.

In the High Council of Justice women representation is 21,4%.

President of the High Court and the General Prosecutor for the first time are women in Albania.

6 members of the High Court are women from 14 members or 42,8%.

1 member of the Constitutional Court is a woman from 8 members in total or 12,5%.

General number of judges is 341.

Number of women judges is 147, so around 32% of the number of judges are women.

Number of court presidents is 29, of whom 7 are women, so around 25 % of the number of court presidents is women.

86. Local Government

In local government referring to the last local elections of 2007, it results that:

One mayor women out of 65 town halls or 1.5%.

9 women are Heads of Town Halls Councils or 16%.

Women members of Town Hall Councils are 157 from 1178 altogether or 13.3%.

Out of 11 small town halls of Tirana, 3 are women or 27.3%.

There are 6 heads of communes from 309 altogether or 1.9%.

### *Education*

*19. The Committee on Economic, Social and Cultural Rights expressed concern in 2006 [E/C.12/ALB/CO/1, paragraph 38] that a high percentage of Roma children, especially girls, are not enrolled in school, or drop out at a very early stage of their schooling. Please provide updated data and statistics on the dropout rates of girls at all levels of education, as on the education levels and access to education of women and girls from rural areas, and minorities, including women and girls from the Roma community.*

87. Reduction of abandonment in the obligatory education of 9-years, as well as the problem of quitting the general high education are a priority of the Ministry of Education and Science (MES). They are also a part of a series of strategic documents, in the legal framework of which there are the education institutions. In the following tables, there is statistical data regarding abandonment of school as well as the access to education. More concretely:

**Table no. 1. Abandonment of pupils in the 9-year obligatory education 2008-2009**

Abandonment of pupils		Pupils in a national level during September 2008		Ratio (%) of abandonment	
Total	Females	Total	Females	Total	Females
3711	1971	457882	220219	0.81	0.90

**Table no. 2. Quitting from General High School Education 2008-2009**

Quitting without a justification	Pupils in a national level for September 2008	Ratio (%) of quitting
2759	118053	2.3 %

**Table no. 3. Access of women in the obligatory education and the general high school education one 2008 – 2009**

	Total		Rural areas		Ratio %	Ratio %
	Total	Female	Total	Female	Females living in rural areas/pupils in total	Females living in rural areas/pupils in total
9-year Education	457885	220206	229148	111058	24.3	50.4
General High School Education	118053	59390	29368	15067	12.8	25.4

**Access of minorities in the obligatory education 2008-2009**

	Total	Females	Minorities in total	Minority females/pupils altogether in a national level	Minority females/pupils altogether in a national level
Pupils in total	457885	220206	0.2 % (0.2% of all pupils in the country are minority members)	0.1 % (0.1% of all pupils in the country are minority members)	0.2 % (of all female pupils in the country are females from minorities)

20. *The report shows a link between the “informal” costs of education and school nonattendance by children, especially in rural areas and amongst children living in poverty. The Committee on the Rights of the Child also noted in 2005 [CRC/C/15/Add.249, paragraph 68] that children in Albania work in the streets, within the family, or elsewhere in exploitative situations or to such an extent that regular school attendance is impeded. Please provide information on measures taken by the Government to address the root causes of the persistent low enrolment and high drop-out rate of children, and especially girls in Albania. What support is offered to families in order to decrease these rates, in particular to families in rural and remote areas and those affected by poverty?*

88. National Strategy on Pre-University Education for the period 2009-2013 (approved by CMD No.799, of 22.07.2009) and the National Strategy on Higher Education 2008 – 2013 (approved by CMD No.1509, of 30.07.2008) aim at achieving success in all levels of education.

Ministry of Education and Science (MES) has paid special attention to involvement and quality in education. Measures taken from MES on reduction of school abandonment include a wide range of infrastructural investments and increase of capacities. During 2005-2008 165 new modern schools and 1012 school objects were built or renovated. During 2009 300 other objects have started building. MES is continuing the restructuring the schools and kindergartens in all the country, aiming at opening new kindergartens. In 2008 and 2009, 100 preparatory classes have been opened for the 5 and 6-year olds as one of the main objectives of the Strategy on Pre-university Education, a process which is continuing. Equipment of schools with didactic materials is an on-going process, planned each year in the Mid-term Draft-Budget of MES. In the meantime, all schools in the country have been equipped with computer laboratories. Schools are also being equipped with physical and virtual laboratories.

89. Decision of Council of Ministers (CMD No.997, of 13.05.2009), provides that the price of purchasing the textbooks for the 9-year education pupils in the 9-year educational system, coming from families or social strata in need and who benefit social assistance, is covered as a form of compensation as an “individual transfer” in 100% of it. This act influences directly the pupils from Roma community, as well as pupils belonging to social strata in need.

Based on CMD no.998, of 30.09.2009, proposed from MES, pupils and students from urban areas benefit scholarships based on the criteria of income per capita, whereas pupils and students from rural areas benefit scholarships when their families are given economic assistance.

90. Situation of education for Roma children is considered a priority, in the framework of education policies for quality and involvement in education. The National Strategy on Improvement of Living Conditions of Roma Minority (approved by CMD no.633, of 18.09.2003) provides objectives in the educational fields.

Ministry of Education and Science has facilitated the registration of Roma children in schools, removing the obligation of presenting a birth certificate before registration, through Order no. 6, of 29.03.2006, “On registration in school of Roma children who are not given a birth certificate”. This guideline from the Ministry of Education on the registration of Roma children in schools when they

are not given birth certificates has improved the situation in schools of Tirana, Durrës, Korça, etc. and has eliminated legal obstacles in this direction.

Also, application of the Project Second Chance for the education of children, who have quit the school, in which a big part is taken from Roma community children (50% of children benefitting from this project belong to Roma community), continues. This project aims at attracting Roma children at school through special programs, provision of special services, awareness-raising of families and special work with parents.

The National Plan of Action on Application of the Decade of Involvement of Roma 2010-2015, (approved by CMD No.1087, of 28.10.2009), provides for a series of concrete measures for the improvement of education conditions and inclusion of Roma community in the educational system.

91. Also, MES a work group has been set up<sup>7</sup>, which has drafted the Plan of Action of Reduction to Zero of the School Abandonment, in cooperation with non-governmental organizations interested in this field. In a considerable part, this plan affects directly the Roma Community, since abandonment in 0.81% in the obligatory education affects this community, but also other marginalized society strata.

92. As a result of measures taken, there has been an increase of attendance of kindergartens and schools from Roma community. Increase of attendance in both levels has been made possible from some factors as improvement of infrastructure, development of awareness campaigns, taking promotion measures and removal of restrictive barriers.

With regard to opening of preparatory classes only for 2008, there have been 50 classes and 450 children of Roma community registered in these classes. This number has doubled in 2009. It's been a priority to open these classes close to Roma community.

93. Improvement of curricula, investments in didactic school materials and reforms undertaken for the distribution of school textbooks to the children in need have influenced in approaching Roma community to schools. Organization of summer schools, with Roma and non-Roma pupils, has increased social involvement of this community and has broken barriers by means of organization of sportive and cultural activities.

The reform in curricula field has created the needed space for the learning of Roma language in schools where their numbers are bigger, a space which was not used as it should from Roma community, due to lack of information.

94. Effective policies for the education of Roma children can be built only on the basis of full and precise information on them. Lack of full information regarding Roma community children creates difficulties in taking initiatives for their education. Current statistics remain approximate, in spite of different sources. For this reason, documents mentioned above<sup>8</sup> aim at setting up an electronic system

<sup>7</sup> Under the guidance of Deputy Minister of Education.

<sup>8</sup> National Plan of Action for Application of Decade of Inclusion of Roma 2010-2015; Plan of Action for Zero Reduction of School Abandonment.

of exchanging information between subordinate institutions of MES, but also between line ministries. First step has been taken with the Minister's Instructions for the beginning of the new school year 2009-2010, where it is said that inspection sectors in the Regional Education Directory should report at least twice a year regarding the abandoning pupils or those out of the education system for every school. Collection of this information sets up the basis for the creation of a database for the Roma community.

Instructions of MES orient Education Directories and Regional Offices, and educational institutions to use all their mechanisms to support and make aware Roma children and parents, and parents in general regarding the importance of schooling. Special work programs have been drafted for the awareness of parents and the importance of schooling, seen from a gender viewpoint as well. Regional education directories and Education Offices, and schools and teachers have been instructed and have included into their annual plan the counseling about the importance of schooling with their pupils and their parents. In all schools there is a structure called "Counseling for Career", which is usually directed by the deputy director of a school.

95. In the framework of integrating gender equality as a standard in education, at the Institute of Curricula and Training, work groups have been set up, made up of specialists specifically trained on gender equality. These work groups have analyzed teaching programs, aiming at inserting gender treatment in these curricula. Teaching programs of obligatory education have been analyzed and gender equality has been reflected in these programs for the general high school education.

96. At all schools and kindergartens there is the school psychological service (SSS). This service has brought about as a novelty the treatment of pupils problems in and out of the school, carrying out training activities with pupils, teacher and parents regarding the awareness on the need for education and evasion of different phenomena as school abandonment, violence in school and family, gender inequality etc. MES and the Institute of Curricula and Training (ICT), in cooperation with the Network of Associations of Education have drafted 14 teaching modules to be applied in classes I- IX. These modules aim at making pupils aware of their rights.

97. Low and mid cycle teachers have been trained on gender equality from ICT and Gender Alliance on Development. A result of cooperation with UNDP has been equipping teachers with the instructions on inclusion of gender issues in their teaching. Also, MES in cooperation with Kultur kontakt Austria is carrying out the pilot project in four Regional Education Directories for the Integration of Gender Equality in Mid Level Education, which aims at making aware teachers about aspects of gender integration in teaching and conveyance of concepts that make gender equality a part of school life.

98. MEC has instructed all Regional Education Directories (RED) and Educational Offices (EO) to bear in mind in continuance the need for increasing the number of women and girls involved in school management.



In some RED/EO, awareness campaigns have been undertaken house to house, especially in the north of the country, distributing leaflets on gender equality and importance of involvement of women in all levels of education.

The vertical system of trainings and use of training funds of teachers in the pre-university education has been institutionalized. The Vertical Training System gives an opportunity to all teachers and education employees to participate in training activities, including topics like abandonment, all-inclusive education, seen also from a gender viewpoint.

## Employment

*21. The report mentions a study in progress regarding equal payment [CEDAW/C/ALB/3, paragraph 226]. Please provide information on the outcome of the study and on the use of recommendations made in policy aiming at ensuring de facto equal remuneration for work of equal value.*

99. Taking into account obligations from our country towards Conventions like ILO and other ones, regarding standards of an equal payment for an equal job, an initiative was undertaken to do a Study which will be about evidencing forms of discrimination, measures and means of improving legislation in this field as well as orientation of policies against this discrimination in our country. This Study, apart from presenting theoretical knowledge in the private sector regarding the equal nature of payment, has also applied some questionnaire modules for payment in a limited number of enterprises and businesses.

After the polls to see whether there was an equal payment between men and women, the anonymity was kept, but women was not of the opinion that there was inequality in payment for equal job positions. What was perceived from polls was that men had more valued job positions. This phenomenon is encountered also in the state sector. Statistical data show that in Albania, men dominate mainly in leading positions and public and political decision-making, in spite of the equal level of education of women, which often is higher. Referring to presence of women in line ministries, according to this study, women take 56,7% of the specialist level, having a lower salary than other levels like chief of sector, director etc. Whereas as directors, having higher salary they are around 32%<sup>9</sup>. During this study, after evaluating current legislation on equality in payment, it has been noticed that it has improved gradually, limiting the inequality in payment.

It is important to stress that in spite of the continuous improvement of legislation and attention from the Government to place women in valued work positions, again the percentage leaves much to be desired for. However, the main problem put forward for solution is assessment of work for different job positions, thus, making comparable two different jobs, which have the same value. This is because women usually do jobs like secretary, teacher, etc., whereas men jobs like mechanic, police officer etc.

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<sup>9</sup> These data belong the last information published and are of 2007.

There is still no defined methodology to make the work assessment in our country. To do this, Ministry of Social Work and Equal Chances has undertaken the study on equality in payment, which is still in process.

This study is considered a first step in the important process of work assessment and in establishing fair rapports in payment. It is aimed for this study to take national dimensions with the participation of other qualified main institutions in this field under the guidance and assistance of foreign experts. For this reason, representatives of Ministry of Social Work and Equal Chances have asked assistance to ILO representatives.

*22. Please provide information on the situation of women in the informal economy. This should include information about the percentage of women in this sector, as compared to men, and their areas of work, as well as information about social protection measures available to such workers, and the percentage of women who, in practice, have access to and benefit from them.*

100. On the situation of women in the informal economy, the information has been taken from State Inspectorate of Work, on the basis of statistical elaboration of data reported from Regional Directories of State Inspectorates of Work in 12 prefectures in the country during inspection of legal economic activities, based on Law 9634, of 30.10.2006 "On Inspection in Work and in the State Inspectorate of Work".

101. The following data are for 2008 and for the period January-October 2009. In preparation of this information, we have referred to reporting regarding inspected private subjects, because in them we run across the phenomenon of illegal employment (not declared in the scheme of social insurance). Mainly they are data according to economic sectors where there are women employed.

<b>Private subjects inspected for</b>	<b><u>2008</u></b>	<b><u>2009</u></b>
Inspected private subjects	10420	9104
General number of employees	101306	99407
Male employees	54719	62997
Women employees	46587 or 46%	36270 or 36%
Total illegal employees	4939	2548

### **In production enterprises**

	<b>year 2008</b>	<b>year 2009</b>
Controlled Subjects	1790	1522
Employees in total	43933	34576
Male Employees	11 345	11654
Females	32588 or 74% PM	22773 or 66% PM
Illegal Employees	1103	477

**Comment:** In the production sector, where the industry **fason** dominates, in **2008** around 74% of the employees are females. From controls in the private sector of **fason** industry, around 816 females have not been declared for taxation purposes.

In 2009, (January - October) in this sector around 66% of the employees are females, and around 314 of them are not declared in the insurance scheme.

In the production sector

	<b>year 2008</b>	<b>year 2009</b>
Controlled subjects	1499	1455
Employees in total	24345	27869
Male employees	21477	25160
Female employees	2868 or 11,8% of PM	2709 or 9,7%
Illegal employees	1209	512

For 2008, it results from controls that around 142 females are not declared for taxation purposes, in the construction sector.

From controls in 2009, it results that around 50 females are not declared for taxation purposes in the construction sector.

In commerce sector	<b>year 2008</b>	<b>year 2009</b>
Controlled subjects	4812	4037
Employees in total	15571	13707
Male employees	9634	8309
Female employees	5937 or 38%	5398 or 39%
Illegal employees	1585	1009

In 2008, it results from controls that around 602 females are not declared in the sector of services, in taxation, to the account of insurance schemes.

In 2009, it results from controls that around 394 females are not declared for taxation purposes in the service sector.

Finance, Insurance Services, Business and Communication.		
	<b>year 2008</b>	<b>year 2009</b>
Controlled subjects	985	789
Employees in total	5432	5127
Male employees	4018	3912
Female employees	1414 or 26%	1214 or 23,6%
Illegal employees	362	199

In 2008 it results from controls in this sector that around 94 females are not declared for purposes of taxations.

In 2009 it results from controls that around 47 females are not declared in the finance sector, insurance services, business and communications.

Other activities	year 2008	year 2009
Controlled subjects	1014	925
Employees in total	8832	8341
Male employees	5521	5286
Female employees	3311 or 37%	3055 or 36%
Illegal employees	566	243

In 2008 it results from controls that around 210 females are not declared in this group.

In 2009 it results from controls that around 87 females are not declared in this group.

State Work Inspectorate, in application of the Agreement with Taxation authorities, in cases of noticing illegal employees, during physical controls in enterprises, drafts minutes, in which undeclared persons in taxation institutions are listed, to the account of social insurance scheme and sends it to the regional office of taxation.

102. In Law 9920 of 19.05.2008 “On Taxation Procedures in the Republic of Albania” article 119 provides that *Non declaration of employees* is finable by the taxation inspector for every non-declared employee with Lek 10.000-20.000, as well as the obligation to pay the unpaid contributions.

Whereas for the other aspect of social protection, both in respecting foreseen provision in the labor legislation regarding duration of work, and the guarantee of equal payment for equal work, the work inspectorate takes measures according to the type of violence and quantity of damage suffered as provided for in article 202 of Labor Code.

103. In law 7961 of 12.07.1995 Labor Code changed by law 9125 of 29.07.2003 in article 115/1 “Equality in payment between sexes” provides that the employer give the same salary both for women and men doing job having the same value. Point 4 of this law provides that in cases of discrimination, it is eliminated when the employer gives to the discriminated employee a compensation which includes all advantages that the other employee has. Point 5 of this article provides that: Council of Ministers can define other rules for the application of equality of payment of employees.

104. In the General Directory of State Labor Inspectorat, no request has been submitted and no business has been fined for any violation of provisions, defining the prohibition of discrimination.

23. Please provide detailed information, as requested by the Committee in its previous concluding observations [A/58/38, paragraph 75], on the situation of women in the labor market, including women's occupations in the different sectors of the economy, their levels of authority and their wages.

105. Policies drafted from Ministry of Labor, Social Issues and Equal Chances, in the field of labor market, for work and profession, do not allow any forms of women discrimination.

Employment and professional qualification of women. To improve the level of employment and qualification of women, the Ministry has taken a series of measures:

1) Application of the program of promotion of employment of women has continued,, where priority has been given to particular groups like victims of trafficking, those with limited liabilities, Roma women over 35 years of age, girls mothers, divorced women with social problems. Work promotion program "On female unemployed job-seekers" for the first time has been applied in 2004. This program has continued during the years and its priority is inclusion in the program of women from special groups, registered at the employment offices as unemployed job-seekers. Being in its third contractual year, this program employed 457 women in 2009, whereas a total of 2120 unemployed job-seekers (of which 50% women) are employed from the employment promotion programmes.

2) In support of Law no.8872, of 29.03.2002 "On professional education and qualification in the Republic of Albania", CMD no. 616, of 4.12.2002 "On determination of special categories benefiting from law no.8872, of 29.03.2002 " On professional education and qualification in the Republic of Albania", Instructions of Minister no.2222, of 31.10.2002 "On counseling and orientation in the professional qualification" (point 6), stress the special attention to be paid to special groups.

Regarding 9 months of 2009, 4997 persons have been trained in the Regional Directories of Professional Qualification, of whom 2570 are females, where 2306 persons have been trained in the professional courses, of whom 50% are females, whereas 1639 persons are unemployed job-seekers from employment offices participating in the qualification courses, of whom 705 are females; with reduced fees 1092, of whom 464 are females; free of charge qualification 229 unemployed job-seekers, of whom 62 orphans, 38 trafficked and 121 Roma.

3) National Service of Employment continues to work towards increasing the possibilities and towards an equal treatment between men and women in the field of employment services, professional qualification and support with income in cases of unemployment. Main goals of gender integration will continue to be: a) Active participation of women, representative of NGO-s and all target groups for the formulation of policies, guarantee of responsibilities and needs according to sex, using more detailed forms in order to elaborate data based on gender. c) the data should be filled in and collected from all application units in the regions, intending to enrich the data in national level. d) budgeting is done based on equal gender benefits. This will be done after the current reports to also draft policies not only contributory, but also equally benefiting. e) From the data collected in 2008, it resulted that out of 11787 unemployed job-seekers, around 43% are women.

24. According to the report [CEDAW/C/ALB/3, paragraphs 230, 232 and 238], women occupy a considerable weight in the total unemployed jobseekers and are particularly affected by unemployment (80 percent females against 12.8 percent males) and underemployment in both the private and the public sector. Please provide information on measures being implemented to address issues of unemployment and underemployment in both sectors, with a special focus on family-friendly working arrangements, availability of child care infrastructures in urban and rural areas, and initiatives promoting men's sharing family responsibility.

106. Infrastructure of children's care in urban and rural areas.

Albanian legislation and government policies of the last years have aimed at developing and promoting private or public community services:

For Children:

According to Law No.7952, of 21.06.1995 "On Pre-university Education", the public pre-school education is the first level of the public education system.

Pre-school institutions are the daily nurseries (for kids 0-3 years) and kindergartens (for children 3-6 years) and they are divided into private and public institutions.

These institutions offer services for all children, in spite of the employment of their parents. Public institutions are spread in all the country (urban and rural areas), whereas private institutions are spread in the big towns.

In the management scheme of the education system, quality of these services is controlled by MES, where the maintenance of kindergartens and daily nurseries is a responsibility of local government and is realized through financing from an unconditional grant (gained from the state budget) and the contribution of the local government (gained from local taxes etc.)

In framework of the Strategy for Education, work is in progress to improve conditions of public kindergartens and improvement of curricula for the pre-school education. These measures make possible gradual passing of 5-6 year old children in kindergartens and the preparation for the first grade.

107. Setting up of the new daily services in accordance with the needs identified from the community planning committees and local government units. In March 2008 ended the second phase of the Project financed from the World Bank, "Distribution of social services in community" and an assessment was made regarding the impact given by the new services in framework of this project. There have been set up 43 daily services with community basis for children, youth, limited-capacity persons, girls and women in need, senior people. New services were spread in 8 circles (out of 12 in total) and in 3 particular town halls covering 2/3 of the country territory with the new model of community services.

20 community service for children have been set up from this project:

In 2006 8 services for children

In 2007 12 services for children

108. Currently community services cover 2/3 of the territory and local government units, supported from NGO-s, have taken their responsibilities for the functioning of these services, ensuring their sustainability, taking into account that initially local government units may have difficulties for the financing of these services.

109. *Improvement of school infrastructure.* In 2009 MES budget for investment (reconstruction, building new buildings, equipment) was raised in Lek 6 billion from 4 billion in 2008.

During the academic year 2008-2009, 116 kindergartens and schools have finished being built and 63 other objects are being finished.

A novelty that is already being implemented in planning and applying projects of schools and kindergartens is observance of construction standards to serve children with special needs.

In application of recommendations of the Geneva Committee and in application of development policies for the pre-school education, in particular in application of the objective of priority inclusion of children 5-6 years in a preparatory year, this year is being monitored the pilot project of 50 preparatory classes, in 9-year schools, in **13 DAR and in 2 ZA**. These classes are attended from 1300 children of 5-6 years of age. During 2009 50 other preparatory classes are foreseen to open.

Currently 63% of children 5-6 years and 50% of children 3-5 years, go to the kindergarten.

110. *Ensuring functioning of a qualitative all-inclusive education system.* For an early identification of the children with limited capacities and their individual treatment, MES in cooperation with Save the Children is working in 6 Regional Education Directories, in Tirana, Elbasan, Berat, Shkodra, Vlora, Gjirokastra and Korça. Project is expanded in 34 9-year schools and in 27 kindergartens. 343 children with limited capacities are treated in them with individual educational plans and 219 kindergarten children.

In 2009 4 school and 4 kindergartens have been set up; in Korca 3 schools and 3 kindergartens and 5 schools and 5 kindergartens in Vlora.

111. *Initiatives promoting distribution of responsibilities in family.*

Currently the responsible structure DPSHB (Directory of Equal Chances and Policies), during November 2006 – May 2009 has paid special attention raising the awareness of the public as well as all the actors in gender issues, on prevention of domestic violence, in recognizing and respecting rights of children, women, girls. Special training have been performed on CEDAW “Convention on Prevention of all Forms of Discrimination against Women” and other international acts, training, seminars on concepts of gender equality, etc.

112. The action plan of the National Strategy on Gender and Domestic violence 2007-2010 foresees awareness campaigns regarding women's rights, where training sessions are included on division of family responsibilities. Training sessions in 12 prefectures will be held during 2009 and 2010.

113. Law no.9970 of 24.07.2008 "On gender in society" foresees taking specific measures to facilitate and help persons with special responsibilities in the family, due to daily care towards incapable family members, due to age, mental or physical incapacity, or for other incapacity reasons. On this law several training sessions have been held, which continue during 2009, when a special session is dedicated to labor relations.

Albania has ratified by Law No.9773 of 12.07.2007 ILO Convention No.156 "On employees with family responsibilities" and has presented its First Report for its application.

Another initiative is the proposal in the Labor Code regarding legal provisions on parental leave for fathers.

*25. In the report, it is stresses lack of precise procedures of complaint in cases of sexual harassment during work and lack of statistics regarding this phenomenon. Please inform on measures undertaken on addressing the issue of sexual harassment and violence against women during work.*

114. Law no.9970 of 24.07.2008 "On gender in society" has provided definitions for "Harassment due to gender", which is any form of undesired behavior, related to gender of a person and which intends or/and brings as a consequence infringement of personal dignity or creation of threatening, hostile, humiliating, or insulting environment.

"Sexual harassment" is any form of undesired behavior, expressed by words or physical actions, having a sexual nature, which intends or brings as a result infringement of personal dignity, especially when it creates a threatening, hostile, humiliating, or insulting environment.

115. Based on article 18/2 of law on gender equality, to protect employees from discrimination, harassment and especially sexual harassment, the employer is obliged to:

a) take preliminary measures and determine disciplinary measures (sanctions) in the internal regulations, on prevention of harassment and sexual harassment against employees in accordance with this law;

b) if receiving notice, indirectly or by complaint from any of employees, who pretends to have been discriminated, harassed or sexually harassed, after being convinced, takes necessary organizational measures to stop the harassment and prevent the discrimination, harassment and sexual harassment and applies disciplinary sanctions;

c) inform all employees for the prohibition of discrimination and sexual harassment in the workplace.

Violation of this article is sanctioned by fines from Labor State Inspectorate.



116. *Regarding resolution of disputes, law on gender equality provides:*

- 1) Every complain on violation of gender equality, according to this law, is considered and tried by administrative organs, in accordance with provisions of the Code of Administrative Procedures. Administrative Organs decide based on provisions of this law.
- 2) Parties, according to their free choice, when is the case, can use any mediation procedure or conciliation, foreseen by the legislation in force, to address violations of this law. Use of these procedures does not forfeit the right of the complainant to take the case to the administrative organ or the competent court.
- 3) If violation has been made from employees of the public administration, provisions of law no.8510, of 15.7.1999 “On extra-contractual responsibilities of state administration organs” apply.
- 4) Non-profit organizations, licensed to offer social services, can represent or support legal processes, in the name of the complainant or provisions of this law.

117. Measures in this direction will aim at: 1) raising awareness for the application of LBGJ in a central and local level, where specifically are treated labor relations and amongst them the different harassments in the workplace. 2) distribution of law on gender equality at Labor Inspectors and training for them 3) In the framework of approximating Albanian legislation with that of the EU, under EU TAIEX program, the Directory of Equal Chances and Policies has required a round table with field experts to undertake a national observation regarding the phenomenon of sexual harassment in the workplace and we are expecting answers on that.

## **Health**

26. *The report states that the number of abortions reported to the Ministry of Health by public institutions has reduced in the recent decade [CEDAW/C/ALB/3, paragraph 297]. It mentions a ratio of one abortion for every 4.1 births in public health institutions for the year 2006. Please provide updated data and statistics for the total number of abortions carried out in public and private health institutions in Albania.*

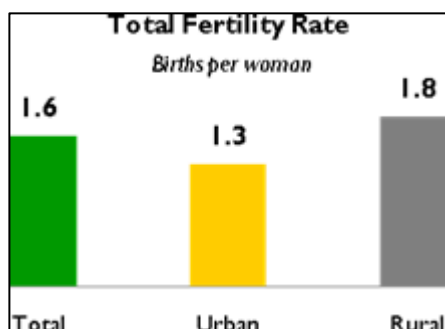
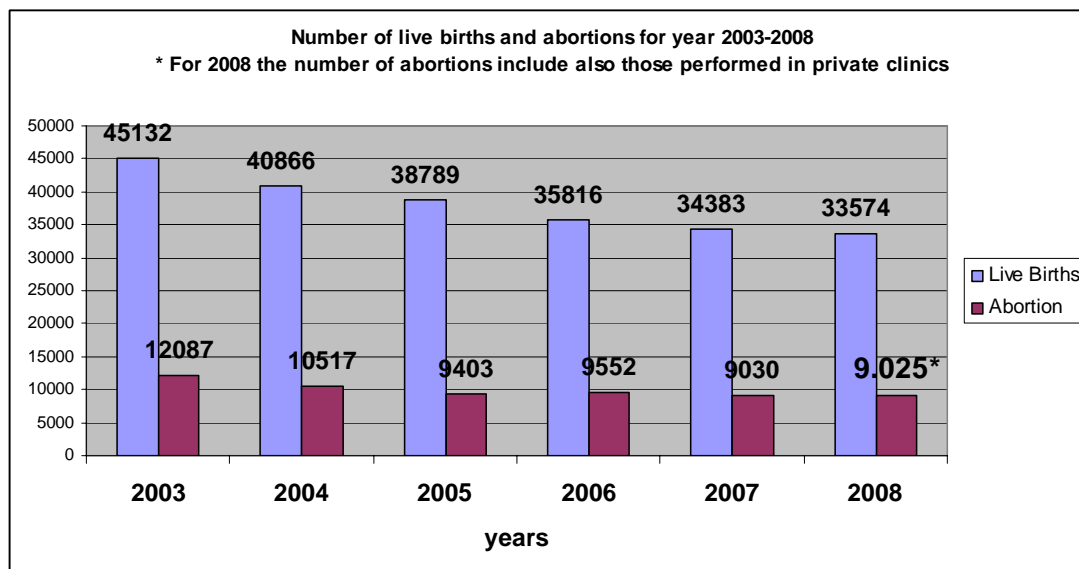
118. Until 2006 reported figures on abortion are only from public health institutions and private clinics data are missing.

On abortion Ministry of Health in cooperation with INSTAT and Institute of Public Health in 2007 started working on collection of information on abortion also from private clinics offering this service.

Establishment of the Surveillance System of Abortion in Albania, as an initiative of Public Health Institute (PHI) under the guidance of Ministry of Health, was decided by the Order of the Minister of Health no.157, of 23/05/2007, on collection of information on abortion carried out in public and private health services.

Based on this order, the official document to report abortions in Albania is the new abortion card, which should be filled in from the specialist doctor, who carries out the abortion in private or public clinics. Also, a software has been created to analyze the data collected from abortion cards in the Institute of Public Health.

119. According to data coming in the Public Health Institute from collection of abortion cards and from the abortion registers in districts, the data on abortion numbers in districts in 2008, again continue to show a reduction of their number. Also there is a considerable reduction of births and fertility, according to graphics shown below.



**Source: Albanian Demographic Health Survey 2008-2009 ( MACRO, MOH, INSTAT)**

27. The reports notes that “family planning as a measure of leaving a time interval between children is not yet accepted, especially by men” [CEDAW/C/ALB/3, paragraph 301]. Please indicate availability of family planning services and education on the reproductive health to both women and men, including access of adolescent boys and girls to age appropriate reproductive health and sexual information.

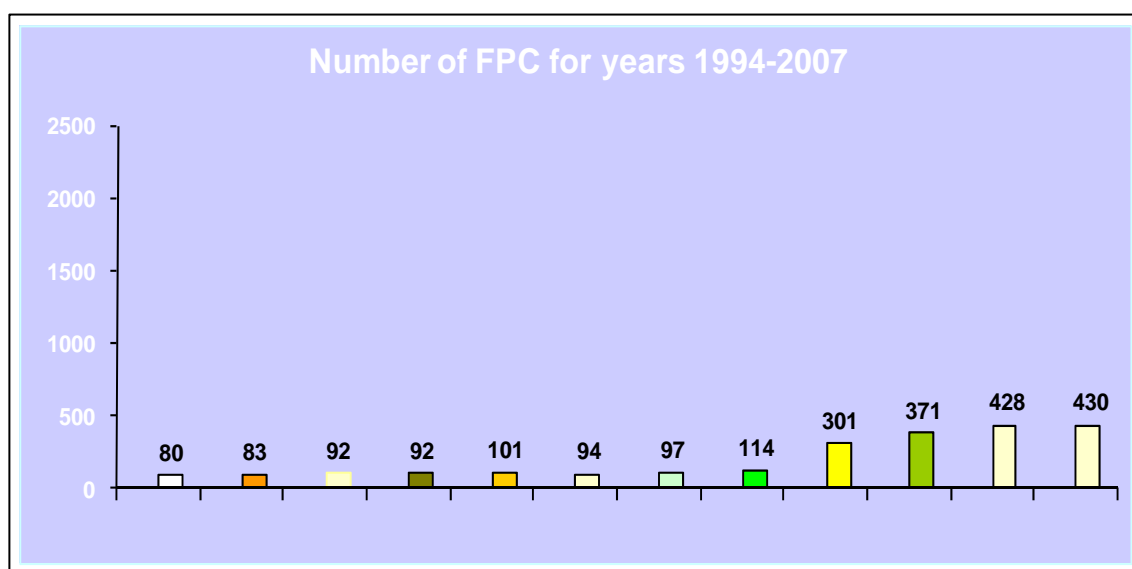
120. Family planning services offered from the Ministry of Health are integrated in the services of reproductive health and distributed in 3 levels of health care. The new package of services of Health Care approved by the order of no.95 of the Minister of Health of 16.02 2009 determines the service of family planning as a part of this package.

The level of primary service is represented from the centers of Family Planning that are located in all the districts integrated in the Mother Counseling Centers in the towns and health centers in villages.

Family Planning Centers are equipped with contraceptives offered for free and have staff for counseling and information on family planning.

Also, all maternities and hospitals in the country involved in the secondary level have included the service of Family Planning and offer free contraceptives.

Ministry of Health in cooperation with UNFPA and USAID during these years have continually trained the health personnel, family doctor, nurse, regarding family planning and reproductive health. The data reported regularly at the Institute of Public Health show that the number of public health centers that offer family planning is increasing considerably compared with years 1994-1997. Currently services of family planning are integrated in 430 public health centers.



121. One of the priorities of the Ministry of Health for the success of the national program of Family Planning is the increase of access to these services not only geographically, but also qualitatively. Services of Family Planning are equipped from the Ministry of Health with the respective logo as a proof of meeting the standards: 1) training of health personnel with methods of Family Planning. 2) equipment of center with information material for the people and health personnel. 3) provision with needed quantities of contraceptives. 4) Integration of the center in the national center of information management for contraceptives.

In assessing the work performance of the health personnel are included also indicators of contraceptive prevalence, use of modern methods of contraception.

122. Future interventions of the Ministry of Health in the improvement of services which will focus mainly in: 1) Improvement of physical infrastructure 2) Continuous training of health personnel. 3)

Motivation and supervision of health personnel 4) Instructions and clear protocols on distribution and management of services of Family Planning 5) Promotion of continuity of use of contraceptive methods. 6) Improvement of communication of the health personnel with clients 7) Improvement of work in information, education and health communication (IEK). Interventions of IEK focus not only on women but also on men, families, or community. Best work coordination in the field of IEK amongst NGOs and donor agencies with the ministry.

123. During 2004-2006 Ministry of Health has periodically trained employees of health centers on family planning, mainly family doctors and nurses.

In 2010, upon setting up of the National Center for Education, family planning will be a part of the annual activities for the periodical certification of the work of health personnel.

In September 2009 Ministry of Health ended drafting of standard protocols of family planning and services of family planning in the country.

Every year awareness campaigns are organized in media on the use of contraceptives and importance of family planning.

In 2007-2008, main media broadcast advertisements on the use of modern methods of contraception where inclusion of men in problems of reproductive health was treated.

124. In 2003 Ministry of Health approved the national strategy on securing contraceptives. This strategy has two main objectives: 1) Ensuring the provision of contraceptives through guaranteed provision with quality domestic contraceptives. 2) Reaching independence of provision with contraceptives: coping with the need for contraceptives with domestic financial assistance.

In framework of this Strategy, Ministry of Health has made the necessary regulation of policies and budget so as to reach provision of contraceptives. Also starting from 2005, Ministry of Health has started its contribution to buy a part of its annual need with funds from the State Budget for contraceptives and will reach full independence in 2010, where all contraceptives needed for our health services are foreseen and will be bought with the funds from the State Budget.

125. In September 2009, the Ministry of Health has prepared a Strategic Document and Plan of Action for the Reproductive Health for the years 2010-2015, where the family planning takes one important chapter in this document.

*28. Please provide information on the measures taken by the State party to prevent the spread of HIV/AIDS, including through sex education in schools and awareness raising campaigns aiming at fostering responsible and safe sexual behavior. Please also provide information on measures taken to address discrimination and stigmatization against women affected by HIV/AIDS.*

126. New National Strategy HIV/ AIDS, 2004-2010, "Keeping Albania a Country with low HIV Prevalence" accepts the role of sexual transmission in the increase of HIV epidemics in Albania and the scale in which the young population is more vulnerable. Gender issues are included in the analysis of the strategic document and an overview is given on why women in Albania are tangible towards HIV.

In the national strategy there are particular objectives related to women's health and HIV/AIDS, aiming at applying preventive measures for awareness as well as contemporary methods for treatment of infected women taking into account gender equality. Main objective is to increase the percentage of women with the needed behavior to reduce the danger of HIV infection among women who are sexually active. Some strategic interventions were made to reach this objective.

127. *Legal acts ensuring health and human rights.* Laws and regulations in Albania are developed and applied in accordance with the epidemic HIV/AIDS situation and the social and economic development of the country. The first law on prevention of HIV/AIDS in the Republic of Albania was approved from the Albanian parliament in 2000. Its implementation and the domestic and international experience showed that the law should be revised, because the fight against HIV/AIDS and identification and prevention of HIV/AIDS changed rapidly.

Due to fast change of needs, Ministry of Health and PHI developed and drafted a new law on HIV/AIDS in Albania that was approved from parliament in July 2008.

Law treats the most important legal aspects of HIV/AIDS, including discrimination, right to keep the job position, right to information and confidentiality, free access to information, and treatment, creation of "safe places", where the infected persons have access to treatment and mechanisms of complaints. The law provides for the right to treatment and care, and also offers possibilities for new scientific research on HIV/AIDS.

128. *Development and application of programs Information Education Communication for the Youth:* the Youth are especially sensitive to HIV and STI because this is the period when they become sexually active, often start sexual relations; do not have the abilities, or means to protect themselves from HIV, SST, undesired pregnancy or sexual obligation.

What is more, the youth have limited access to quality information, which helps them to take decisions on sexual behavior and limited access to friendly services on the reproductive and sexual health on the youth.

In responding to providing special information for the needs of girls and boys, women and men, Communication – for – Behavioral Impact Plan was developed on prevention of HIV/AIDS in Albania, which started in 2009.

COMBI plan includes several interactive education channels and methodology, communication to reach to particular groups of young people with suitable messages for their specific needs and their age. The youth play an active role and participate in all these strategies.

Key approaches include education, broadcasting in mass media (TV, radio, printed materials); school activities (including teacher training) (e.g. condom sales). Special attention will be dedicated to communication on the Internet and mobile phones.

129. *Measures undertaken against discrimination and stigmatization against women infected with HIV/AIDS.* Specific gender information on HIV/AIDS are given inside publication of the National Program AIDS, in programs with agencies of UN and other NGO-s.

Divided data are collected and analyzed in the context of surveillance MICS, (multi indicator cluster survey) Reproductive Health Survey and lastly Health and Demographic Albanian Poll 2008-2009, whose data will be published in January 2010 and will help identify further specific interventions.

In the National AIDS program are included lectures dealing with gender aspects and HIV/AIDS.

130. A project is being implemented from ACPD with the support of “Partnership in Health”. The following activities are realized in testing and voluntary counseling centers (VCT) for young women in reproductive ages and pregnant women (including free tests – fast test on HIV / AIDS) in Tirana, Vlora and Shkodra for 1000 tested women. This pilot project intends to prevent transmission of vertical HIV – from mothers to babies in Albania, offering voluntary counseling and testing services in hospitals in Tirana, Vlora and Shkodra.

Project objectives were: a) reduction of incidence of vertical transmission – from mother to child of AIDS in Albania b) Piloting of establishing a program for prevention of MCT (mother to child transmission) through VCT in maternity services in Tirana, Vlore and Shkoder (covering around 40% of births in the country). Creation of systems of care, support and treatment for HIV positive mothers and their newly-born children. c) Setting up of capacities for maternity staff for counseling before and after the testing for HIV / AIDS.

131. Employees of health care, professionals of law implementation, as well as social workers are aware for the importance of violence against women and its consequences for HIV. This is done by means of training, round tables in the framework of multi-sector approach of this issue.

132. Offering PITC services as a part of antenatal services of birth and postpartum. Seeing an increasing trend of HIV infections in women, mainly through sexual transmissions, is especially important to strengthen the HIV testing among women. Until today, HIV transmission from the mother to child has been confirmed in 14 cases.

Services PMTC (Prevention of Transmission from Mother to Child) for women in antenatal care have started with the establishment of PMTCT center in the University Hospital Obstetrical-gynecological in Tirana, which serves as a referral center for diagnosis, counseling, treatment, care and training of antenatal care clinics and maternities in Albania.

Based on pilot results (1-2 years), PMTC gradually will expand in later years (3-5 years) as part of the antenatal care services in primary health care and in Hospitals offering care in births as well as in maternities in all the country.

29. *The report mentions index cards used to complete the biological follow-up of cases that present a risk of sexually transmitted diseases and HIV/AIDS [CEDAW/C/ALB/3, paragraph 326]. Please indicate whether all necessary measures have been taken to ensure the confidentiality of the information contained in the index cards.*

133. Law on HIV/AIDS adopted in 2008, treats aspects of supervision and reporting on HIV and ensures confidentiality of information. Article 25 of this law *Epidemiological Supervision and HIV/AIDS reporting* provides that: 1. HIV/AIDS epidemiological supervision includes HIV testing for the identification of its spreading scale and HIV/AIDS infection in population groups, monitoring of trends in the time of spreading of this virus, identification of groups having high dangerousness behavior, HIV infection to identify changes in the transmission form and to foresee situations of the spread of the infection. 2. Health institutions that diagnose, treat and care about the persons living with HIV/AIDS, are obliged to report to the structures of the Public Health Institute. 3. Minister of Health approves, by an order, regulations on procedure, manner of epidemiological supervision and the reporting method.

134. Article 26 Sentinel supervision of HIV/AIDS is concretely defined: 1) responsible health institution, during carrying out of sentinel supervision of HIV/AIDS, can perform tests for HIV in groups, having high dangerous behavior, in accordance with regulations of the Ministry of Health. 2) During performance of sentinel supervision of HIV/AIDS, testing on is done with the anonymous method. 3. Personnel and institutions carrying out the HIV testing are responsible to keep confidentiality of the testing results and should use this result only for purposes of epidemiological supervision and scientific research on HIV/AIDS.

Likewise, the index card on supervision of IST, approved by the Order of the Minister of Health in 2008, preserves the confidential information where the name of the patient, is only in initials and in the index card is written only the illness code, based on the international classification of illnesses ICPD-9.

### ***Rural women***

*30. The report shows the persistence of de facto discrimination against rural women with respect to owning and inheriting property [CEDAW/C/ALB/3, paragraphs 387-390]. Please provide information on measures undertaken by the Government to address these issues in response to the Committee's recommendation [A/58/38, paragraph 77].*

*31. The report acknowledges that the standard of living in rural areas is lower compared to urban areas [CEDAW/C/ALB/3, paragraph 393]. Please indicate what measures exist to ensure adequate living conditions for rural women, in particular with regard to sanitation, adequate housing and access to public services, including health and education.*

135. The Inter-sectorial Strategy of Rural Development (SNZHR) determines the main directions on rural development in Albania, namely: a) steady increase of income from farms; b) management of natural resources; c) creation of new possibilities on life quality and employment through diversification and improvement of rural infrastructure.

Taking into consideration the role of women as very important in every aspect, especially in rural zones, where the role of agriculture is dominant and the only source of employment, participation of

women in rural business will greatly improve the possibility of income as well as will directly affect reduction of unemployment and reduction of emigration of migration.

136. Currently policies of the Ministry of Agriculture, Food and Consumer Protection aim at developing national associations of credit savings that will serve for depositing savings, but at the same time also for loan services up to the development of a international system of microcredit institutions, encouraging and equal for men and women.

137. Development of gender equality programs is related to rural development based on local initiative. In this aspect, Albania has important experiences in mobilization of rural communities, mainly financed from international donors. Main beneficiaries are all the community without gender distinctions, where the role of women is primarily valued.

In creation of possibilities for employment in rural zones, like for example tourism, local craftsmanship, participation of women is deemed with a great importance. Through public support funds, we will urge the establishment of information centers, which will make possible promotion of tourism and natural beauties in rural zones. In this framework one of the priorities will be encouragement of investing power of local population and especially women and youth.

138. In framework of Common Agriculture Policy of European Union, regional meetings have been planned as well as common agriculture projects, through which strengthening of women's role is aimed and participation of women from rural areas.

139. In 2008 an inter-ministerial working groups was set up with experts, which drafted the draft-law on "Agricultural Cooperative Associations"<sup>10</sup>. Differently from the existing law no. 8088, of 21.3.1996, "On mutual agricultural companies" (changed) where agricultural companies are not treated divided from other common companies, but in other fields, the new law is specific and treats in detail "agricultural cooperative companies". This draft law provides for establishment of agricultural cooperative companies of the first or second level and their joint in confederations. With the intention of urging cooperativism in Albania, a special law is drafted where the agricultural cooperative companies are excluded for their first 5 years of activity from every kind of taxation. Also this article defines that these companies benefit state support in accordance with the criteria provided for in the law on agriculture and rural development.

140. This draft law sanctions equality of men and women in establishment, membership, and participation in leading organs, etc. Provision in this law of a particular article on the education fund, promotion and professional formation, creates facilities and big possibilities for the participation and professional promotion of women in rural areas. Also, this draft foresees that all farmer associations, established based on law no.8788, of 7.5.2001 "On non-profit organizations (changed), as well as the agriculture cooperative companies, established based on law no.8088, of 21.03.1996 "On mutual cooperation companies" (changed) within three months from the date of this law becoming effective, are transformed into agriculture cooperative companies. This fact will create greater possibilities in

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<sup>10</sup> With the support of Spanish Cooperation, through the AECI project.



the creation of agriculture cooperative companies, generating bigger income in farmer families as well as increase of the role of women in the economic management of the farm and family.

Currently the new draft law has been finished and is in the phase of comments from the Line Institutions and groups of interest.

*32. The report is silent on the situation of older women, women with disabilities, refugee and migrant women and girls. Please provide such information, in particular the economic and social situation and measures in place to support these groups of women.*

141. By CMD no.763, of 11.6.2009 “On some additions in decision no.80, of 28.1.2008 “On approval of the Sector Strategy of Social Protection and Plan of Action for its implementation”, the Document of inter-sectorial policies for the third age” was included, drafted with the initiative of the MLSIEC.

To draft this document, a wide territorial observation was undertaken, spread in 12 prefectures of the country, interviewing the groups of interest in focus. Based on the existing official data from all institutions and observation data, it was carried out the analysis of inequalities, identification of problems and needs for intervention and an assessment of current situation regarding senior people in Albania.

142. Currently there is a lack of gender data regarding the third age.

If we refer to the study “Current problems of the third age in Albania”, it has resulted that regarding the monthly pension that women receive of Albanian Lek 10.335 is smaller than the average pension of men in the value of Albanian Lek 12,948. Differentiation in the value of pension according to gender shows that women have had a less paid job than men and this differentiation of income shows that the women target groups is more affected from poverty than from other phenomena like violence, negligence, abuse etc.

The interviewed people have responded up to 80.1% of the total that their income are not sufficient, having a bigger percentage of those living in rural areas with 88.3% and 76.4% in urban areas. This conclusion coincides with findings from other reports, where it is noticed that income from pensions are much lower to live on and that poverty is greater in rural areas than in urban areas.

The document of cross-sector policies, in its plan of action regarding the third age foresees measures that regard the needs of the third age, as well as the gender inequalities existing in the pension scheme, the active participation in society and development etc.

143. *Information on women with limited capacities:* women with limited capacities are treated within the groups of persons with limited abilities PAK and random are treated specifically. Women PAK as well as men PAK benefit from social services and payments given for limited abilities.

Law on “Status of Paraplegic and Tetraplegic Invalid”, no. 8626, of 22.6.2000 (changed) offers support in all the fields for persons with limited capacities pre and tetraplegic.

Law on “Status of Blind Persons” No.8098, (of 28.03.1996), changed, offers support in all the fields for the blind persons with limited capabilities.

Mentioned legal acts, just like the Status of Work Invalids, have treated them under the general term of the person with limited capabilities, women and girls with limited capabilities, without seeing the problems that this group has.

Law on “Promotion of Employment”, no.7995, of 29.9.1995 (changed) aims at determining the general policies to support and ensure full, productive and freely chosen employment for every individual. Articles 15-16 of this law, specifically refer to promotion of employment for the category of limited capacity persons, defining sanctioned measures in case of not hiring one limited capacity person every 24 persons. Law on “Education and Professional Formation in the Republic of Albania” no.8872, of 29.3.2002, expresses and protects the right of citizens for education and professional formation, in spite of their social status or health situation. Article 5/c of this law determines that persons who benefit from professional education and training are also special groups desiring professional rehabilitation, as well as persons with limited capabilities, mothers with many children, persons under 18 years, long-term unemployed persons etc. Even in the sub legal acts issued in application of this law, special attention has been paid to ensuring professional formation with reduced prices or free of charge for groups of people in need, including persons with limited capabilities.

144. Law on “Social Assistance and Services” no.9355, of 10.03.2005, provides for conditions and services for benefiting economic assistance and social services; that benefiting from social services (article 6) based on this law are the children, young people up to 25 years, senior people, persons with limited capacities, as well as girls and women in need. Meanwhile girls and women with limited capacities are included with the general term of the person with limited capacities. Also this law (article 7) provides that persons with limited abilities enjoy the right to gain a monthly payment due to their limited capabilities or the right to a caretaker, for the first group. This right is guaranteed both for women and girls with limited capacities.

145. Decision of Council of Ministers no.632/18.9.2003 "On the program of promotion of employment of women unemployed job-seekers", issued in application of law No. 7995/20.9.1995 "On promotion of employment", says that financial support is received from employers, who hire females especially from categories like: Roma females, females over 35 years etc.

Decision No.394 of 23.02.2004 of the Minister of Labor and Social Issues “On fees of the Professional Training System” determines that registration fees for the categories: Roma Community, trafficked and violated women and girls etc. are zero for courses of professional training offered from Public Centers of Professional Training. These courses aim at qualifying and increasing professional abilities of these target groups of women, creating possibilities to cope with the contemporary requests of the today’s labor market.

146. A political document specifically promoting the rights of the limited capacity persons is “National Strategy for Limited Capacity Persons” (CMD no.7 of 8.01.2005). In the focus of this strategy there are the objectives and main goals of the Albanian Government and other actors interested in the field of environment, services, education, employment and professional education, in the field of legislation and research for limited capacity persons. This strategy does not specifically include women with limited capacities.

147. Currently Albania has signed Convention on the Rights of Persons with Limited Capacities, in 22 December 2009 and currently it's following procedures for its ratification and entering into force.

148. Whereas National Strategy of Gender and Domestic Violence treats the rights of limited capacity women in framework of rights of women in general, whereas the plan of action of this strategy determines a series of measures, which mostly are addressed to groups in need. Indirectly this document has a special treatment for women with limited capacities, as one of the groups in need.

149. *Information on migration and immigration of women in Albania.*

Law no.9668, dt.18.12.2006, "On emigration of Albanian citizens on employment purposes". This law regulates relations in the field of migration, for employment purposes or professional education of Albanian citizens, leaving the Republic of Albania. In the law there is no differentiation in treatment and protection of rights of men and women emigrants.

Female emigrants have access to all the services defined by this law. Two special articles provide for non-discrimination in the treatment of the Albanian emigrants in the host countries due to sex (article 17, "non-discrimination of Albanian emigrants), as well as article 5 "Right to emigrate", which refers to the right to emigrate and expresses among others that every Albanian citizen enjoys the right of equal possibilities and treatment to emigrate without differentiation of sex.

150. *Regarding employment of women immigrants in the Republic of Albania, the Constitution, Labor Code prohibit any kind of discrimination, including discrimination based on gender regarding female immigrants. What is more, Law on Foreigners (chapter on employment) is not based on gender or special sectors of economic activities. Employment of foreigners in two major categories is not based on domestic market needs and individual abilities fulfill those needs.*

In this aspect: 1) for employers, men-women, the basic element is testing of the work position, (be it vacant or recently created), in a certain administrative unit, through instruments like publication and public notification of a certain hierarchy, based on equal abilities, but first being offered to Albanian citizens; 2) again, there are not gender differentiations for independent economic activity, but it is applicable the criteria of economic profit, thus helping the country's economic development and increase of employment level.

We can stress that apart from equal training or not, less favorable to the Albanian citizens, apart from the public sectors, determined by law, where Albanian citizenship is necessarily required, the law does not differentiate between genders as far as legal employment of foreigners is concerned in the Republic of Albania.

*We can point out that statistically-elaborated tables does not show any classical fragmentarization of the employment of women, e.g. in the sectors of sales or in the small industries. Amongst female employed immigrants, employment is noticed in sectors like banking, self-employed, consultants, education, laboratories, manufacturing etc. Also, geographic expansion of this employment does not have predetermined tendencies, between two genders.*

*151. Regarding their integration in the Albanian life and society, national draft-programs have been prepared, where special emphasis will be on female immigrants.*

In the absence of a specific study, there is no less favorable economic and social situation in legislation and administrative practices, for domestic and foreign male employees, in the field of structural discrimination, hidden or evident, in the realized level of income, according to abilities, equal salary for equal work etc. However, referring to statistics of 2008, from a total of 2135 employed foreigners, 1638 are males and 497 females. Another feature of Albanian immigration is that renewable work permits are almost equal between males and females. This is an indicator that female immigrants are integrated in the labor market and continue to work in the relevant sectors.

### ***Family relations***

*33. The report States that MICS National Survey shows that about 8% of women of 20-49 age group are married before reaching the age of 18 years, being the minimum age of marriage under the New Family Code. What responses were developed in order to challenge the patriarchal tradition of marriages, inherited beliefs of certain groups of population on importance of creation of family at an early age, and of still existing practice of choosing the husband for girls and young women by their family? Furthermore, there is concern that bride price is still practiced in rural and remote areas of Albania and among Roma Communities. Are there any data or analysis regarding the extent of these phenomena?*

152. In Albania, until a few years ago, the type of patriarchal family was still dominant. After the 90's with democratic changes, the institution of marriage in Albania has suffered changes compared to the past. Phenomenon of emigration and migration from rural to urban zones has influenced in breakdown of the patriarchal family. It is worth pointing out that in urban zones, the former tradition of entering into marriages and the marriage ritual has changed, thanks to new concepts and economic situation. It should be stressed that there are many changes to the internal relations between two spouses, because they have more rights on each other.

However it is seen that many families try to respect the tradition of countries they came from, as well as there is still the mentality that matched marriages influence and help the respect between families and the life of the couple. We stress that these are isolated phenomena mainly in less-developed part of the country and as a result of economic difficulties.

To realize in practice the gender equality, which a new principle for a part of the Albanian society, it is necessary to create an educational, cultural and economic balance between husband and wife. The cultural and educational level of the population in general and of women in particular is improved greatly during the last decades.

153. In the Family Code (article 1) it is determined among general principles that marriage as a legal cohabitation, is based on juridical and moral equality of spouses, in the feeling of love, respect and mutual understanding as the basis of unity in a family. Marriage and family enjoy special protection from the state. Article 8 of this Code defines that marriage is entered into by mutual consent of future spouses, before the civil servant of the civil registration office.

154. As is pointed out from the above, law on “Gender Equality in Society” aims at promoting gender equality in society, as well as determines measures to guarantee equal possibilities between women and men, to eliminate discrimination based on gender, or any other form. In the process of understanding and applying this law, a series of activities have been carried out to raise the awareness of the Albanian society regarding gender equality in society.

**Amendment to article 20, paragraph 1**

34. Please indicate what progress has been made towards acceptance of the amendment to Article 20, paragraph 1 of the Convention, pertaining to the Committee’s meeting time.

**155. Regarding acceptance of amendment of article 20 paragraph 1 of Convention, on meetings of this Committee, the structures of the Ministry of Foreign Affairs are following the necessary procedures on accepting this amendment.**

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