



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 605th meeting

Held at Headquarters, New York, on Friday, 24 January 2003, at 10 a.m.

Chairperson: Ms. Açar

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The meeting was called to order at 10.10 a.m.

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

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

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

2. **Ms. Ruci** (Albania), replied to questions posed by the Committee on the report of Albania. Referring to questions relating to article 1 of the Convention, she said that no cases had been brought to the Constitutional Court invoking the Convention, nor had the principle of equality been interpreted by the Constitutional Court. The report of Albania had been drafted by the Committee for Equal Opportunities in collaboration with the Government. Non-governmental organizations had provided statistics and data, but had not been directly involved in the drafting, although some groups had been invited to review the draft report before its submission.

3. Among the goals of the Committee for Equal Opportunities was the establishment of a database with detailed information on women in the economic, social, political and legal fields. With the assistance of UNDP through a project conducted in cooperation with the Albanian Government, an Information and Documentation Centre had been established to create that database, in cooperation with INSTAT, the Institute of Statistics of Albania. The database included information on population; women in decision-making, employment, health, education, living standards; violence against women, drugs, security and social justice and trafficking. In addition to INSTAT, each Ministry had a Department of Statistics, which had supplied information for the preparation of the report. In areas where no statistics were available from the Government, the UNDP Human Development Report for Albania 2000 was used.

4. With regard to article 2, the Constitution of Albania, in its articles 10, 17, 18, 20, 23, 24, 28, 44 and 46 contained anti-discrimination provisions. Furthermore, Albania had ratified almost all the major United Nations human rights and anti-discrimination instruments, and they were incorporated into domestic law.

5. The media played an important role in making women aware of their rights under the law and in the Convention through magazines and other special interest publications and television programmes. However, it must be said that the overall portrayal of women in the media was sensationalized and not very positive.

6. Thus far there were no employment programmes for women, but the Council of Ministers was drafting programmes specifically aimed at women for implementation during the second half of 2003. Non-governmental organizations had implemented programmes in rural areas, including micro-credit for women and job creation. In government service, there were 39 women Directors as compared to 197 men in the Ministries, and 42 women Division Chiefs compared to 97 men. The Professional and Businesswomen's Association of Albania reported that there were over 10,000 women business owners; 80 per cent owned small businesses, 15 per cent medium businesses and 4 per cent large companies. As part of its poverty eradication efforts, Parliament had approved a programme for vocational education for women in difficult circumstances, including trafficked girls and women, divorced women with social problems and mothers of large families.

7. The Office of the People's Advocate (ombudsman) had been established in 1999 and had begun to function in June 2000, which could explain why it had not yet received any complaints. It cooperated with non-governmental organizations in organizing human rights-related activities, including an annual review of the human rights situation. It had good cooperation with the Government in several areas, but was independent in its operations and views.

8. The budget of the Committee for Equal Opportunities had increased annually by 10 to 20 per cent, but under the current budget restrictions, grants from foreign donors covered up to 45 per cent of its total funding. The Committee had a staff of 10. Its activities also included education and gender awareness training for local governments, which in many cases were moving forward in those areas faster than the central Government.

9. **Ms. Ruci** (Albania) said that the courts had not handed down any interpretations of article 4 of the Convention. Prior to the country's 2001 general elections, the gender group of the Commission on

Democracy and Human Rights had conducted a campaign in favour of amending the Electoral Law to include quotas for women. The gender group had ultimately gathered 105,000 signatures for its petition, but Parliament had not considered or acted on the amendment because the elections had intervened. The ad hoc coalition for gender equality in politics had proposed three changes to the country's electoral laws: at least 30 per cent of the sex underrepresented in decision-making bodies should be placed on single constituencies' party lists; men and women should hold equal places on proportional lists; and the Central Electoral Commission should not accept any party list that did not respect those rules. Although the Electoral Law had not been amended prior to the elections, the time was now ripe for such an amendment to be adopted. In that connection, a great deal of good work had been done together with the parliamentary subcommittee on women and young people and with non-governmental organizations working on the issue of women's participation in politics.

10. With respect to the Committee's questions concerning article 5 of the Convention, Ms. Ruci said that the head of household was chosen by family members under article 224 of the Civil Code. In most cases, the head of household was the husband. Since Albania's Constitution contained no relevant provisions, family members were free to make their own selection. In view of the importance of the obligations arising from the Convention and the objectives of the Government's Platform for Women, the work of the Committee for Equal Opportunities had focused on sensitizing the Albanian general public, and women in particular, about the rights accorded to women under international human rights instruments, and under the Convention. Training sessions and weekly seminars had been provided for legal officers, non-governmental organizations, and local government officials with a view to raising their awareness of human rights, the Convention, the Platform for Women, and the differences between domestic and international instruments in the area of women's issues. There was a gender pay gap in the media because most senior journalists were men. However, there were also many young women journalists, and a number of women now occupied positions of deputy editor or head of section, raising the hope that women's participation in senior decision-making positions would continue to increase. Moreover, a number of women

journalists had been trained abroad and returned to Albania with international media experience.

11. Several programmes had been implemented to change gender stereotypes. They included the civic and moral education programme and the work programme implemented in schools; a number of national and local cultural, social and sports programmes; as well as national and local employment programmes. Non-governmental organizations had played an extremely important supporting role in that process, and indeed had been the first to change the way Albanian society viewed the issue of women's rights in general. The Albanian Parliament had been striving to minimize the impact of the *Kanun* (customary law) prevalent in the country's northern regions. Moreover, the amended article 83 of the Penal Code now stipulated that individuals threatening another with bodily harm were liable to up to three years in prison.

12. Addressing the Committee's questions under article 6 of the Convention, she noted that under section VIII of the Penal Code, prostitutes were liable to a fine, or a sentence of up to three years' imprisonment. The law did not, however, provide any punishment for the client. The Government considered the fight against the trafficking of persons to be of priority importance, and the State police had taken a number of measures to control it. Anti-trafficking units had been set up in all the country's 12 districts, and an international centre had been established in the coastal town of Valona, charged with working together with neighbouring countries (including Italy, Greece, and Germany). Many other measures had been taken and many countries provided assistance to Albania. According to a study by the Ministry of Public Order, prepared in concert with local governments, 5,190 women had been victims of trafficking in Albania between 1991 and 2002. That figure was far lower than those often cited in the media, especially by newspapers in Italy and Greece. Albania's attitude toward the victims of trafficking had changed. Eighty per cent of women involved in trafficking in Albania had been taken abroad against their will, and many had left their countries because of their disadvantaged economic situation. The Committee for Equal Opportunities and a network of non-governmental organizations (notably from Valona and Fier) had recommended changes to the Penal Code, and suggested that articles on the protection of trafficking victims be added to the Code. Moreover, Albania had

ratified the Protocol to the United Nations Convention against Transnational Organized Crime on Trafficking.

13. According to data provided by the Public Health Institution in 2002, there were 25,000 to 30,000 drug users in Albania, of whom 5,000 were women. It was estimated that about 10 women were infected by HIV. Thus, HIV/AIDS infection was clearly a relatively new phenomenon in Albania, but the Government was taking steps to increase awareness among health authorities and health-related non-governmental organizations, as well as among the population at large. With regard to prostitution, she said that very little assistance was provided to women and girls, and the Committee for Equal Opportunities therefore aimed to support women's non-governmental organizations, increase their number, and empower them through training, including instruction on how to prepare programmes and how to find donors. Through that channel, training had been provided on women's employment, protecting the rights of women and children, health care, and education. In promoting women's participation in the Foreign Service, Albanian law made no distinction as to gender, and women's participation had been increasing. There were 40 women working in the Ministry of Foreign Affairs, and 20 in Albania's various embassies (including 3 ambassadors). A further 47 women worked for various international organizations, and around 60 women worked for the United Nations in Albania.

14. Students (mainly from rural areas) who dropped out of school did so either for economic reasons, factors related to the country's poor road infrastructure and lack of public transportation services, social reasons, or cultural reasons. In order to address that situation, the Government had taken economic measures designed to eliminate poverty as an obstacle to schooling; cultural and pedagogical measures designed to educate parents and students on the benefits of schooling; measures to facilitate transportation to schools; measures for the implementation of special learning programmes; enforcement of security; imposition of fines on parents preventing their children from attending school; and measures to improve the teaching process in rural areas. As a result of all those measures, the dropout rate had fallen from 6.4 per cent in 1992 to 3.1 per cent in 1997 and 2.0 per cent in 2002. In an effort to prevent drug abuse in the schools, the Government had implemented programmes in subjects such as health

education, civil and moral education, human physiology, and sociology. It conducted out-of-school programmes in cooperation with medical and police experts and organizations of civil society, involving seminars, competitions, posters, media, and the creation of rehabilitation centres for drug users. Positive results had been achieved in the Tirana and Elbasan districts, in particular. Once again, it should be emphasized that non-governmental organizations had played a very important part in the overall process.

15. With respect to the education of Muslim girls, she noted that Albania had never prevented girls from attending school and had never forced them to wear the traditional Muslim headscarf. The Muslim religion as practised in Albania differed from that practised in the Arab world, in that it was liberal and cooperative with regard to the country's other religions. There was considerable freedom of religion and girls from Muslim families had always felt themselves to be the equals of girls from non-Muslim families. Public schools were secular, and the Government was committed to applying legislation banning conservative or fundamentalist groups trying to prevent girls from Muslim families from attending the public schools. Albania's religious schools (which included Muslim schools) were private, and situated, not at the compulsory education level, but at the higher education level. There were several programmes designed to cater to the needs of children from poorer families. They were designed to guarantee the children's right to education by involving parents, teachers, staff of education authorities, and social workers in activities aimed at raising public awareness of problems faced by such children and their families. Those programmes also provided financial assistance, free meals, clothes, textbooks and materials, and transportation.

16. In May 1993, a law instituting paid maternity leave for women came into force. Parental leave could be granted to men and women alike. Leave entitlement was 365 days, and applied to any mother who had made at least 12 months of social security payments. Women working in the private sector and self-employed agricultural workers had also been entitled to paid maternity leave. Other parental benefits were an allowance paid on the birth of a child, payable to the mother or the father, but usually claimed by the mother, and paid leave to care for a sick child claimable by either parent.

17. Equal pay for equal work applied to the private and public sectors. The wage gap between men and women was explained by the predominance of men in decision-making positions, which were better paid.

18. Following the de-collectivization of agriculture, cooperatives had been divided into private farms, and those working on them, whether men or women, were considered to be self-employed. Unpaid work performed by women continued to be under-valued in both urban and rural areas.

19. Wage levels for all sectors were regulated by the Parliament, the Council of Ministers, government ministries and local authorities, state enterprises and Albanian and foreign natural and legal persons. Women made up a large share of job-seekers: 48 per cent. However, younger women had adapted particularly well to the new demands of the employment market, and accounted for between 50 per cent and 70 per cent of the individuals finding jobs through employment centres every month.

20. Albania's population was 42 per cent urban and 58 per cent rural. The economic situation of rural women had been affected by the replacement of 500 agricultural cooperatives with 450,000 private, family-owned farms. Families working their own land were considered to be self-employed, and under Albanian law, women were regarded as co-owners of the family land. In practice, the status of rural women had been harmed by a reversion to conservative views of women's roles, and men dominated village life and local government. The Committee for Equal Opportunities had found that 10 per cent of rural women had been to primary school, 75.8 per cent to middle school, and 12.8 per cent to secondary school. In rural areas, education was not considered important to raising living standards, and the long-term social risk of illiteracy was ignored in favour of short-term profits. Most rural women worked in the home and in agriculture, and were excluded from all professions except teaching and nursing. Few rural women ran businesses or applied for credit. Health care and family planning services for rural women were poor, though 72 per cent were aware of how to avoid unwanted pregnancy.

21. Men and women were equal before the courts and other judicial institutions. The Committee for Equal Opportunities had organized human rights information seminars for women of all backgrounds. Under the

Albanian Civil Code, men and women had equal inheritance rights. Real estate acquired before marriage remained in the name of the purchaser. A spouse could be given temporary entitlement to a share in real estate acquired after marriage. That was an interim measure until an alternative was found. Co-ownership was provided for in the Civil Code, but was difficult to prove unless documented. When dividing property in the case of a dispute, courts tended to award dwellings to the spouse with the greatest need, and award financial compensation to the other spouse.

22. The Albanian Penal Code and draft family code did not specifically cover domestic violence, and drew no distinction between violence perpetrated within or outside the family. The Committee for Equal Opportunities and the Network Against Violence advocated a domestic violence bill.

23. **Ms. Khan** asked whether men and women had genuinely equal inheritance rights, and whether Muslim customary law was followed in connection with inheritance.

24. **Ms. Schöpp-Schilling** asked whether there was a timetable for the introduction of a law on domestic violence, and whether there was collaboration with the Ministry of Justice on the matter. She wished to know what social security coverage was available to women working in farming and business who were classified as self-employed. She would be interested in data on women's co-ownership of private property following the de-collectivization of agriculture.

25. **Ms. Shin** said that amendments to the Penal Code to punish traffickers more severely were positive measures, but she wished to know if the Penal Code still criminalized prostitution. If the Penal Code focused on prostitutes alone and disregarded their customers, it ran counter to articles 5 and 6 of the Convention. The international tendency was for women engaged in prostitution not to be penalized, or at least for the law to penalize their customers as well. Efforts were needed to introduce legal reform and more assistance for victims.

26. **Ms. Belmihoub-Zerdani** said that she objected to the statement on page 19 of the replies to the Committee's questions that the Muslim religion as practised in Albania had never prevented girls from attending school or obliged them to wear headscarves, because it was different from the Muslim religion practised in the Arab world, being liberal and

cooperative with other religions. There were 350 million Arabs in the world, and 1,300,000 Muslims. Albania had 3,300,000 inhabitants. She asked how it could justify such a remark in its replies, and whether it knew how Islam coexisted with other religions in other countries. Her own country, Algeria, had small Christian and Jewish populations which practised their faiths freely and in complete safety. Christian religious holidays were observed, and the French-language radio channel broadcast mass on those holidays. She did not want the statement in the replies to go unchallenged, as it gave a groundless and false impression about Arab countries. She was happy that religions coexisted peacefully in Albania, but they also did in Arab countries like her own. Any threat to such peaceful coexistence in Algeria had come from fundamentalists who had undermined the foundations of a number of States. She strongly opposed the inclusion of the statement in the final version of the Albanian Government's replies.

27. The Government had listed those who qualified as heirs under Albanian civil law, but she wished to know whether that law took account of Muslim inheritance law, or completely disregarded it in favour of secular rules.

28. **Ms. Achmad** said that if the petition for an amendment to the electoral law to allow quotas for women on constituency lists was put forward again, it should omit the reference to women being more serious, honest and devoted to protecting human and social progress. Inclusion of that qualifying phrase was probably why it had originally failed of adoption.

29. **Ms. Ruci** (Albania) said that in principle the law guaranteed men and women equal inheritance rights but it was unfortunately true that in some areas customary law was applied to the detriment of women. She hoped the draft law on domestic violence would be ready for presentation to the Ministry of Justice by the end of 2003 so that it could then be considered by the Government and Parliament. The preparatory work was being done by women's non-governmental organizations in cooperation with experts from the Ministry of Justice, and those organizations were dependent on obtaining funding for their activities in order to finalize work on the draft.

30. Self-employed women on farms and businesswomen were not eligible for social insurance since they had not contributed to the social insurance

system. Some women, however, had worked in the former State cooperatives and therefore had small pensions; they were entitled to free health care. She recognized that the problem of social insurance and pensions for rural and older women would have to be addressed. There was no real data on the current situation with regard to land ownership following privatization. Under the law men and women could register joint ownership. However, in regions where women were not aware of their rights, or land was distributed based on tradition or on landholdings before World War II, land was often registered in the name of the male only. With regard to prostitution, which was illegal, she recognized the need to reform the legislation to ensure that the clients of prostitutes were punishable under the law.

31. With regard to the unfortunate reference to the Muslim religion in Albania in her oral responses, she said that she regretted any offence it might have caused to the Committee or to any ethnic or religious group. She stressed that Albanian society was a tolerant one, where people of all faiths respected each other's beliefs. While under Communism religion had been discouraged or prohibited. Since the fall of the Communist regime, there had been some increase in religious observance, but always in an atmosphere of tolerance. Currently the population was approximately 55 per cent Muslim, 30 per cent Orthodox and 15 per cent Catholic. In relation to inheritance rights, she noted that the principle of equal rights for men and women was applied rather than the Muslim religious practice of granting inheritance rights to the male. She also agreed that it had been unwise and counterproductive to suggest that women were more honest, more serious and more devoted on human and social issues in the petition to amend the Electoral Law.

32. **Ms. Belmihoub-Zerdani** reiterated her indignation at the reference in the oral responses comparing the Muslim religion in Albania to other Muslim countries; it was derogatory and insulting to the Arab world and to Islam in general. She demanded that the delegation retract the offending passage.

33. **Ms. González-Martínez**, speaking on a point of order, said that during consideration of the periodic reports of States parties, the Committee was not in the habit of expressing opinions on the language of documents submitted by delegations and restricted itself to dealing with those reports strictly from a

human rights point of view. She respectfully requested her colleague not to persist in raising her objection.

34. **Ms. Belmihoub-Zerdani** maintained her objection to language which had no place in a United Nations human rights forum. The offending paragraph must be retracted.

35. **The Chairperson** said she felt the delegation had responded adequately and sincerely regretted any misunderstanding. The text of the delegation's responses was not an official document and the expert's objection had been duly noted.

36. She thanked the delegation for its full and complete responses to the Committee's questions and said that members appreciated the State party's efforts to implement the Convention during a very difficult transition period. She took note of the fact that international instruments were directly applicable, which she assumed was the case for the Convention as well. It was essential however that society as a whole be made aware of the provisions of those instruments. She called for lawyers and the judiciary in particular to be educated about their implications. Ratification of the Optional Protocol to the Convention would ensure further progress towards full implementation of women's rights.

37. The Government must be more proactive in adopting policies and laws to promote women's participation in the economy and in politics. Although much good work was done by non-governmental organizations, it was up to the Government to develop legislation, educational material, training programmes and media programmes to promote human rights. Strong measures were also needed to combat domestic violence and to change rigid attitudes especially in the north of the country, which tended, for example, to condemn the women victims of trafficking and prostitution. The root causes of those scourges, such as poverty and problems arising out of the social and economic transformation of society, must likewise be addressed. More statistical data should be included in the State party's next report; it could be a combined report in order to bring the State party's reporting obligations up to date.

38. **Ms. Ruci** (Albania) once again apologized for any misunderstandings caused by her presentation and said she had tried to be open and forthright in her explanations. She had taken due note of the

Committee's comments and questions and thanked the members for their attention.

The meeting rose at 12.15 p.m.