



# 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 595th meeting

Held at Headquarters, New York, on Thursday, 16 January 2003, at 3 p.m.

Chairperson: Ms. Açar

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

*Combined initial and second periodic report of Albania (continued)*

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

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

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

1. *At the invitation of the Chairperson, the members of the delegation of Albania took places at the Committee table.*
2. **The Chairperson** invited Committee members to continue posing questions to the delegation of Albania.

*Article 13*

3. **Mr. Flinterman** asked how the Albanian Government was planning to reverse women's low participation in sports, which was due to prejudicial attitudes (sports were considered a leisure activity), family responsibilities and limited economic means.

4. **Ms. Patten** said that the Government's macroeconomic policy focused almost exclusively on the formal sector rather than on the ever-increasing feminization of poverty. That phenomenon was characterized by insufficient income to ensure a sustainable livelihood, ill health as a result of limited access to basic health services, a high illiteracy rate owing to limited access to education, increasing mortality and morbidity rates, a high incidence of HIV/AIDS, homelessness and inadequate housing, an unsafe environment, drug abuse, exposure to systematic gender violence and trafficking in women. Nor had the Government addressed the poverty of low-wage workers and other sectors of the population not covered by the family support system, social institutions and the safety nets set up under its macroeconomic policies.

5. The Government had stressed political, economic and social transformation over the rigidity of socially ascribed gender roles. The fact was, however, that women's limited access to political leadership, education and training and productive resources would only amplify their problems and aggravate their insecurity and vulnerability to sexual exploitation. The Government must make serious efforts to mainstream a gender perspective in its economic analysis and planning.

6. She would appreciate further details on the State party's social assistance programme established in 1993, and the non-commercial microcredit offered by the Albanian Development Fund and its impact on women (CEDAW/C/ALB/1-2, p. 52). Data on the number of women who had actually benefited from such forms of assistance would be useful.

*Article 14*

7. **Ms. Schöpp-Schilling**, noting that 60 per cent of Albanians lived in the rural area and nearly half of them were women, expressed concern that women could not own land or obtain credit and had insufficient access to health services and education. Even before dealing with the issue of stereotypes, the Committee for Equal Opportunities and the Albanian Government must, perhaps in cooperation with international organizations and bilateral organizations, improve the living conditions of young mothers and girl children whose future was being compromised. Failure to invest in targeted goals for rural women was nothing less than short-sighted.

8. **Ms. Patten** commended the State party for its honesty in depicting the plight of the rural population, particularly women, who were living below the poverty line and suffering from a high rate of illiteracy, no running water, an inadequate electricity supply, no social insurance, no access to credit and inadequate health services (no doctors, only nurses and midwives in health facilities). The report gave no information, however, on what was being done to address that situation beyond the "political will" referred to in the delegation's introductory statement. She wished to have details on specific government measures being taken to assist rural women.

*Article 15*

9. **Mr. Flinterman** said that women's rights would not become meaningful until there was equal access to legal redress. He expressed concern that, according to the report, Albanian women did not assert their rights because they were not always fully aware of them and, in particular, that the Government had no specific programmes to improve women's legal literacy (CEDAW/C/ALB/1-2, p. 58). He stressed the need for such action, which could be implemented in conjunction with non-governmental organizations (NGOs), the Division for the Advancement of Women

and the Office of the United Nations High Commissioner for Human Rights.

10. **Ms. Šimonović** noted the discrepancy between the constitutional guarantees of equality of men and women before the law (CEDAW/C/ALB/1-2, p. 57) and the de facto situation in matters of inheritance and ownership. The current reality, whereby women moved to their husband's family home upon marriage and men generally inherited the land, or were denied the right of community property after marriage because land was normally registered in the name of the head of the family (CEDAW/C/ALB/1-2, p. 24), was a violation of both the Albanian Constitution and the European Convention on Human Rights. She would appreciate clarification in that regard.

11. **Ms. Morvai** said that it was discriminatory to offer free legal assistance in all criminal cases — where 90 per cent of the defendants were men — but not in the kinds of civil, family or employment-related actions generally brought by women. Particularly in the case of divorce or domestic violence, female victims who had no recourse to the justice system might be forced to continue living with an abusive spouse.

12. Turning to the issues of freedom of movement and choice of residence, she asked whether it was by law or by custom that, upon marriage, women moved to their husband's place of residence. She also wondered about the election of a head of household in farm families under the Civil Code and expressed the hope that the law would be revised.

13. **Ms. Gnacadja** sought assurances that mental illness and mental underdevelopment were not invoked to deprive women of their legal capacity. Women's obligation to defer to other male members of the family before they could take charge or, if necessary, take legal action where a head of household sold or mismanaged the family property was highly discriminatory. It was also distressing that private companies could not be registered in a woman's name, which meant that even women who had invested substantially in a company had no legal authority to represent it. She called for legal reform in order to bring Albania's legislation into line with its Constitution.

14. **Ms. Patten** requested the delegation to identify the governmental associations which provided free legal assistance to vulnerable groups in civil cases (CEDAW/C/ALB/1-2, p. 59) and provide data on the

number of women who had actually benefited from such assistance and the rate of criminality among women. The State party should elaborate on article 22 of the Code of Civil Procedure concerning mandatory legal representation in criminal cases, and give details of the budget for legal aid in Albania.

*Article 16*

15. **Ms. Kuenyehia** enquired about steps the Government was taking to ensure not only de jure but also de facto equality between men and women. One area that must be amended was the difference in the legal age for marriage. Since, under the Civil Code, spouses had equal rights to common property but a woman who moved to her husband's house upon marriage often had no claim over the house, it was not clear what happened in the event of divorce or a husband's death.

16. **Ms. Saiga** asked about the composition of the group of experts working on the New Family Code and the extent of input by the Committee for Equal Opportunities in that revision. It would be interesting to know the procedure for bringing the proposal before Parliament and the specific issues now under discussion.

17. **Ms. Ruci** (Albania) thanked Committee members for their constructive questions, comments and suggestions and said that the delegation would give its reply on the date scheduled.

*The meeting rose at 3.40 p.m.*