



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 September 2009

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-sixth session

12-30 July 2010

List of issues and questions with regard to the consideration of periodic reports

Albania

The pre-session working group considered the third periodic report of the Republic of Albania (CEDAW/C/ALB/3).

General

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

Constitutional, legislative and institutional framework

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



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

4. Please indicate whether a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 and extending to acts of discrimination by public and private actors, in accordance with article 2, has been incorporated in domestic legislation. Please also indicate if a comprehensive review of laws has been undertaken, as recommended by the Committee in its previous concluding observations¹ in order to ensure conformity of national legislation with the Convention.

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

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

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

¹ See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), para. 61.

ministries for strong and consistent gender-sensitive activities and programmes that are effectively mainstreamed.

8. The Committee, in its previous concluding observations, recommended that gender mainstreaming in all ministries, policies and programmes be strengthened through gender training and the creation of focal points.² What measures have been taken in this regard? Please explain how gender perspectives and the goal of gender equality have been integrated into all activities carried out by the State party during the reporting period, how this has been reflected in the budget allocation and whether gender trainings have been conducted.

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

Stereotypes and cultural practices

10. The Committee, in its previous concluding observations,³ expressed concern about the persistence of entrenched traditional stereotypes and the resurgence of discriminatory customary law (Kanun), as well as traditional codes of conduct in some northern areas of the country. Please provide information on the results of the measures described in the report (CEDAW/C/ALB/3, para. 75) undertaken to overcome these attitudes, and indicate if clear strategies and measurable indicators have been used in order to evaluate progress achieved. In this regard, also indicate any measures taken to address stereotyped roles of women and men in the education system, mainly through the inclusion of a gender equality perspective in teachers' initial training, retraining and in-service training programmes, as well as through the revision of textbooks and school curricula at all levels of the educational system.

Violence against women

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

12. A National Study on Reproductive Health made in 2002 (CEDAW/C/ALB/3, para. 337) shows that 11.5 per cent of Albanian women of age 15-44 appear to have

² Ibid., para. 67.

³ Ibid., para. 68.

experienced abuse by their parents and 27.2 per cent of them reported abuse during their childhood. Please provide updated data and statistics on the prevalence of sexual abuse in Albania as well as information on measures taken by the Government to address the issue.

Trafficking and exploitation of prostitution

13. The Committee expressed concern in 2003⁴ that victims of trafficking are subject to punishment under the Albanian Penal Code. The report reconfirms that the Albanian Criminal Code is one of the fewest, if not the only one in Europe, that holds prostitutes criminally accountable (CEDAW/C/ALB/3, para. 100). Please provide information on measures taken to address this issue. Was there any assessment of the number of women and girls involved in prostitution made and were factors driving women and girls in prostitution identified and adequately addressed. Please provide information in this regard. Such information should also include measures undertaken and/or planned to provide for rehabilitation and reintegration into society of women who wish to leave prostitution, as well as measures aimed at discouraging the demand for prostitution.

14. According to the report (CEDAW/C/ALB/3, para. 107), the Government is continuing to work intensively to further complete the legal framework with a view to complete internationally required standards in the field of trafficking of human beings. Please indicate the gaps identified in the national legislation and indicate how the Government plans to bridge them.

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

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

Participation in decision-making and representation at the international level

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

⁴ Ibid., para. 70.

women in management positions in the civil service and leading positions in the diplomatic service and the judiciary and the impact of such measures.

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

Education

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

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

Employment

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

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

23. Please provide detailed information, as requested by the Committee in its previous concluding observations,⁵ on the situation of women in the labour market, including women’s occupations in the different sectors of the economy, their levels of authority and their wages.

24. According to the report (CEDAW/C/ALB/3, paras. 230, 232 and 238), women occupy a considerable weight in the total unemployed jobseekers and are particularly affected by unemployment (80 per cent females against 12.8 per cent males) and underemployment in both the private and the public sector. Please

⁵ Ibid., para. 75.

provide information on measures being implemented to address issues of unemployment and underemployment in both sectors, with a special focus on family-friendly working arrangements, availability of childcare infrastructures in urban and rural areas, and initiatives promoting men's sharing family responsibility.

25. The report mentions (CEDAW/C/ALB/3, para. 265) the absence of precise complaint procedures in case of sexual harassment in the workplace and the lack of statistical data on the phenomenon. Please provide information on measures undertaken to address sexual harassment and violence against women in the workplace.

Health

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

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

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

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

Rural women

30. The report shows the persistence of de facto discrimination against rural women with respect to owning and inheriting property (CEDAW/C/ALB/3, paras. 389-390). Please provide information on measures undertaken by the Government to address these issues in response to the Committee's recommendation⁶ (A/58/38, para. 77).

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

⁶ Ibid., para. 77.

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

Family relations

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

Amendment to article 20, paragraph 1

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