



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-sixth session

Summary record of the 941st meeting

Held at Headquarters, New York, on Monday, 26 July 2010, at 10 a.m.

Chairperson: Ms. Zou Xiaoqiao (Vice-Chairperson)

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In the absence of Ms. Gabr, Ms. Zou Xiaoqiao (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

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

*Third periodic report of Albania
(CEDAW/C/ALB/3, CEDAW/C/ALB/Q/3,
CEDAW/C/ALB/Q/3/Add.1)*

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

2. **Ms. Kodra** (Albania), introducing the third periodic report, said that the Government of Albania had taken several steps to enhance gender equality and combat domestic violence. It had established a National Strategy on Gender Equality and Domestic Violence, which had helped in determining the instruments for preventing and combating domestic violence and had enabled gender issues to be incorporated into governance policies at all levels. Law No. 9970 of 24 July 2008 “On Gender Equality in Society” had been adopted with the goal of preventing gender-based discrimination and providing equal opportunities for men and women. The Law provided for the application of new definitions of discrimination, gender mainstreaming, gender-based harassment, gender equality and equal representation; recognition that special temporary measures were not discriminatory; establishment of new policymaking, executive and protection structures; introduction of special measures in education and employment; recognition of unpaid work; and collection of gender-based statistics.

3. Law No. 9669 of 18 December 2006 “On Measures against Domestic Violence” had been adopted with the goal of preventing and reducing all forms of domestic violence and protecting victims through the issuance of protection orders, among other measures. Law No. 10221 of 4 February 2010 “On Protection against Discrimination”, which had been drafted by civil society at the initiative of a group of parliamentarians, afforded all citizens equity and equal protection under the law; equal opportunities and possibilities to exercise their rights, enjoy their freedoms and participate in public life; and effective protection against discrimination based on sexual orientation and gender identity, issues that were still taboo in the country. It

also created the position of an independent anti-discrimination commissioner to monitor implementation of the law on the ground.

4. Several institutional mechanisms had also been established to promote gender equality and combat domestic violence, including the Ministry of Labour, Social Affairs and Equal Opportunities; the Committee on Health, Labour and Social Affairs of the Assembly; the National Council of Gender Equality; and gender networks in various ministries and local administrative units. Work had started to amend the Criminal Code to make domestic violence a criminal offence, and a national referral system had been set up for a rapid response to cases of domestic violence. A national shelter had been established to provide victims of domestic violence with counselling and psychological and social services, rehabilitation programmes, and medical and legal assistance. Training had been provided to police officers, judges, prosecutors, forensic experts, bailiffs and education, social services and health-care personnel, to build their capacities for the prevention and handling of domestic violence cases. Data collection on domestic violence had been improved and indicators about gender equality and women’s status had been defined.

5. Turning to trafficking in persons, she said that the Government had established specialized structures and a referral system to assist trafficking victims, and had amended its laws to make trafficking in children and women a criminal offence. With regard to women’s participation in political and public life, the Electoral Code had been amended to establish a quota whereby at least 30 per cent of the candidates running for the Assembly must be women. Women held 23 of the seats in the Assembly, or 16.4 per cent; one woman held the post of Minister, representing 7.1 per cent of the cabinet, and 9 out of 35 of the Deputy Ministers were women, 25.7 per cent.

6. With regard to employment, 80 per cent of participants in special employment and vocational training programmes for unemployed job seekers were women, including Roma women, trafficked women, disabled women and women with social problems. Under the Law on Gender Equality in Society, employers had the obligation to provide equal working conditions for all their employees, regardless of gender; to prevent sexual harassment in the workplace; and to arrange flexible schedules for employees with household responsibilities. A new law was being

prepared to provide economic aid to families where couples were going through divorce while the final court ruling on the divorce was still pending.

7. In the education sector, despite improvements in access for men and women, girls abandoned school more frequently and earlier than boys in order to contribute to the household. Gender stereotyping still prevented women from holding managerial positions in educational institutions. In universities, for example, the academic staff consisted of 43.6 per cent women and 56.4 per cent men; none of the 10 university rectors was a woman; only 3 of the 10 vice-rectors were women; and only 11, or 27 per cent, of faculty deans were women. Nonetheless, efforts were being made to include the gender perspective in curriculums and textbooks and to appoint more women in managerial positions in schools. In health care, men and women had equal access to services, and measures had been taken to build the capacities of health-care information systems for gender analysis and planning with respect to reproductive health.

8. Lastly, with the support of the media, civil society and international organizations, and the recommendations which the Committee would undoubtedly make, the Government would continue seeking concrete ways of enhancing gender equality and eliminating discrimination against women in Albania.

Articles 1 to 6

9. **Mr. Flinterman**, referring to article 22 of the Constitution, asked whether it was the Government, the legislature or the judiciary that made the decision as to the direct applicability of an international agreement in domestic law. It would be useful to know if the Government of Albania shared the erroneous view held by some countries that, as most of the provisions of the Convention were formulated as obligations of States parties and not as individual rights, they were not applicable automatically and required specific action to be translated into domestic law. He sought confirmation that the Government was willing to urge the judiciary to consider the provisions of the Convention as self-applicable, particularly in the light of its ratification of the Optional Protocol.

10. **Ms. Popescu** enquired about the steps that were being taken to implement the Law on Protection against Discrimination; the monitoring mechanisms

that had been put in place in respect of that Law; and the sanctions that were imposed in case of violation. She asked whether the Law on Protection against Discrimination overlapped with the Law on Gender Equality in Society, which also dealt with discrimination based on sex and gender; and whether the independent anti-discrimination commissioner's role overlapped with that of the People's Advocate. She sought confirmation that there were sufficient financial and human resources for the implementation of both Laws, and that the reversal of the burden of proof under the new labour legislation in cases of alleged discrimination on grounds of sex and gender did not create additional obstacles for access to justice.

11. **Ms. Šimonović**, while commending the State party for the progress it had made with respect to women's rights, said that she wished to know whether the Parliament and non-governmental organizations (NGOs) had been involved in the preparation of the report. With regard to article 22 of the Constitution, it was her understanding that the Convention applied automatically in domestic law, unless otherwise indicated. She would welcome information about the training being provided to raise awareness of the Convention; any studies that had been carried out on the applicability of the Convention; and any court cases in which the Convention had been invoked. She wished to know whether the anti-discrimination commissioner's jurisdiction included discrimination based on sex and gender.

12. **Ms. Ameline** said that she wished to know whether the Government's declared intention to strengthen its Penal Code also meant that it planned to stiffen the penalties and the characterization of crimes in the area of domestic violence. It would also be useful to know whether the provisions of the Penal Code for the issuance of protection orders and the removal of a violent spouse from the home were being applied in practice, and whether there had been any court cases to illustrate their implementation.

13. She asked whether the customs and traditions that encouraged honour killings in the northern part of the country had been eradicated, and whether special measures had been taken to raise awareness of the Convention and facilitate access to justice for minorities. Lastly, while it was encouraging to see that the Assembly was led by a woman, it would be interesting to hear about efforts being made to achieve equality elsewhere in the country.

14. **Ms. Neubauer** said that gender equality in Albania had been greatly legitimized by the establishment of new laws and institutional structures. However, the human and financial resources available did not seem commensurate with the expanded mandate of the Directorate of Policies for Equal Opportunities. She wished to know if the financial resources of the Directorate had been increased accordingly and what specific resources were allocated to its work on domestic violence and gender inequality. She also requested clarification as to how many and which ministries were represented on the National Council on Gender Equality.

15. She expressed concern that existing personnel within Government agencies would be fulfilling the tasks originally intended for the new full-time posts of gender officers requested by the Ministry of Labour, Social Affairs and Equal Opportunities, in line with the Law on Gender Equality in Society. She asked how those functions would be carried out.

16. Details on the coordination with local governments to ensure coherence in gender mainstreaming and compliance with the national laws on gender equality and domestic violence would be appreciated. She also requested information on problems encountered in the implementation of the Action Plan of the National Strategy on Gender Equality and Domestic Violence 2007-2010. She wondered whether those issues were addressed in the action plan for 2011-2013 and whether it would include the draft gender indicators for statistics in order to improve monitoring. At the parliamentary level, she asked why, as the entity responsible for gender equality, the Committee on Health, Labour and Social Affairs had created a subcommittee on equal opportunities but not a subcommittee on gender equality.

17. **Ms. Ameline** emphasized that, given the decentralized structure of the country, local governments must remain actively engaged. She asked what their particular responsibilities were in terms of promoting gender equality and whether there were specific measures in place to support rural areas. At the prefecture level, she wished to know how far the process had come to hire and train staff specialized in gender issues. Details on the national framework to assist victims of domestic violence would be welcome, including information on any social reintegration

services that supported the implementation of legislative measures.

18. **Ms. Peci** (Albania) said that articles 5, 22 and 122 of the Constitution stipulated that international agreements ratified by the Parliament, including the Convention, became part of the national law after they were published in the Official Gazette. The Government was committed to reforming or developing specific laws, such as the law on gender equality, to address any gaps in the national legislative framework related to the Convention. Although actual implementation of all provisions of the Convention was a challenge, there was no question as to their applicability.

19. **Ms. Kodra** (Albania) said that the Constitution stated that international conventions were directly applicable to national law and had priority. If there was an existing law that contradicted a provision of a convention, the Government was charged with reviewing it. In the case of the Convention on the Elimination of All Forms of Discrimination against Women, the National Council on Gender Equality conducted the legislative review and provided recommendations to the Ministry of Labour. The Council was made up of representatives from the Ministries of Labour, Justice, Finance, Health, Education, Agriculture and Interior. In addition, three NGOs held seats on the Council, which rotated after four years.

20. Although implementation of laws was a problem in general, fulfilment of the Law on Protection against Discrimination had made a promising start, with the National Council on Gender Equality providing indicators of progress and actively monitoring its implementation. The fact that the Law on Gender Equality in Society did not generally provide sanctions for non-compliance was a setback to its implementation. However, it was complemented by a provision in the Law on Protection against Discrimination for sanctions that could be imposed by a commissioner, thus furnishing a basis to respond to the requirements of the Convention.

21. There was no overlap between the function of the anti-discrimination commissioner and the People's Advocate. The debate on the Law on Protection against Discrimination had revealed that the People's Advocate had only advisory powers; the new commissioner's office therefore filled the need for an authority with the

power to impose sanctions to ensure implementation of the Law. The commissioner was also tasked with examining complaints and conducting investigations; making recommendations to competent authorities; dialoguing with NGOs; and raising awareness of the principles of non-discrimination.

22. Albania was a country in transition with limited experience in administering a State budget. It was expected that the budget for the Directorate of Policies for Equal Opportunities would be provided for under the budget of the Ministry of Labour, which was still to be determined. There was a complicated process under way to reform the national budget, including progressive efforts to provide separate lines for each of the Ministry of Labour's programmes, including those dedicated to women and children. The process of preparing, passing and implementing laws on gender had benefited from the enormous support of donor organizations. However, the Government would increasingly need to take over the responsibilities currently shouldered by donors.

23. She confirmed that the burden of proof lay with the claimant in cases of sexual harassment. Changes to the Penal Code had made human trafficking a criminal offence and procedures had begun to do the same with domestic violence, with the public support of the Prime Minister.

24. There had been long-term, successful cooperation with NGOs on women's issues. The laws on domestic violence and gender discrimination had been drafted by NGOs and taken up by the Government. In addition, a referral system for reporting domestic violence that had been created and implemented by NGOs at the local level was to be made mandatory throughout the country through a decree by the Ministry of Labour.

25. The situation in the Parliament had been unusual recently, with the opposition boycotting participation for nearly a year, which could explain why a subcommittee on gender equality had not been created. However, normal activities had resumed and progress on the issue could be expected. Cooperation with the Parliament generally involved Government ministries reporting annually to the relevant parliamentary commissions on the implementation of strategies and laws, with special cases addressed as requested.

26. The incidence of honour crimes had been decreasing, a sign of improved respect for the rule of law. In its first steps to democratize the country, the

Government was focused on fulfilling its own commitments to its citizens, and a strong foundation in that direction had been established. She confirmed that there were provisions to remove perpetrators of domestic violence from homes by court orders. Generally, such cases were reported by health institutions to the police and court system, with the courts issuing the orders in extreme cases.

27. All ministries had nominated current staff members to serve as focal points on gender issues. Focal points and their superiors had received training to understand the role of gender within the ministry and in local governments and provide support in that respect. Budget constraints currently limited the Government's human resource capacity in all of its agencies, although she recognized that more relevant Ministries, including Education, Health and Justice, would be needing greater human resources in the area of gender equality in the future.

28. With a small population totalling 3.5 million, Albania was providing more power to communes and municipalities through the decentralization process. While local governments had control over the administration of their territories, they were obligated to implement national policies on gender equality and could not make any changes to such policies. Municipalities were free to provide additional funding to NGOs in support of gender equality.

29. Earlier in 2010, the Ministry of Labour had issued an order to collect statistics on gender issues in eight major areas and had provided relevant indicators. Statistics were to be collected by Government at the local and national level, and it was expected that the first set of data would be available by 2011, which would greatly facilitate the assessment of needs and allocation of services.

30. **Mr. Flinterman** asked what guarantees were in place to ensure that the temporary special measures called for in the Law on Gender Equality in Society were implemented. While article 8 of the Law complied with article 4 of the Convention by providing for temporary special measures in a range of fields, including political decision-making, he wished to clarify whether the use of "measures" in the article encompassed the wide scope articulated in the Committee's general recommendation No. 25, which went beyond quotas to include outreach programmes, targeted recruitment and allocation of resources in its

definition of special measures. Regarding the status of the Convention in domestic law, he requested a specific example of a case where a provision of the Convention had been brought before a court in direct challenge to an existing law and had been declared applicable.

31. **Ms. Awori** noted that the law on domestic violence fell under the Civil Code, providing for measures such as protection orders and shelters. She would appreciate more information as to how domestic violence was to be included in the Penal Code and whether the amendment would include the offence of marital rape.

32. The report on the Human Rights Council's universal periodic review of Albania in 2009 had noted that traditional concepts of justice known as *Kanun* were still carried out in parts of the country, resulting in the low status of women. She requested more information on the prosecution of honour killings as well as specific details on a 2003 case, wherein a man had received a sentence of just two years for murdering his daughter in the name of honour. She asked what concrete steps were being taken to protect women and end impunity for offenders.

33. **Ms. Popescu** said that stereotypical views and the resurgence of customary practices limited women's roles to mothers and caretakers and challenged the exercise of their human rights. Noting that the eventual establishment of the rule of law could not be solely relied on to eradicate harmful customs, she asked what measures were being taken to prevent practices such as early marriage, bride prices and arranged marriages. She also wished to know if there was a provision in the Penal Code that specifically targeted honour killings.

34. Regarding the elimination of gender stereotypes, she would appreciate more details on steps being taken to mainstream gender into educational materials and curricula and training for teachers. She also wished to know what measures were being taken to encourage a balanced representation of women among journalists and media boards and to monitor the portrayal of women in the press.

35. She noted that the statistical data on violence provided by the State had been difficult to assess as it was not consolidated. Nevertheless, she had noted the high number of suicides among women reported for 2008 and asked whether they were related to customary law. She encouraged the State to include domestic violence as a criminal offence in its Penal Code in

order to end impunity, particularly given that it had reported that 78 per cent of the victims were women.

36. **Ms. Šimonović** inquired whether the Government had any measures in place to prevent suicides by victims of domestic violence. She cited a provision that exempted public prosecution of perpetrators of violence in cases of "light injuries", which were defined as making the victim unfit for work for less than nine days. She wished to know if there were any other criteria that defined "light injuries", as that did not seem to be an appropriate measure of harm, and whether there were plans to change the laws on prosecution of domestic violence. She commended the opening of the first national shelter for victims of domestic violence and asked how many more were planned, how many spaces they would provide and whether they would be accessible free of charge. Information on legal aid services provided to victims would also be welcome. It would be important to clarify the lines between criminal and civil law in deciding which cases would be prosecuted. She would appreciate more details on the next steps in the process of criminalizing domestic violence.

37. **Ms. Chutikul** said that the Government had shown good efforts in creating laws and structures to combat human trafficking. In terms of implementation of the laws, she wished to know how many victims had benefited from the 2004 witness protection law. She also inquired whether law enforcement officers had sufficient knowledge, skills and resources to enforce protective measures against trafficking and whether protective measures were in place to prevent internal trafficking among vulnerable groups, including Roma and Egyptian women. She would appreciate more details on traffickers, particularly any studies conducted on recruiters. Given children's vulnerability to exploitative commercial sex, she wished to know if the State had ratified International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour, and if so, what the obstacles were to its implementation. More information on the legislative and civil procedures available to compensate victims of trafficking would be welcome. In regard to sentencing, the Committee had received information that many criminal trafficking cases were not prosecuted due to victims' lack of access to free legal representation; she requested more details on that issue. Despite the fact that border control officials received training, there were reports of easy border crossings to neighbouring

countries and corruption in immigration proceedings, and more information on that issue would be useful. Recognizing the strong bilateral agreements established with European countries, she inquired whether that cooperation was actively monitored.

38. **Ms. Kamani** (Albania) said that the country had made major progress in education, and in fact, universal primary education had been provided for 40 years. As part of the comprehensive reform of the educational system conducted in 1999, human rights, gender equality and non-discrimination training had been included in the curriculum at all levels, including university-level courses on women's equality. New textbooks were selected through a competitive process, and the portrayal of gender equality was among the criteria used in the selection.

39. **Ms. Kodra** (Albania) said that good progress had been made in setting up the mechanisms to guide and monitor the implementation of the Law on Gender Equality in Society. The Government had the obligation to monitor the implementation of temporary special measures and quotas for gender representation. The establishment of a 30 per cent quota for women in decision-making positions had led to a doubling of the number of women in Parliament and demonstrated that the Government took the implementation of the Law on Gender Equality in Society seriously. Women represented 80 per cent of students in vocational training schools; no tuition was charged for members of such vulnerable groups as disabled and Roma women.

40. Implementing legislation was not needed in order to apply the Convention before the courts in Albania, although no cases had yet been brought to court which directly invoked it. Early marriage was not a major problem in the country; the average age of marriage for women was currently 23 years.

41. In an effort to criminalize domestic violence, a proposed law on domestic violence had been brought to Parliament. The first public domestic violence shelter, established with assistance from UNDP, had recently opened. It was free of charge to residents and could accommodate 100 women. The staff of that shelter would provide training for additional staff to open other shelters throughout the country.

42. Although it was very rare, there had been one recent incident of a so-called honour killing which had resulted in a major public outcry against the practice.

The Government was taking measures to eradicate it completely.

43. **Ms. Peci** (Albania) said that Government efforts to combat trafficking in persons included a moratorium on the sale of small panel vans, the main mode of transport used to traffic Albanians abroad. Trafficking was defined as the movement of persons across borders, whereas the movement of persons within the country — for instance from rural to urban areas — was seen as exploitation of prostitution. There had been some positive developments in the prevention of trafficking, through campaigns to raise public awareness, especially among vulnerable groups.

44. The legal framework to combat trafficking included a law against organized crime, which included provisions on witness protection. In addition, Albania had entered into bilateral agreements with its neighbouring countries, including Italy, Greece and other Balkan countries, on cooperation among law enforcement agencies. It had enhanced its cooperation with transit or destination countries of trafficking by establishing liaison officers and by making contact with the embassies of Great Britain, Italy, Greece, Kosovo, Turkey, the Netherlands and France, among others, and with Interpol.

45. **Ms. Kodra** (Albania) said that the Government had adopted a comprehensive strategy to combat trafficking in persons in 2005 and had increased funding for the strategy by 24 per cent for 2010. In 2009, 82 victims of trafficking had been reintegrated and employed through programmes established under the strategy. The 12 regional anti-trafficking committees discussed the cases of exploited persons. The monitoring of bilateral agreements on trafficking must be strengthened, however.

46. Special emphasis had been placed on child protection through the adoption of a law on children's rights and the establishment of child protection units in 12 municipalities. In addition, Albania had ratified ILO Convention No. 182 on the worst forms of child labour and was participating in a joint project of ILO and the International Programme on the Elimination of Child Labour (IPEC) against forced child labour.

47. The Ministry worked closely with the communications media towards the elimination of gender stereotypes, although much remained to be done. For example, in the news media, the reporters

were mainly young women, while the managers were all men.

48. **Ms. Ara Begum** said that economic migration of young women and adolescent girls was widespread and existed side by side with trafficking. She would like to know if there were any policies on safe migration and any figures on the numbers of women migrants and the remittances they generated. The Committee's general recommendation No. 26 on women migrant workers would provide useful guidance in that area. Lastly, she asked if older women caring for the children of women migrants received any Government childcare benefits.

49. **Ms. Chutikul** said that she would like to hear more about civil proceedings for compensation of victims of trafficking.

50. **Ms. Neubauer** asked if the national women's shelter housed both domestic violence and trafficking victims. She also asked the delegation to elaborate on the demand side of prostitution and any efforts to punish clients and those exploiting prostitution rather than the prostitutes alone. Lastly, she wondered how the country addressed the needs of women who wished to leave prostitution.

51. **The Chairperson**, speaking as a member of the Committee, asked if any training was provided on the Convention and if any positive measures were taken to raise its visibility.

52. **Ms. Kodra** (Albania) said that training courses and manuals on the Convention were prepared for State employees. In 2010, four training sessions on the Convention had been held for judges and prosecutors. Activities under the Council of Europe Convention on Action against Trafficking in Human Beings also included training and awareness-raising on women's human rights. As part of its efforts to prepare for membership in the European Union, Albania had instituted a policy of visa liberalization, which had helped to diminish trafficking in persons. Victims of trafficking received compensation in the form of economic aid and employment training provided from the State budget.

53. There were more female than male migrant workers, and their remittances were a major source of support to their families. In 2002, foreign remittances had represented 22 per cent of national GDP, but that figure had declined in the recent economic crisis.

54. National legislation currently did not address the demand side of prostitution, but future efforts would focus on that aspect. The government-operated shelter housed only victims of domestic violence.

Articles 7 to 9

55. **Ms. Belmihoub-Zerdani** asked if there was a policy to encourage political parties to set minimums for women's participation. She also requested more information on the numbers of women in the diplomatic service, the judiciary and teaching in higher education.

56. **The Chairperson**, speaking as a member of the Committee, noted that in 2009, the quota of 30 per cent women candidates for Parliament had been reached, yet only 16.4 per cent had been elected. She wondered why so few women candidates had been successful and what the Government would do to promote them. More information on the monitoring mechanism for the implementation of Law on Gender Equality in Society was needed. She also would like to know if there were any capacity-building programmes for women in public life. Lastly, she asked for an explanation of the practice of "family voting" in rural areas, where women voters were often "assisted" by males.

The meeting rose at 1 p.m.