



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

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

**Twenty-eighth session**

**Summary record of the 594th meeting**

Held at Headquarters, New York, on Thursday, 16 January 2003, at 10.30 a.m.

*Chairperson:* Ms. Açar

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*The meeting was called to order at 10.35 a.m.*

**Ways and means of expediting the work of the Committee** (*continued*) (CEDAW/PSWG/2003/I/CRP.1)

1. **Ms. Tavares da Silva**, speaking on behalf of the pre-session working group, introduced its report (CEDAW/PSWG/2003/I/CRP.1). The working group had prepared lists of issues and questions relating to the reports of Canada, El Salvador, Kenya, Luxembourg and Norway and had transmitted them to the States parties. It had also received country-specific information on those States from the International Labour Organization and the United Nations Children's Fund. She drew attention to the observations contained in paragraphs 9, 10 and 11 of the report.

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*) (CEDAW/C/ALB/1-2)

*Combined initial and second periodic report of Albania* (CEDAW/C/ALB/1-2)

2. *At the invitation of the Chairperson, Ms. Ruci (Albania) took a place at the Committee table.*

3. **Ms. Ruci** (Albania), introducing the report of Albania, said that Albania's transition to a market economy in 1991 had prompted a sharp decline in the economic, social and political status of women, who, although they enjoyed the same constitutional rights as men, did not have equal access to resources, opportunities and benefits. Owing to the low representation of women in governance structures, which limited their participation in the country's democratic development, gender in governance had become a priority issue in Albania. In that connection, the Government, women's non-governmental organizations and other stakeholders were actively promoting female leadership in all areas of economic, social and political life and emphasizing that women should be regarded as equal partners in the formulation of national policy and development plans. Unbalanced participation in decision-making was likely to lead to unbalanced solutions and hence reduce the quality, efficiency and effectiveness of governance.

4. During the communist era, women had made considerable progress in the areas of education and employment and had been relatively well-represented within Government. However, the increase in gender

disparities after the collapse of communism had demonstrated that the redefinition of women's roles had taken place without their free participation, and so, while communist policies had led to greater equality in terms of socio-economic indicators, they had been less effective in changing the social relations between men and women. After the collapse of communism, women's limited participation in governance had been considerably reduced, and their socio-economic indicators had declined. In addition, the abolition of supportive social services, such as kindergartens, meant that many women had once again been forced to cope with both domestic and employment responsibilities. As a result, they had had less time and opportunity to participate in the fight for their rights.

5. The governmental programme for the advancement of women in Albania, which was being implemented by the State in partnership with women's non-governmental organizations, had adopted a comprehensive approach which addressed socio-economic shortfalls but also emphasized the importance of including women in decision-making processes. An initial priority was the establishment of national machinery to promote gender equality, and in that connection the State Committee on Women and Family, later renamed the Committee for Equal Opportunities, had been set up in 1998. The Committee worked in collaboration with other administrative structures at the international, national and local levels and was responsible for implementing and evaluating Government policies and programmes relating to women, coordinating programmes to promote equality between women and men, proposing new or amended legislation in the area of women's rights and supporting and coordinating the activities of non-governmental organizations.

6. The National Platform for Women had been developed as a means of implementing the Beijing Platform for Action, and included five of the twelve priorities set out at the Beijing Conference. Its achievements had included the promotion of women's participation in decision-making, the establishment of microfinance programmes for rural women, advocacy activities, the strengthening of institutional mechanisms in the area of women's rights and awareness-raising.

7. Albania had the political will to mainstream gender into governmental programmes and policies: in fact, work in that area had already begun within the

Ministry of Labour and Social Affairs and the Ministry of Education, where plans and programmes were being reviewed from a gender perspective. The Ministry of Education would be including gender issues in school curricula and revising textbooks. In addition, the Committee for Equal Opportunities was working in collaboration with non-governmental organizations to run training seminars for governmental and non-governmental groups to raise awareness of the importance of gender mainstreaming as a strategy for achieving gender equality.

8. Challenges still remained in the areas of establishing effective implementation and monitoring mechanisms, securing adequate funding for the activities of the National Platform and influencing social attitudes which were hindering the advancement of women. Nevertheless, positive steps were being taken on several fronts: the main political parties were aware of the need for increased female participation in political life and decision-making processes, efforts were being made within the framework of the Stability Pact Gender Task Force projects and a gender perspective was being incorporated into the National Strategy for Children. Lastly, the Albanian Government was aware that much remained to be done in order to secure *de facto* equal rights for women and reiterated its commitment to implement the Committee's recommendations.

9. **Mr. Flinterman** wished to know how many times the Constitutional Court had been asked to rule on whether domestic legislation conflicted with the provisions of the Convention. In view of the fact that individuals were not permitted to bring cases before that Court, he asked whether any cases relating to the Convention had been referred to the People's Advocate and whether any such cases had been brought by non-governmental organizations. He would also be grateful to know whether the Committee on Equal Opportunities was able to bring cases before the Constitutional Court.

10. According to the report, article 18 of the Albanian Constitution provided that no one should be "unjustly" discriminated against. He wondered whether the term "unjustly" appeared in the Albanian language version of the Constitution and, if so, whether the Committee could be provided with some examples of just discrimination on the basis of sex. The Committee wished to know whether the Constitutional Court's interpretation of article 18 included direct and indirect

discrimination and whether the principle of equality comprised both formal and non-substantive equality. Lastly, he asked whether non-governmental organizations in Albania were familiar with the content of the Convention and whether they would be informed about the Committee's recommendations.

11. **Ms. Schöpp-Schilling** expressed her satisfaction that Albania had not entered any reservations to the Convention. With reference to the report, she would have liked to see more up-to-date statistics and she commented on the apparent lack of specific Government initiatives to address problems in the area of gender equality. The reporting State should indicate whether the Government had an established mechanism to ensure that reports submitted to international human rights bodies were discussed by the Cabinet and in Parliament and, if so, whether that mechanism also provided for the discussion of the Committee's concluding comments and recommendations.

12. **Ms. Shin** said that the report had contained insufficient data on the situation of women in Albania. She would be grateful to know whether the reporting State had a specialized office of statistics and, if so, whether it had been made aware of the need to collect gender-disaggregated data. The English version of the report often made use of the masculine pronoun "he" when referring to individuals who could be male or female. She encouraged the reporting State to make use of more inclusive terms. Lastly, she understood that the Committee on Women and Family had been renamed the Committee for Equal Opportunities, and was therefore curious as to why the old name had continued to appear in its report and oral presentation.

13. **Ms. Šimonović** requested more detailed information on measures planned or under way to ensure full implementation of the Beijing Platform and the outcomes of the Beijing+5 Conference.

14. **Ms. Gaspard** requested an explanation of the difficulties encountered in preparing the report which would explain its lateness. The reporting State should indicate whether the Convention had been translated into Albanian and made available to stakeholders. She asked whether the media were aware of the delegation's report to the Committee and whether the report as well as the Committee's conclusions and recommendations would be publicized.

15. **Ms. Morvai** recognized that, like in most former communist States, gender equality had been an integral

part of the official ideology, which had led to equality being imposed from the top down without any real awareness of the problem of gender discrimination in society in general or within the State machinery or political parties. It was essential therefore that the Government should assume its responsibility to promote awareness of the Convention and work closely with non-governmental organizations, which had not existed under the communist system, in order to promote awareness of gender issues. Information on concrete measures and structures that the Government had established to support and coordinate with non-governmental organizations not only in preparing the report but also in promoting women's rights would be welcome.

#### *Article 2*

16. **Ms. Schöpp-Schilling** expressed surprise that there did not seem to have been any review of legislation to incorporate gender issues. Although discrimination was theoretically prohibited, many of the Convention's provisions and definitions were much broader and required the amendment of domestic legislation, for example in the area of violence against women and the definition of rape. She wondered who would be responsible for carrying out the necessary legislative review, whether one was planned. If not, why had the Committee for Equal Opportunities or parliament not called for a review?

17. The reporting State should indicate whether international human rights law was a compulsory subject in universities and when a new Family Code would be adopted. She also expressed concern that the notion of so-called "unfair" privileges (article 253, Penal Code) could constitute an impediment to the use of temporary and special measures and enquired whether that matter had been discussed during drafting of the Constitution or by women jurists.

18. **Ms. Gnacadja** requested information on any legal recourse which women might have if they felt that their rights had been violated. It was not clear, for example, whether the People's Advocate (Ombudsman) played any role in protecting women's rights. Although the report described Albanian legislation as modern and prohibiting discrimination, in practice discrimination definitely persisted. The Constitution's definition of discrimination was different from that of the Convention, and she wondered whether the

Government had any intention to review and update its legislation in that regard.

19. **Ms. Šimonović** requested information on whether international instruments could be invoked before the courts to overcome discriminatory situations and whether any sanctions or penalties could be applied when gender discrimination was found to have occurred.

#### *Article 3*

20. **Ms. Achmad** said there had been many incarnations of the national machinery responsible for women's issues, within various ministries, since 1992, before the Committee for Equal Opportunities, a more appropriate name, had finally been established. No information had been provided on current legislation or mechanisms aimed at ensuring true equality of opportunity between men and women, and she wondered whether the new Committee would have the authority to review existing mechanisms with a view to full implementation of the Convention.

21. It was important to streamline the national machinery and ensure coordination within the Government, between the Government and non-governmental organizations and between the central and local governments. Authority, areas of responsibility, division of work must be clearly defined in order to ensure legislative and policy reviews, monitoring and evaluation of progress made. She asked to what extent such a structure had been created because it was essential to the goal of promoting gender mainstreaming across all sectors.

22. **Ms. Gabr** stressed the need for political will and coordination between the Government and civil society as well as international actors in order to promote women's rights. She asked whether national institutions had a mandate to cooperate fully with non-governmental organizations, whether the new legislation mentioned in the report and oral presentation had been promulgated, how non-governmental organizations were structured and whether they received financial assistance from the Government, given their important role. It was essential to ensure adequate resources for initiatives to promote women's rights.

23. **Ms. Ferrer-Gómez**, noting the tremendous increase in poverty during the transition years, especially in rural areas, where there was little access

to health care, education, employment or basic services, wondered whether any Government programmes existed to reduce poverty, in particular for vulnerable women such as single mothers and heads of household, by providing them, for example, with educational opportunities and job training.

24. Although she welcomed the creation of the Office of the Public Advocate (Ombudsman), she noted that despite an increase in discrimination, no complaints had been made to the Office and asked whether there was sufficient awareness of women's rights as set out in the law and the Convention, including the right to seek redress before the courts, which was an important factor in strengthening the protection of women's rights. Finally, the reporting State should indicate whether any follow-up plan existed for implementing the outcomes of the Beijing+5 Conference.

25. **Ms. Tavares da Silva** wondered why the delegation continued to refer to the Committee on Women and the Family when theoretically the name had been changed in 2001 to Committee for Equal Opportunities and whether the new change was simply a new name or represented a change in focus. The Committee was concerned that constantly linking women and the family, tended to reinforce stereotypes about the role and interests of women.

26. The tasks of the new Committee seemed to be the same as those of its predecessor: policy and legislative initiatives to promote women's rights, coordination of equality programmes and support for non-governmental organizations. In the area of legislation and policy, however, little seemed to have been done to mainstream the gender perspective in Government policies. With regard to coordination and support, she expressed the hope that coordination did not mean Government control. It was essential that non-governmental organizations should remain independent of the Government while at the same time working in partnership with it.

27. **Ms. Saiga** said that non-governmental organizations could certainly play an active role in closing the gap between theoretical guarantees of women's rights and observance of those rights in practice, but it was also essential that the Government should establish programmes to increase awareness of gender issues. Given that the new Committee for Equal Opportunities had the same structure as its predecessor, the only difference seemed to have been a change in

name. She wondered what human and financial resources were available to the Committee and what its relationship with concerned ministries and stakeholders was.

28. **Ms. Shin** enquired about the resources available to the Committee for Equal Opportunities as well as about its level of autonomy, influence on other ministries, authority and power. What would happen, for example, if the Committee recommended certain measures but they were opposed by the Deputy Prime Minister?

29. **Ms. Gnacadja** asked what obstacles, be they institutional, structural, legislative, financial or other, seemed to be preventing progress towards full gender mainstreaming at the political, social and economic levels.

#### *Article 4*

30. **Ms. Schöpp-Schilling** noted that Albania's report discussed the efforts of the Commission for Equal Opportunities to disseminate information about the National Platform for Women. The Committee would welcome more details about measures already taken, or planned for the future, in that regard, and about any obstacles to the Commission's tasks. She would also like to know whether the Constitution contained provisions for introducing temporary special measures, and whether any discussions had taken place in that regard among women lawyers and women's non-governmental organizations. Article 4 of the Convention could prove to be the most important tool of all, in terms of accelerating the transition to equality.

31. **Ms. Tavares da Silva**, referring to the positive actions outlined in the report, noted that political parties had accepted 30 per cent quotas for women, and that positive results had been achieved, but wondered whether the reason why those quotas had subsequently been abandoned was that political parties were frightened of them. There were no plans to restore the quotas, and she wondered whether that was because of such factors as cultural attitudes or public opinion. There appeared to be no impetus to change the situation, and the report had conveyed an impression of a mood of resignation.

32. There seemed to be strong cultural resistance to admitting women into political life, and there seemed to be no real will to change the situation regarding issues such as education, family life, the acceptance of

women as heads of household, shared responsibilities, or domestic violence. She had noted with interest Ms. Ruci's remark that the redefinition of roles appeared to have occurred between the State and women, and less so between women and men. It was regrettable that no proactive steps had been taken, and the Committee would like to know what the Government planned to do in order to accelerate the process of achieving equality.

33. **Ms. Gaspard** also wondered what temporary special measures Albania had introduced. Although it was generally very hard to persuade authorities to adopt quotas, Albania's mixture of list-based and majority-vote electoral systems might facilitate the task, as it was generally easier to introduce quotas into lists. She therefore wondered whether any proposals had been made in that regard, and whether non-governmental organizations had suggested any ideas for improving the electoral system.

#### *Article 5*

34. **Ms. Ferrer-Gómez** noted with regret that women in Albania encountered wage discrimination and violence; believed that they deserved to suffer violence; and did not participate in cultural life. She therefore wondered how the Albanian Government and the national machinery planned to improve people's awareness of women's rights.

35. **Ms. Khan** said that she welcomed the fact that the Convention had been incorporated into domestic law, and prevailed over domestic laws, but wondered whether cultural attitudes and the general environment were the only reasons why there had been so little change with regard to gender stereotyping. It was notable, for example, that men were generally referred to as heads of household in the statistics provided. Similarly, laws on residence and family names had strong implications in that regard, as did laws on land and inheritance. Although land laws had been described as equal, land was in fact always registered in the man's name. Even private companies had to be registered under a man's name. Thus, there were many elements other than mere attitudes that continued to reinforce the status quo, such as the revival of customary laws. Ms. Khan wondered whether Albanian women were aware of the Convention and, with regard to changes in school curricula, pointed out that students should be taught about the role of motherhood. Article 5 of the Convention made it very clear that parenthood

was the shared responsibility of the mother and the father. Family life education should be introduced in that context, and an extensive public education programme implemented. She concluded by requesting more information about the proportion of women working in the media — particularly television — and about women working at the policy-making level.

36. **Ms. Kapalata** said that she been profoundly discouraged to note the prevalence of violence against women in Albanian society, which was due primarily to the country's economic situation. Women did not have a say in political or economic matters, and all the basic elements for discriminatory legislation seemed to be in place. The Government appeared to be taking a lethargic approach to ending violence against women. For example, the penalty for discriminatory acts was 50 times the minimum wage, and that was simply not realistic. It appeared that violence against women might be taken for granted, and that women themselves found it acceptable.

37. There was even evidence of deterioration in the situation of Albanian women. The Government must, as a matter of urgency, implement a strategy for the alleviation of poverty among women, and more information about poverty Government programmes in that area would be very welcome. In conclusion, she said that, if Albanian women were not empowered to act for themselves, it would be very hard for them to break free of their shackles in the short term. It was unacceptable that violence was tolerated. Women must be sensitized, the media must become involved, family life education must be provided, and measures must be taken to disseminate the Convention.

38. **Ms. Shin**, noting that gender stereotypes were a source of serious inequality in Albania, wondered what concrete steps had been taken to eradicate them. Three population categories should be targeted by such measures: young people, children, and students; the media; and adults, including teachers. Educating the media was particularly important in that context. Furthermore, violence against women was a serious problem. Albania's report had given figures about the number of women convicted of killing their husbands, but had made no mention of the number of men convicted of killing their wives. It was the Government's duty to eliminate violence against women. It could not rely on non-governmental organizations to do the work for them. Albania should study the Committee's General Recommendation 19 on

violence against women, as it outlined what should be done in terms of training the police and similar matters. It was hoped that Albania would soon take concrete measures in that regard.

39. **The Chairperson** noted that the power of entrenched patriarchal values and customary laws could sometimes be very great. Although the Committee often talked about the need for countries to reform customary laws and bring them into line with written legislation, Albania's situation, marked by a revival of customary laws, was rather different. Albania should nonetheless look very carefully at the revival of discriminatory cultural codes. It was the responsibility of civil society to deal with that reactionary trend at an early stage. She would welcome information about the measures planned to combat the revival of *Kanun*, and whether the Government had undertaken any sensitization or advocacy actions in that regard. The Government should undertake such actions immediately, in order to eliminate discriminatory traditions that might evolve into a very strong source of discrimination against women.

#### Article 6

40. **Ms. Popescu** said that she appreciated the frank recognition of the increased gender disparity since the beginning of the transition process. Her own country had a similar experience with the high social and economic costs of transition, which had resulted, at least initially, in a decline in living standards and a resurgence of such negative social phenomena as prostitution and trafficking in women. No data had been provided in the report on the incidence of prostitution, and although the criminal penalties against prostitutes had been mentioned, there was no information about penalties, if any, for procurers. Trafficking was also a growing problem, but again, no data had been provided. She requested more information on Government measures to provide rehabilitation and social reintegration for victims of trafficking who had been repatriated.

41. **Ms. Kuenyehia** said that prostitution was, unfortunately, often accompanied by HIV/AIDS infection and drug abuse, and she would like to see some statistics on the prevalence of HIV/AIDS infection among prostitutes.

42. **Ms. Gaspard** asked if the Albanian girls, some of whom were very young, who had been expelled from

other countries where they had been taken to engage in prostitution could be subject to criminal prosecution as prostitutes on their return to Albania. The statistics on the trafficking cases investigated by Interpol should also be clarified.

43. **Ms. Gabr** said that the situation was very grave because both prostitution and trafficking were connected with transnational organized crime. Non-governmental organizations and the national machinery for women had a role to play, but it was the direct responsibility of the Government to protect its people from that scourge. She would like to have more details on the National Action Plan mentioned in the report.

#### Article 7

44. **Ms. Šimonović** said that her country had also experienced a decline in women's participation in political life during the transition period, and that one tool for turning the situation around had been quotas for women candidates on party lists. More information on specific measures planned to increase women's participation in decision-making and politics would be welcome. The reason given in the report for women's low participation, their perception that politics were too complex and that women were unsuited for decision-making, reflected classic stereotypes and should be explored further.

45. **Ms. Achmad** asked to what extent the electoral code was governed by electoral law, and, if quotas were not allowed by law, what other measures were available to the Government to increase women's participation. She would also like to know if the Government encouraged the formation of women's organizations.

46. **Ms. Khan** said that there was no alternative to quotas in attempting to increase women's political participation. Under communism, women had participated fully in political life, so it seemed to her that women's perception of their abilities was not the problem.

47. **Ms. Popescu** said that one of the main causes for low participation of women was poverty and the resulting double burden of work and family responsibilities. She wondered what efforts were being made to encourage men to share those burdens, and whether religious affiliation had any bearing on political participation. Gender-disaggregated statistics would be useful in the next report.

*Article 8*

48. **Ms. Shin** asked for statistics on the number and percentage of women representing Albania internationally by rank and more information about the recruitment system for the foreign service.

49. **Ms. Popescu** said that she would like to know what measures were being taken to encourage women to enter the diplomatic service.

*Article 10*

50. **Ms. Ferrer-Gómez** asked for an update on the current situation in education and whether the loss of experienced teachers and the climbing dropout rates reported during the first years of the transition had been reversed. In the light of declining education budgets and privatization, the reporting State should indicate whether there were any programmes to guarantee the right to education and to keep girls in school. The Committee would like to hear how gender issues were addressed in teacher training and if there were any drug abuse prevention and rehabilitation programmes connected with the school system.

51. **Ms. Shin** asked for clarification of the difference between mandatory schools and private schools, and whether Muslim girls excluded from boys' religious schools had the right to attend the mandatory schools.

52. **The Chairperson**, speaking in her personal capacity, asked for statistics on women's literacy rates and whether literacy was increasing or decreasing.

*Article 11*

53. **Ms. Khan** said that employment was a major area of concern, and she would like to hear more about the reasons women tended to choose the less demanding positions. The labour code seemed to overprotect women. The maternity leave provisions would be very costly to observe in the public sector. If they were also applicable in the private sector, their high cost would seem to discourage employers from hiring women who might become pregnant. The Committee would also like to know if parental leave could be granted only to mothers. Women were a significant part of the informal and agricultural sectors, and the reporting State should indicate if those women were considered self-employed.

54. **Ms. Schöpp-Schilling** asked what percentage of the budget was devoted to job creation for women and

whether any funds had been allocated for retraining schemes. She would also like to know who designed the new wage system and whether the Government had used any recent wage studies in establishing the system.

55. **Ms. Kuenyehia** enquired if retraining programmes were available to women who lacked marketable job skills.

56. **Ms. Tavares da Silva** said that, according to the information provided in the report, Albanian women were highly qualified, and she hoped that the next report would clarify the real situation in the job market and explain why those qualifications were not being put to use. She also hoped that the contradictory employment data would be clarified.

*The meeting rose at 1 p.m.*