

Prepared by: Prof. Dr.Arta Mandro

*STATUS OF IMPLEMENTATION OF THE
CEDAW COMMITTEE CONCLUDING
OBSERVATIONS*

*PERIOD: SINCE THE ASSESSMENT
OF THE THIRD PERIODIC REPORT OF
ALBANIA JULY 2010] - UNTIL
NOVEMBER 2012*

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Part I: Introduction

1. This analysis of the status of the measures taken to implement the concluding observations (hereinafter CO) of CEDAW Committee, is carried out by active actors of the civil society in order to precede step by step the fulfilment of the obligations this committee has set to the Albanian Government.
2. This document puts things on the balance after more than two years from the issuance of the concluding observations¹.
3. A previous report has put these (non)/implementations on the balance a year after the issuance of the concluding observations. The comparison between these two documents might indicate the progress of this process in the qualitative and quantitative aspects. We notice that there are a series of positive actions especially in the legislation field that need to be congratulated.
4. This analysis shall serve as a work plan and measures to be taken so that the next report of the government [the fourth] and the shadow or alternative report of the civil society shall be a process based on the real situation and possibly on a positive balance of the results.
5. In case the Albanian Government shall not realize any of the observations of the CO-s, the civil society should not act indifferently. The observation of the remaining realizations and obligations shall serve as a work plan even for the civil society, which might divide the roles according to the expertise and possibilities and shall not create superposition with other actors.
6. This analysis of the situation and measures that might be taken shall facilitate the preparation process of the next periodic report which shall be focused specifically on the CEDAW Committee observations.
7. This contribution is encouraged even by CEDAW Committee itself, which in the Concluding Observations [paragraph 4; paragraph 10 and paragraph 51 thereof] has evaluated the contribution of the human rights and women nongovernmental organisations in the implementation of the Convention and in the preparation of the report and requires the Albanian Government to recognise this positive contribution.
8. The following analysis shall be carried out by organising/classifying the Committee observations in several rubrics and by controlling the fulfilment status of these obligations by the Albanian Government. The document is divided in two parts: The first part is introductory and the second part considers the current status of the CO-s. The second part is divided in some rubrics according to the nature or category of the CO-s. These are:
 - Legislation;**
 - Legal counselling and aid;**
 - Monitoring**
 - Gender Equality and non-discrimination mechanism**

¹ See the English version of the CO in: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/485/20/PDF/N1048520.pdf?OpenElement>;

- Training and awareness raising;*
- Statistics;*
- Education;*
- Introduction to the convention*

9. Based also on paragraph 10 of CO-s, this analysis shall be submitted to the Ministry of Labour, Social Affairs and Equal Opportunities so that the ministries are reminded of the obligations set forward by the Committee; these obligations shall be submitted to the Assembly in the form of draft by-laws accompanied with the adequate budgets and they shall enable the judiciary to become a guarantor of the conventional and legal standards.
10. Thus, through this document, we, the civil society, aim the dissemination of the CO through an alternative version [pursuant once more to paragraph 47 of the CO, regarding their dissemination]. Meanwhile, this document facilitates the cooperation between different actors of the civil society so that they shall know where to focus their contributions.
11. This document shall assist the responsible ministries to implement the National Strategy on Gender Equality, Reduction of Gender Based Violence and of Domestic Violence (NSGE-RGB) 2011-2015, which, according to the action plan, within 2011 should have developed a work plan based on the recommendations of CEDAW for each responsible institution [see the specific objective 2.1 and specifically 1.2.1 and 1.2.2]
12. To make this implementation or non-implementation of the recommendations/concerns raised by CEDAW Committee visually clearer, we have prepared a presentation of these observations through an analysis divided in numbered paragraphs. So, for your convenience, the document includes:
 - a. The paragraph/s that include one of the observation according to the number set in the CO [hereinafter CO].
 - b. The content of the observation made by the Committee based on its status during the reporting time.
 - c. Further on the current status of the observation made by the CEDAW Committee is reflected. Current means the date this document bears [November 2012].
 - d. For each observation we have analysed the status and the actions to be undertaken to fulfil the observations of the CEDAW Committee. This is suggested under the subheads: “current situation” and “what is needed”.
 - e. Through their comments the NPOs shall be able to express whether certain fields or activities are part of their projects.
13. In this analysis it may occur that one paragraph of CO has been repeatedly listed on its own. This occurs because there are cases when within an observation or recommendations there are several issues and each issue should be handled with adequate care.
14. This analysis includes the period from July 2010 [as the period of the Committee meeting and conclusions for Albania] until November 2012.

15. The legend of the realisation of the suggestions/recommendations of CEDAW Committee²

16.

Conventional Symbol	Their meaning
	Fully realized
	Partly realized
	Not realized
	Insufficient information

Attention! In some cases more than two conventions are used. This is done in order to show that in some aspects the CO status is fully realized, and in some other aspects, there is still work to do.

17. This analysis is conducted based on information from several sources [public information³ and interviews]. This includes institutions such as:

- a. The Ministry of Justice
- b. The Assembly of the Republic of Albania
- c. The Ministry of Labour, Social Affairs and Equal Opportunities
- d. The Commissioner for Protection from Discrimination.
- e. The legal and strategic documents and the action plans
- f. The People's Advocate
- g. The Ministry of Interior
- h. Gender Alliance for Development Center
- i. "Vatra" psycho social Center
- j. Women's Forum, Elbasan
- k. Association "Me the Woman", Pogradec
- l. Association "Woman to Woman", Shkodra
- m. Association "Agritra Vision", Peshkopi
- n. Counselling Center for girls and women with social problems, Durres
- o. Association "Jona", Saranda
- p. Center for Legal Civic Initiative, Tirana
- q. Counselling line for girls and women, Tirana
- r. Albanian Society for all ages, Tirana (ASAG)

18. This document is amendable. The document herewith is a work paper and as such it is subject to continuous changes and updates. The same thing stands for the information it includes. We appreciate your understanding and updates of the document for aspects that are not reflected adequately.

² Referring to MDG symbols

³ The websites of these institutions and other publications.

Part II

Observations/suggestions of CEDAW Committee and their current status

I. Legislation

1. **CEDAW Committee has repeatedly discussed the issue whether the CEDAW Convention is self-executing. Is the law necessary or not? [paragraph 12; 13 of CO]**



1.1. The current situation:

The above mentioned question has been repeatedly raised by CEDAW Committee, but there is still no official answer.

Pursuant to the Constitution of the Republic of Albania, Article 122/1, “1. Any ratified international agreement becomes part of the internal legal system after *being published* in the Official Journal of the Republic of Albania. *It is implemented directly, except for the cases when it is not self-executing and its implementation requires the approval of a law*”. The CEDAW Convention falls under the latter category.

Currently, there is still no study focusing on the self-executing issues of this convention, as there is no such study for other international ratified instruments. Still, the interpretations made by academics [Prof. Dr. Aurela Anastasi, etc.], based on the general rules and the principles of the execution of legal norms we highlight that the entities might execute directly and require the direct execution of only those articles of the CEDAW Convention which do not require the issuance of other internal mechanisms. So, in cases when an article of the Convention itself requires the state to set up internal mechanisms [in cases these are missing or are not adequate for the implementation of this conventional norm] then, it is the state’s responsibility to fulfil this requirement. The set up mechanisms of non-discrimination and gender equality affect the effective implementation of the CEDAW articles.

Since we are not certain about the self-execution of some of the conventions articles, it might occur that some of the rights it provides cannot be guaranteed. On the other hand, because of these cases, some of the rights provided by these articles are not

required by the advocates who protect women's rights and consequently by the court itself, because as such, these articles cannot be referred to directly for the same reason.

1.2.What is needed:

Study: Undertaking a thorough study of the CEDAW Convention in relation to the Albanian legislation regarding the self-execution standard. This study shall identify a list of:

- The self-executing articles;
- Non-self-executing articles, but for which the adequate mechanisms exist;
- Non-self-executing articles for which the mechanisms are set up but need to be updated and be made more adequate for the execution of this norm;
- Articles which cannot be executed because no mechanisms are set up.

In this way we shall identify the important positive interventions that the state should make by approving laws [and by-laws] to guarantee the implementation of these standards.

Law scholars and convention experts might conduct this study even on behalf of the NPOs so that they can submit the unrealized obligations in the form of a request to make the convention applicable.

Awareness raising and training: In addition, trainings of different actors of the judicial system regarding the self-execution of the Convention or mechanisms set up to this purpose are needed. Such trainings should be organized for advocates, NPOs that offer legal aid, judges and women's community, etc.

2. Ratification of the [UN] Convention on the Rights of Persons with Disabilities [paragraph 48 CO]

2.1.The current situation [realized]



By approving Law No. 108/2012 “On the ratification of the UN Convention on the rights of persons with disabilities”, on 15/11/2012, the People's Assembly of the Republic of Albania concluded successfully the ratification process for this important UN convention thus becoming the 127th ratifying country. The UN Convention on the Rights of Persons with Disabilities, as one of the 9 important instruments in the field of human rights, was signed by the Assembly of the Republic of Albania on December 22, 2009.

Despite this important international instrument, the real situation of the persons with disabilities in Albania appears to be very problematic. The Albanian Disability Rights Foundation is concerned for the delay of the payments that these people get, especially during the end-year period, resulting in their inability to fulfil their basic and most indispensable needs, such as food provision, medicines, care service, etc.

2.2.What is needed:

Approach: An analysis of the internal legislation status in relation to convention approach. Providing the convention with adequate mechanisms to make it applicable

and provide it with the effective budget. During this analysis we should take into consideration that Albania is a country where the ratification of the conventions is not difficult, but their implementation does not progress in the same pace.

Bill: To this end, the approval of the draft law "On the inclusion and accessibility of the persons with disabilities" and the preparation of the respective Strategy after an analysis process and adequate consultation with the interest groups and the convention standards is required. Budgeting: The responsible institutions must make an effective fund planning in order to observe the rights of the persons and women with disabilities.

Analysis: An analysis of the self-execution of this convention or legal adjustments to make it applicable.

Awareness raising and training: We recommend that the awareness raising and training should be focused on the obligations to make the convention directly applicable in the cases when the legislation does not comply with its standards, turning it into an effective legal instrument and a means of pressure. For this purpose the Magistrates School, DHKA, etc., should organise training programs/activities so that the judges, lawyers and other actors of the judicial system according to the groups included in the convention, become familiar with this instrument. A special role is played by the civil society.

Monitoring: The monitoring of the conventions implementation is adequate so that it does not become just a ratified instrument.

3. Burden of proof: removing the burden of proof in the case of pretended discrimination due to sex and gender, especially in the case of sexual harassment, in [1] anti-discrimination legislation and [2] Labour Code. [paragraph 14; 15 CO]



3.1.The current situation:

To evaluate the "burden of proof" principle we should consider several laws:

Law No. 10 221/ 4/2/2010 "On protection from discrimination".

Respectively, Article 36&5 and mainly 36&6 of this law deal with the issue of the "shared" burden of proof. So, after the claimant presents proofs, on which he bases his claim and on which the court might presume the discriminating behaviour, the defendant must prove that the facts do not constitute discrimination under this law. This is considered as a shared burden of proof. So, the claimant is somehow relieved from the "traditional" procedural provisions related to the burden of proof. The obligation of the claimant is to mobilize the court to consider the presented facts so that it presumes a discriminating behaviour. Then the burden is transferred to the defendant.

Law No. 7961, 12/7/1995 Labour Code of the Republic of Albania [amended]

Article 105/a titled "Women's employment protection", paragraph 1, prohibits the pregnancy tests prior to employment, except for the cases when the working conditions for this position might negatively affect the pregnancy or jeopardize the

life or health of the mother or child. Paragraph 2 of this Article provides that in cases the job contract is terminated by the employer when the woman is working during pregnancy or has returned to work after having a child, the employer must verify that the pregnancy or child birth was not cause for dismissal. So the burden of proof does not fall upon the claimant, but upon the defendant, who in this case is the employer. So, this provision is in compliance with the standard of “removing the burden of proof”.

Article 115/3 of the Labour Code stipulates that when the employee presents serious data that imply the existence of reward discrimination, the employer must prove the opposite. Article 115/4 of the Labour Code stipulates that the discrimination is eliminated when the employer allocates to the discriminated employee a reward including all the advantages that the employee of the other sex enjoys.

As you can notice, the burden of proof in the cases of discrimination is applied fragmentarily and not as a comprehensive standard. This standard is not found in the Law on Gender Equality [2008] and in the Law on the Measures Against Violence in Family Relations [2006, amended]. The absence of the judicial practice for these laws shows that there are still difficulties and the standards of the inverted/shared burden of proof are not yet applicable at least under the laws that include this standard.

The bill with amendments to the Labour Code: among the amendments provided by in this draft, Article 9 refers directly to the law "On the protection from discrimination". Quoting from this bill: [9/3] Should a person, who pretends to be subject to the failure of implementation of the principle of equal treatment, they must follow the complaint procedure determined under the specific Law “On protection from discrimination”. When the case is presented to the court and the claimant presents facts to support his claim for discrimination, the defendant must show that the equal treatment principle has not been violated or that no non-observance of the equal treatment principle occurred”. In addition, Article 144 referring to “the procedure for the termination of the job contract” paragraph 4/1 highlights that "it is the responsibility of the employer to prove the reasons for the contract termination and the observance of the procedure determined by this article”.

3.2. What is needed

Approach: Including the standard of the inverted burden of proof or shared burden of proof in the Law on Gender Equality in Society [2008] and in other aspects of the Labour Code, especially in the case of harassment and sexual harassment. Approximating the legislation with international and EU standards even in other aspects. The opportunity to extend the burden of proof clause to other provisions in order to highlight its importance and accessibility.

Training and awareness raising: Training the employers and employees community and the law professionals, such as judges and mainly advocates on the meaning of the “inverted burden of proof” and on the protection of women’s rights standards as an *extra ordinem* procedure compared to the ordinary civil procedure.

Getting familiar with the jurisprudence of the international courts, especially ECHR, ECJ, CEDAW Committee, etc., to understand the way this standard of the shared or inverted burden of proof is applied in the justice system. This standard is found in: EU

Racial Equality Directive (Article 8), Employment Equality Directive (Article 10), Gender Equality Directive (Recast) (Article 19), Gender Goods and Services Directive (Article 9)⁴. As far as the European Council standards are concerned it is worth mentioning here Article 14 of ECHR and protocol 12.

Training related to the so called “factors that do not need proving” is also important. Certain issues that often accompany discrimination examples, such as the existence of a prejudice or an intention to discriminate are the important ones to determine whether discrimination occurred. In such a case, there need only to be proofs of the existence of a differentiated treatment, when it needed to be equal.

Leaflet: The awareness raising for “the victims of discrimination” and harassment and sexual harassment [including the working relations] regarding the simplicity of the judicial processes due to shared or “inverted” burden of proof.

Manuals for professionals: Development of a synthetic manual for professionals related to the standard of inverted burden of proof and the cases of ECJ and ECHR.

4. Right to compensation for the women that require compensation for discrimination acts based on sex and gender under the new anti-discrimination legislative framework. [paragraph 14 CO]



4.1. Current Situation

Law no. 10221/2010 “On protection from discrimination”, Articles 37 and 38 provides that the court, through a decision, determines the indemnification including a deadline to indemnify the discrimination victims. The indemnification, among other things, includes the repair of legal violations and their consequences by bringing the situation back to its previous state, the right compensation for property and non-property damages or through other adequate measures.

The Law “On gender equality in the society” [2008], Article 29 provides that the indemnification for material and moral damage caused by the violation of the provisions of this law, including the restoration of the violated rights, is carried out in the court pursuant to the Civil Code. Article 30/3 provides that if the provisions were violated by employees of the public administration, the provisions of law No. 8510, dated 15/7/1999 "On non-contractual responsibilities of the state administration" are applied. Apart from the indemnification for the damage and missing profit, Article 12/1 of this law stipulates the category of the non-proprietary damages by listing the cases when the damage is related to the risk of bodily, health, freedom and personality integrity. In this case the indemnification is in cash. Through a civil process the victim may claim the material damage and the moral one.

⁴ Likewise, important cases to be mentioned are: SUD Travail Affaires Sociales v. France (Complaint No. 24/2004), 8 November 2005; Mental Disability Advocacy Centre (MDAC) v. Bulgaria (Complaint No. 41/2007), 3 June 2008; ECJ, Susanna Brunnhofer v. Bank der osterreichischen Postsparkasse AG, [Case C-381/99] 26 June 2001, paragraphs 51-62; GjEDNj: Nachova and Others v. Bulgaria [GC] (Nos. 43577/98 and 43579/98), 6 July 2005, paragraph. 147; GjEDNj Timishev v. Russia (Nos. 55762/00 and 55974/00), 13 December 2005, para. 39, and D.H. and Others v. the Czech Republic [GC] (No. 57325/00), 13 November 2007, para. 178.

In the Albanian juridical practice such requests are non-existent. It is evident not only in the discrimination cases, but also in others, that the whole culture to claim the damage to the justice bodies is lacking. The right to claim the moral damage (non-proprietary) is provided also by Article 625 of the Civil Code, which among others, lists the case when the honour and personality of a person is violated.

Regarding the indemnification for moral damage and its calculation, there are no special characteristics provided by the Civil Code or the above-mentioned laws. The judicial practice has not set up any reference scheme either, leaving the price of the damage in the hands of the judge, on a case-by-case basis.

4.2. What is needed

Training and awareness raising of the women community and protection authorities for the legal rights of the discrimination victims.

The compilation of a **leaflet** with information on the rights in cases of discrimination based on sex, and their protection; the dissemination of these leaflets in courts, institutions and employer's and employee's communities.

Research of the international experience in order to use the reference systems for the indemnification cases through some indicators, by making clear the meaning of compensation and mechanisms to claim the violated right. Bringing **the best practices** in this direction.

5. What are the efforts made to approximate the recently approved laws on gender equality and anti-discrimination, the legislation that was in force and the Convention, especially by handling the intersecting (multiple) forms of discrimination experienced by minority women, women with disabilities, rural women, and other vulnerable groups of women. What is the legal basis of setting sanctions for discrimination acts. [paragraph 18 CO]



5.1. Current Situation

The internal Albanian legislation has continuously improved in compliance with the obligations provided by CEDAW Convention and other international instruments. Pursuant to the Albanian Constitution, respectively Article 122, paragraph 2 and 3, it is highlighted that: “2. An international agreement ratified by law is superior to the country's law incompatible with it. 3. The norms issued by an international organisation, in case of conflict, prevail over to the country's law, when the agreement ratified by the Republic of Albania to participate in that organisation, explicitly provides the direct application of the norms issued by it.

Any new law, as a procedure, is sent for opinion to the line ministries and as a result the staff of each ministry checks its compliance with the international instruments relevant to that issue. The compliance check is binding and constitutes a part of the information included in the new laws reports. Even in the law texts published in the Official Journal there is a footnote reference to the instrument it complies with [mainly referring to the EU Directives].

The Republic of Albania has ratified through Law No. 104/2012 “On the ratification of the Council of Europe Directive “On preventing and combating violence against women and domestic violence”. (8.11.2012). This convention, in coherence with the CEDAW Convention obligations, sets other obligations for the responsible Albanian institutions to identify and develop amendments to the Albanian internal legislation, mainly the criminal one by providing for new criminal acts and strengthening the punitive measures of the existing acts.

Articles 27 and 28 of Law No. 9970/2008 “On gender equality in the society” provide the punitive measures in cases the gender equality is violated by the public institutions or individuals.

Pursuant to Law No. 10221/2010 “On protection from discrimination” the punitive measure for discriminating acts of any person that violates its provisions is the fine, and its financial margins vary as below:

- a) natural person, 10,000 to 60,000 ALL;
- b) legal person, 60,000 to 600,000 ALL;
- c) a natural person within a legal person, who is responsible for the violation, 30,000 to 80,000 ALL;
- ç) a person, who holds a public position and is responsible for violations under this law, 30,000 to 80,000 ALL.

Additionally, Law No. 10221/2010 “On protection from discrimination” provides as an extreme sanctioning measure, especially when the natural or legal person does not respect the decision of the commissioner or does not pay the fine three months after the deadline determined by the commissioner has ended and the sanction has not been appealed in the court, the commissioner may require from the competent authorities the nullification or suspension of the permit or authorization of the natural or legal person to exercise his activity.

The specific address to the intersecting discrimination forms needs to be carefully reviewed by the Albanian legislation.

5.2. What is needed

Harmonisation is a process which does not end with the ratification of a convention, but continues with the process of legislation approximation, setting up adequate structures for the implementation of the legal framework and training of the authorities and communities.

The legislation development, approximation with *acquis communautaire* and the harmonisation of the internal legislation remains a challenge for the Ministry of Justice and other ministries of line, including the MOLSAEO and the Ministry of Integration, etc.

Monitoring the legislation to review the way it addresses vulnerable groups and the opportunities for special protection from intersecting (multiple) forms of discrimination experienced by minority women, women with disabilities, rural women and other marginalised groups of women in order to provide them the adequate protection, due to the multiple discrimination this category suffers, would be appropriate.

In this direction, the provision of affirmative actions for such categories would be effective for the conditions of Albania. It is worth discussing here DCM No. 465, dated 18/07/2012 “On mainstreaming gender in the medium-term budgetary programs”, which requires care to be adequately applied and can be considered as an opportunity exactly for these groups that experience multiple discrimination.

The Property Strategy might also be a valuable instrument to be used effectively⁵.

6. Is there any study/commitment to identify the incompliance of the legislation with the convention and handle it respectively in order to ensure its application to be binding for an effective elimination of discrimination against women, especially of the marginalised groups, like ethnic and linguistic minority women, women with disabilities, elderly women, women who live in rural and remote areas, migrant women, women who suffer from HIV/AIDS and women discriminated due to their sexual orientation and gender identity. [paragraph 19 CO]



6.1.Current Situation

It appears there is no study with such a comprehensive nature from the Albanian government. This is noticed also in NSGE-GBV [2011-2015].

Meanwhile, a group of experts, with the initiative of UNDP have carried out an analysis of several laws in order to harmonise them with gender equality (GE) principles, based on the CEDAW and European standards in this field. The conclusions and recommendations of this group of experts were presented to the Albanian ministries and institutions. A part of them are included in strategic documents and recent legislative amendments, but not thoroughly.

The analysis was not focused on the groups of ethnic or linguistic minority women, women with disabilities, elderly or rural women, etc., as target groups highlighted by CEDAW Committee in this stage of CO.

Still, we must accept that the report that the state presents to CEDAW Committee and the shadow or alternative reports of the NPOs constitute a kind of evaluation of the compliance and identification of the aspects that still require intervention. The recommendations issued after the report serve as a guideline for the Albanian institutions to take measures of legislative, executive and administrative nature to improve the situation of women protection against any form of discrimination, including studies of this nature and level.

Finally, we are expecting the studies, reports and recommendations that the Commissioner for Protection from Discrimination, in compliance with his duties, provided in letters ë) and f), of paragraph 1 of Article 32 of Law No. 10221/2010,

⁵ See the strategy paper in: http://www.justice.gov.al/spaw2/uploads/files/File/Legjislacioni_Brendshem_Web/Strategjia_Reforma_ne_fushe_e-te-drejtave_te_pronesise.pdf

shall address to the decision-making and executive institutions on specific issues related to the discrimination against women.

6.2. What is needed

Study and analysis: Carry out an article by article study of the convention by relating each article to the legal framework situation in Albania, focusing on the laws that address the CEDAW Committee concerns.

Commissioner for Protection from Discrimination Strengthening the Commissioner for Protection from Discrimination in order to provide adequate legal opinions related to any draft law that affects equality and discrimination issues. Include the opinion of this institution in the approval procedure of each draft law. Care should be taken that the professional formation affects the identification of laws with a neutral nature and different impact on results depending on gender.

Strengthening the role of the NPOs and law professionals and awareness raising for the community remain an ongoing duty.

7. What are the commitments to improve the gender quotas in the provisions on general and local elections and what are the differentiated sanctions for the non-observance of the quota provisions? [paragraph 22 CO]



7.1. Current Situation

After the civil society lobbying, law no. 74/2012, which amended Law No. 10019, dated 29/12/2008 “The new electoral code of the Republic of Albania” represents a finalised legal document that shall guide the general elections process in 2013. The Civil Society replied to the invitation of the *ad hoc* commission established for this purpose, by submitting suggestions to improve the provisions on a gender perspective and beyond.

Article 175 of the Electoral Code (pursuant to Law No. 10019, dated 29/12/2008, amended by Law No. 74/2012. We quote the content of the provision: “**Gender equality related sanctions**”

1. Incompliance of the electoral entity with the obligations provided by paragraph 6 of Article 67 of this Code, regarding the list content, is punishable by Central Election Commission with a fine of 1,000,000 ALL, for general elections for the Assembly and 50,000 ALL for the elections of the local government, and complementary sanction pursuant to paragraph 2 of this Article.

2. When a violation is identified, CEC applies as complementary sanction the substitute of any vacant place in the entity’s list, for the region where the violation is identified, with candidates from the list from the less represented gender until the gender quota is complete. In case CEC decides for the application of this sanction, the exclusion of paragraph 2 of Article 164 is not applied and the vacant position is filled pursuant to this paragraph.

3. The sanctions determined in this article are applied in any electoral zone where the violation is identified.

So, the electoral code provides sanctions regarding the gender equality. More specifically, failure to fulfil the condition that for each electoral zone, at least thirty per cent of the electoral list and one of the three first names of this list should belong to one of the genders [Article 67/6], by the electoral entity is punishable with a fine from CEC of 1,000,000 ALL when the Assembly is elected and 50,000 ALL when the local government is elected. Compared to the Electoral Code of 2008, the level of the fine is diversified and increased and a way to correct the violation of gender parity principles through the quota mechanism has been provided.

The attention to this principle is also highlighted in Article 164, which includes adjustments related to "The termination of the mandate and the vacancies substitution" amended by Law No. 74/2012. So, pursuant to Article 164/2 of the electoral Code: **"The terminated mandate goes to the following candidate in the list of the same political party in the respective electoral zone. As an exclusion from this rule, when the vacancy is a mandate won pursuant to paragraph 6, Article 67, it is filled by the first candidate on the list of the respective gender, despite the list order. The other names of the same gender come up in the list taking the place of the preceding candidate of the same gender. This rule is not applied when the names of the respective gender are used up"**. This is the reason, that pursuant to Article 67/6, the subject that submits the list declares the positions according to the gender quota, in order to implement the exclusion pursuant to paragraph 2, Article 164 of this Code.

The active and passive right to vote is freely exercised by any Albanian citizen, who is 18 years of age, even on the election date, regardless of the race, ethnicity, gender, language, political or religious affiliation, physical abilities and economical status.

Regarding the principle effects of GE in CEC: The entities proposing the candidacies to the CEC, being respectively the party that has the largest number of seats among the parties of parliamentary majority and the party of the parliamentary opposition which has the largest number of seats in the Assembly of Albania, propose no fewer than 2 candidates for each vacancy. Chairs of the parliamentary groups of the proposing entities select, collegially, 4 candidacies. The proposing entities select one candidacy of each gender [Article 14/1/b of EC not amended by the previous law]. Currently, CEC is composed of 7 members, chaired by a chairwoman and the female-male ratio is 3:4 in favour of males.

Regarding the effects of GE principle in the composition of CEAZ [Article 29 amended by law no. 74/2012]. Thus, Article 29/1/ç: related to the composition of CEAZ, 30 percent of the members proposed respectively by the largest party of the majority and by the largest party of the opposition, nationwide, must belong to one of the genders.

The latest amendments to the Criminal Code [Law No. 23/2012 "On some addenda and amendments to Law No. 7895, dated 27/01/1995 "Criminal Code of the Republic of Albania" as amended], have brought about a special criminal legal protection of different aspects of elections. Therefore, Article 327/a lists the criminal offense of "Voting more than once or without providing identification" and stipulates that: "Voting more than once during the same elections, voting on behalf of another person, by submitting forged identification documents or using

the documents of other voters is punishable by imprisonment for one to three years. Election commissioners who deliberately allow this conduct shall be sentenced to imprisonment for one to five years. Election commissioners who deliberately allow voting, without identifying the citizen in conformity with the Law, are subject to criminal liability and sentenced to imprisonment for three months up to one year.

7.2. What is needed

Enhancing the women's interest to be included in the electoral rolls and the care for women possessing the proper "status" to adequately represent their gender.

Training and lobbying;

NPOs perseverance to raise women's awareness;

Encouraging international partners with a view to influencing the amendment of the Electoral Code.

Monitoring the respective lists and sanctions.

8. **What are the further interim and special measures with a view to achieving de facto equality in those spheres where women are underrepresented such as: [1] participation in political and public decision-making, including the civil and diplomatic service, [2] the judiciary and executive power, and [3] in education and employment; [4] in enabling ownership and property, capital and credit, [5] health-care services, [6] housing, and all the components of an appropriate living standard in general, especially with regard to women belonging to ethnic and linguistic minorities, elderly women, disabled women, and women living in rural and remote areas. The Committee requests the State party to include full information on the use of these interim and special measures relating to the different provisions of the Convention and their impact in the next periodic report. [paragraph 22, 23 CO]**



8.1. Current Situation

Law no. 9970/2008 "On gender equality in society", sets out the necessary measures (Article 7); the provisional special measures (Article 8) and the special measures (Article 9). Specifically: The necessary measures to be taken by the government agencies in order to ensure gender equality are:

1. Ensuring the practical implementation of gender equality principle by means of legislative measures or other suitable means.
2. Ensuring the prevention of any type of gender-based discrimination by means of legislative measures or other suitable means and, when appropriate, accompanied with sanctions.
3. Ensuring the alteration or repeal of any legal acts, custom or practice which pose gender discrimination, by means of legislative measures or other suitable measures.
4. Taking all appropriate measures to create the necessary and objectively justified facilities with a view to enabling equal chances and access to both genders.

5. Ensuring effective protection of both genders against any discriminatory action, through public institutions and national courts.

Whereas the temporary special measures include:

1. The quotas for achieving equal gender representation, the increase of representation in decision-making and public life of the underrepresented gender, empowering persons of each gender both economically and in terms of their status with regard to the field of employment, equal improvement of their educational level, as well as additional measures in every field where persons of either gender do not enjoy equal status with that of the persons of the other gender.
2. Legal provisions, which aim at accelerating the establishment of actual equality between females and males. Such measures shall cease to exist once the gender equality goals for which they were taken are reached.

The special measures are:

Special protection to women during pregnancy and childbirth, young mothers as well as young parents, as a result of natural childbirth or child adoption, by creating the conditions for their protection and comfort at workplace; social security and social aid; in the provision of the necessary health care assistance to the mother and child; providing and fostering the social services system, by promoting the development of a network of day nurseries and kindergartens.

b) facilitating the assistance to persons with special responsibilities in the family due to daily care for the disabled household members, because of age, physical or mental impairment or other causes of disability.

c) restricting pregnant women and breastfeeding mothers from working in certain sectors of hard and dangerous jobs. Such restrictions shall be reviewed periodically, depending on the scientific and technical knowledge as well as on the arising needs.

As regards the justice system, in line with the *Crosscutting Strategy of Justice* and its Action Plan [DCM no. 519, dated 20/7/2011] it is stipulated that:

1. Integrating the legal mechanisms on the implementation of the 30% quotas for the gender mainstreaming namely in the Law for the Supreme Council of Justice; the Supreme Court; the Constitutional Court; [term for execution 2011].
2. Considered as a crucial specific goal in this strategy, was included: The improvement of the judges and prosecutors' status and the efficient implementation of legislation relating to: Salary; - Immunity; - Appointment; - Promotion; - Disciplinary proceeding; - Professional assessment; - Gender equality.

Updated 21/11/2012

		Female s	Males
Court	About	133	150
	Court of Appeal	21	44
	Supreme Court	5	12
Prosecutor	About	83	193

	Court of Appeal	4	23
	General Prosecution	3	15

Awaiting appointment: 5 female judges and 3 male judges.

Pending: 1 female judge and 3 male judges.

Meanwhile, the judiciary is under reorganisation process, also due to the entrance of administrative courts in the scheme.

Concerning the gender data for the directors of prosecution offices, we underscore that out of 23 prosecution offices of first instance where the Serious Crimes Prosecution Office is included, the Prosecution Offices of Permet and Pogradec are chaired by female directors. There are 7 Appeals Prosecution Offices and the Appeals Prosecution Office of Korça is chaired by a woman. At the General Prosecution Office, the leading positions of the Director of Studies and the Director of Cabinet are held by women.

The chair of the Supreme Court is a woman.⁶ The General Prosecution Office was chaired by Mrs. Ina Rama for 5 years and is currently chaired by Mr. Adriatik Llalla⁷.

In accordance with the *Crosscutting Strategy of Justice* and its Action Plan [DCM no. 519, dated 20/07/2011] it is foreseen that among the actions to be undertaken within the year 2011 for achieving this goal is: Integration of legal mechanisms on the implementation of the 30% quota for the gender mainstreaming in recruitment, career development and transfer procedures, as well as the implementation of the 30% quota for gender equality in decision-making levels.

Law no. 9355, dated 10/03/2005 “On social aid and services” amended by the Law No. 10 399, dated 17/03/2011 foresees inter alia the category “Person over the working age” as the physical person who, at the moment of assessment of criteria for obtaining the right to economic aid, is over the age defined for that year, for the right to retirement pay as well the categories of social aid beneficiaries such as:

1. Disadvantaged families
2. Orphans who are not sheltered in institutions.
3. Parents with more than 2 children born simultaneously, coming from disadvantaged families.
4. Victims of trafficking, after leaving social care institutions, up to their employment.
5. Victims of violence in family relations, for the period of validity of the protection order or immediate protection order”.

In the framework of positive measures it is worth mentioning the content of the paper of the Strategy on Property and its Action Plan.

An important normative act is also DCM No. 465, dated 18/7/2012 "On gender mainstreaming in the midterm budget programme". Professional assessment of budget

⁶ The Law on the Supreme Court is under approval. This law is also one of the EU requirements for Albania's integration.

⁷ See Decree No. 7840, dated 3/12/2012 of the President of the Republic of Albania.

programmes will have a positive impact on gender equality aspects in various sectors. The paper provides a special role for the MoLSAEO and the Ministry of Agriculture, Food and Consumer Protection, which should set in the budget requirements of the 2013-2015 midterm budget programme a minimum of one gender policy target in order to implement gender mainstreaming budgeting. Likewise, starting in 2013 the gender budgeting process is intended to include all line ministries. The Ministries should set appropriate and measurable gender indicators for the objectives and outcomes of each programme, for which gender mainstreaming in budgeting will be implemented. Additionally, the grants to be allocated from the regions development fund should take into consideration the criteria that have a positive impact on gender equality. The definition of budget programmes should be based on the objectives of the NSGE-RGBDV 2011-2015. The Ministry of Labour, Social Affairs and Equal Opportunities is in charge of consulting all Ministries in defining the budget programmes for which gender mainstreaming will be applied.⁸.

Through concrete measures and actions the NSGE-RGBDV 2011-2015 aims to improve the *de facto* situation of women and girls.

The measures, some of which have been already implemented, include:

- 1- Initiative for the Revision of the Electoral Code on the gender quota and sanctions (see above the actions taken in this regard)
- 2- Awareness raising campaigns for increasing women representation in the sectors of protection and police have resulted in an increase in the number of women appointed in these structure (conducted efficiently) As far as gender equality is concerned, the State Police has drafted some special temporary measures in staff appointments, in order to increase representation of women in the State Police. These measures are related not only to the amendments to the Law “On the State Police”, but also to setting a 50% admission quota of the less represented gender.

A document exists about *women participation in decision-making* called “Annex 2, Detailed Action Plan on women participation in decision-making”.

As far as housing is concerned, Law No. 9232, dated 13/5/2004 “On social housing programmes for residents of urban areas” as amended, includes in the new amendments the proposal of the MoLSAEO to add to Article 5 women victims of domestic violence as a group entitled for benefitting from these programmes.

In relation to employment, employment promotion programmes are worth mentioning and the Decision of the CM No. 47, dated 16/1/2008 “On employment promotion programmes through on the job trainings” [as amended] and DCM 2011 “On employment promotion for women from special categories.”

8.2.What is needed

Albania is well positioned as far as regulations are concerned. There is serious need for law enforcement and the establishment of adequate mechanisms. It is necessary for NPOs to **monitor** all the strategy objectives found in the NSGE-RGBDV 2011-

⁸ According to this Decision of the CM [paragraph 7], the Ministry of Finance and the Ministry of Labour, Social Affairs and Equal Opportunities shall issue the joint instruction on setting more detailed procedures for the enforcement of this decision. As per paragraph 8 all Ministries shall be in charge for the enforcement of this decision.

2015 and other strategies that have a *de facto* influence on equality. This will serve as the basis for meeting the obligations and the NPOs reporting.

The efficiency of programmes that include positive measures as well as their results must be **monitored**.

For some strategy objectives the deadline might need to be forwarded so that concrete results can be reported to the CEDAW Committee.

9. What are the appropriate legislative measures taken for the prosecution and conviction of murders of women done in the name of honour, the same as with other murders or offences? [paragraph 25 CO]



9.1. Current Situation

There are no specific measures on this phenomenon and typology of murders. While there is lack of statistics at national level to highlight the number of cases in which the victim is a woman and the murder has occurred for defending the honour of the family.

Article 50, letter “e” of the Criminal Code provides as an aggravating circumstance criminal offenses committed against children, pregnant women or people who for different reasons, cannot defend themselves, whereas letter "g" provides as an aggravating circumstance the commission of the criminal offense while taking advantage of family relations, friendship and hospitality.

Following the principle of protection of individuals and the public interest included in marriage, forced marriage or marriage resulting from threat are invalid from the civil point of view and they also constitute a criminal offense under Article 130 of the Criminal Code.

The content of this provision stipulates three acts that complement the elements of this criminal offense such as:

- a) forcing a woman to start or continue cohabitation,
- b) impeding cohabitation, and
- c) forcing a women to divorce.

9.2. What is needed

Monitoring of criminal court decisions when the victim is a woman, in order to specify cases of murders because of honour and make specific suggestions for amendments to the Criminal Code and Code of Criminal Procedure.

10. What are the legal measures for properly sanctioning [paragraph 26, 27 CO]: [1] domestic violence in the Criminal Code; [2] marital rape which has not been defined as a specific criminal offense yet according to the new Criminal Code; [3] suicide of women victims of domestic violence; [4] regulations on criminal prosecution and fast conviction of the perpetrator of domestic violence [Code of Criminal Procedure]; [5] Are there any initiatives in order to highlight once more the gaps in the Law on Measures against Violence in Family Relations



10.1. Current Situation

In the framework of proper punishment of the phenomenon of domestic violence, apart from the strict enforcement of the legislation in force, the Assembly of the Republic of Albania considered it necessary to perform concrete interventions to the Criminal Code, by including a special provision on domestic violence and also by setting severe punitive measures.

Law No. 23/2012 “**On some additions and amendments to Law No. 7895, dated 27/1/1995 “The Criminal Code of the Republic of Albania” as amended,** Article 130/a titled "Domestic Violence" shall be added after Article 130, with the following content:

“Beating, and any other act of violence against a spouse, former spouse, cohabitant or former cohabitant, relative or in laws of the perpetrator, resulting in violation of the physical, psycho-social and economic integrity of the person shall be punishable with up to two years imprisonment.

Serious threatening to murder or cause serious injury against a spouse, former spouse, cohabitant or former cohabitant, relative or in laws of the perpetrator, resulting in violation of the physical, psycho-social and economic integrity of the person shall be punishable with up to three years imprisonment.

Premeditated injury against a spouse, former spouse, cohabitant or former cohabitant, relative or in laws of the perpetrator, resulting in temporary inability to work for more than nine days shall be punishable with up to five years imprisonment.

Should the above offenses be committed repeatedly, punishment from one to five years of imprisonment shall be applied.”

However, the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence may bring about once again the need for further interventions to the Criminal Code and the Law No. 9669/2006 “On measures against violence in family relations”. Nevertheless, after the CO the amendments to the Law on Domestic Violence were approved, which proved to be important in some aspects.

Thus, an analysis of the compliance of the Convention with the domestic legislation is necessary.

A working group is working at the Ministry of Justice for the revision of the Code of Criminal Procedure, which may include in the process of revision the legal regulation of issues related to procedural aspects of the criminal offense of violence against women.

The recent amendments to the Criminal Code do not seem to include all the suggestions of the CEDAW Committee as per this paragraph of the CO. Only the issue of domestic violence has been properly included. Suggestions on the inclusion of a provision “Other premeditated injuries because of family relations.” The addition

of a third paragraph to Article 90 of the Criminal Code and a new Article 90/a, does not seem to have been considered.

As far as statistics are concerned, for the time being the police is the only institution that submits them properly.

The national referral mechanism for cases of domestic violence includes statistics among its tasks. Since 2011 there is an Instruction of the Minister of Labour, Social Affairs and Equal Opportunities No. 1220, dated 27/5/2010 "On setting indicators for the assessment and monitoring of gender equality and violence against women indicators, including domestic violence, surveillance, collection and processing"⁹.

There are no complete statistics as per the CEDAW requirements.

10.2 What is needed

The recent cases of domestic violence have been a shock to the Albanian society. It appears that legal amendments are not sufficient and other measures must be taken.

Legislation: Reconsidering the inclusion to these amendments of all the suggestions of the CEDAW Committee as per paragraphs 26, 27 of the CO.

Statistics: A separate document on statistics with the commitments set by the SGE 2011-2014 should be issued and the progress of data collection should be monitored.

Awareness raising and training.

11. What are the measures taken for amendments to the Criminal Code so that victims of trafficking are not subject to criminal prosecution and punishment. What are the measures taken so that internal trafficking is considered as trafficking in human beings [paragraph 29 CO]



These measures will promote cooperation between victims of trafficking and law enforcement agencies as well as the use of existing schemes for compensation of victims of trafficking, which are currently used very rarely.

11.1. Current Situation

Currently the criminal offense of trafficking in human beings is considered a separate offense in the Criminal Code of the Republic of Albania, respectively Article 110/a "Trafficking in persons", 114/b "Trafficking in women" and Article 128/b "Trafficking in minors". These Articles were included in the Criminal Code with Law No. 9188, dated 12/2/2004 "On some amendments and additions to the Criminal Code" and they are fully compliant with the United Nations Convention against Transnational Organized Crime and its two additional protocols, ratified by Law No. 8920/11.07.2002.

The content of the three Articles does not make a distinction between internal and transnational trafficking. It is sufficient that the elements of the criminal offense exist

⁹ The publication titled "Harmonized gender indicators" can be found and downloaded at the MoLSAEO website.

for the case to be qualified as trafficking according to the three above mentioned Articles.

11.2 What is needed

The National Coordinator for Combating Trafficking in Human Beings has taken the initiative to open a discussion on the need for some amendments to important laws that govern the combat against trafficking in persons, particularly the protection of victims of trafficking. The need for amendments is also due to some difficulties faced in practice in the enforcement of the provisions that provide for the criminal offense of trafficking but also due to meeting the recommendations of the Council of Europe – GRETA Report, the US Department of State, including the recommendations of the CEDAW Committee.

The National Coordinator for Combating Trafficking in Human Beings has identified and made concrete proposals for amendments to the Criminal Code and Code of Criminal Procedure of the Republic of Albania.

Amendments to the Code aim at improving the criminal provisions on trafficking as well as its completion with some new criminal provisions that govern this field, having at their main focus the provision of efficient protection for victims of trafficking. More specifically, proposals have been made to add the criminal provisions on the criminalization of the use of services by victims of trafficking, exemption from criminal responsibility for all illegal acts committed by the victim of trafficking, foreseeing special provisions for criminal offenses related to counterfeiting travel or identity documents for trafficking persons, etc.

This issue may be subject of discussions on future amendments because Law No. **23/2012 through which amendments to the CC were made, did not take them into account. In the future** the MoLSAEO is required to address the concerns and recommendations resulting from the CO. As far as procedural effects are concerned, the Code of Criminal Procedure is still under process.

12. What are the measures taken for amendments to the Criminal Code so that prostitutes are no longer criminally prosecuted and punished [paragraph 29 CO]



12.1. Current Situation

No such initiatives exist. Prostitution is still a criminal offense as per the Albanian Criminal Code.

From an interview with Ms. Iva Zajmi, former **National Coordinator for Combating Trafficking in Human Beings in Albania** we learned that **in support of suggestions of the CEDAW Committee and UN recommendations as well as recommendations of the Commissioner for the Rights of Migrants, it was necessary to decriminalize prostitution and criminalize intercourse with a prostitute, with the main aim to ensure legal protection for prostitutes, their exemption from criminal responsibility and cooperation with justice.**

The recent amendments to the Criminal Code made by Law No. 23/2012 “On some additions and amendments to Law No. 7895, dated 27/1/1995 “The Criminal Code of the Republic of Albania”, as amended [in March 2012], resulted in non penalization of insult and calumny, and stipulating domestic violence as a criminal offense, but they also took time with discussion on decriminalization of prostitution and could not achieve this result. Thus, the proposal was rejected with the reasoning that prostitution cannot be accepted by the “tradition of our people”, etc. However, regarding “gender equality” a paragraph was added to the provisions of the CC providing punishment for the “opposing party or the sex exploiter.” The second paragraph is added to Article 113 with the following new content: “Payment for personal benefit from prostitution shall be punishable by fine or up to three years of imprisonment”.

Specialists of this field interviewed during the preparation of this report underlined that Article 114/b of the Criminal Code in practice is very often confused with Article 114/a “Exploitation of prostitution in aggravating circumstances.” In order to avoid this ambiguity experts suggest that Article 114/a be repealed because the elements of this criminal provision are provided in Article 114/b “Trafficking in women”. The difficulties are related to the common elements these criminal offenses have and to the fact that sexual exploitation is one of the most common forms of trafficking in Albania. Improper qualification of criminal offenses results in un-reparable consequences for the victims, especially victims of trafficking.

12.2 What is needed

These issues should be subject to discussion in the working groups, while discussions on the revision of the Criminal Code will be put on the table once again.

NPOs encouragement for meeting this standard is important.

13 What are the measures taken/programmes realized or foreseen for the future in order to provide adequate support programmes for women who wish to leave prostitution. [Paragraph 29 CO]



I.e. drafting exit programmes including social support, measures for rehabilitation and reintegration for women and girls who have been trafficked and exploited for prostitution, in order to reduce the chances for women and girls to become victims of re-trafficking and prostitution.

13.1.Current Situation

Starting from the legislation on prostitution we understand that there are no programmes addressing only support for women who wish to leave prostitution.

At the MoLSAEO this issue is handled by the Directorate of Social Services. As long as prostitution is a criminal offense, the other commitments are worthless.

However, four shelters have operated in Albania during 2011: **The National Reception Centre for Victims of Trafficking – Tirana, Tjetër Vizion – Elbasan, Të Ndryshëm dhe të Barabartë (Different and Equal) – Tirana, Vatra – Vlora.** These shelters provide high quality services for victims of trafficking and they are monitored by the State Social Service. The services provided by the shelters include

the process of identification of the VT, provision of immediate assistance, rehabilitation and reintegration programmes. Upon referral of the victim to the shelter, accommodation and meeting their immediate needs, within a deadline of two weeks a multidisciplinary team conducts an assessment of psycho-social, health, legal and educational needs. Then the social worker drafts the aid plan, in cooperation with other professionals in the shelter, depending on the needs of the beneficiary. This plan is in turn approved by the beneficiary and it is implemented during the accommodation in the shelter. The services include:

Psycho-social assistance/counselling,

Legal assistance,

Medical assistance,

Education,

Vocational training,

Employment,

Economic aid,

Establishment and monitoring of micro businesses,

Assistance for the children of the beneficiaries,

Social activities outside the shelter,

Occupational activities,

Joining their families,

Financial aid and long term accommodation,

Case monitoring and follow up.

Victims of trafficking in Albania benefit rehabilitation and reintegration services, regardless of their will to cooperate with the justice system.

13.2 What is needed

Amendments to the Criminal Code on the punishment of prostitution and preparation of adequate support and rehabilitation programmes.

Revision of current programmes regarding victims of trafficking so that they are compliant with international standards and the victims' needs, in order to increase trust in and support from the justice system.

Care for intermediation with the family of origin.

14. What are the legislative measures taken[whether temporary or special, as per the General Recommendation 25 of the CEDAW Committee] regarding women who have been unemployed since the period of transition and who do not have proper social insurance, in order for them not to rely on social assistance when they reach retirement age. [paragraph 33 CO]



14.1. Current Situation

According to the current legislation on social insurance, pensions are calculated based only on contributions, which means that those who have not paid are not entitled to ageing pension.

In order to include all people able to work in the pension scheme, and particularly groups with less chances of employment and consequently for insurance for pension, some by-laws have been improved. Thus, from our interpretation resulting from the

actual situation, it is a fact that despite the ability to work, persons with less employment opportunities in the labour market are women. In the meantime women bear all the weight of domestic chores and care for children and the elderly. Women are employed as housekeepers and babysitters in other people's homes to take care of the house and the children.

DCM No.1114, dated 30/7/2008 "On some issues pursuant to the laws...¹⁰" [amended by DCM No.477, dated 30/6/2010] has introduced the obligation of the head of the family employing a housekeeper or babysitter to pay pension contributions, and the like, for the woman taking care of the children or the house. According to this DCM "people who have been employed part time or full time as housekeepers in other people's families, shall be insured obligatorily only for the pensions branch. Housekeepers shall be persons who are employed by the head of the family for doing works such as babysitter, cook, cleaner, house administrator, assistant for the elderly, etc. or other such services."

Moreover, it must be mentioned that for "family members who are not paid, but who work and live together with the self-employed person, minimum pension shall be paid obligatorily, for maternity leave, pensions and health insurance."

This clause of the DCM pays more attention to women, because it may happen that the head of the family is the self-employed person and the woman helps but is not paid. This DCM imposes the obligation for the head of the family to pay insurance for the other family member (wife).

Voluntary insurance is always an option for those women who are neither employer nor self-employed, or who are housewives. Thus, by paying minimum contributions they shall reach the minimum of 15 years necessary for benefitting pension, supposing that they have employment background before 1990.

According to the Albanian legislation on social insurance

1. In order to be entitled to partial pension the Law now provides a minimum of 15 years as compared to 20 that was in the past. 2. Years of university shall be considered when calculating pension only for women. (this facilitation was and is still in force for women). 3. Women retire 5 years before men (this differentiation was and is still existent), whether entitled to full ageing pension (35 years) or partial ageing pension (15 years). Family pension in cases of death of spouse shall be received by the wife when she reaches 50 years of age, whereas the husband shall receive such pension from his deceased wife when he reaches 60.

1.2. What is needed

Revision of the legislation on health and social insurance to create the necessary spaces for providing benefits to women in rural areas and women who have lost their jobs due to the system change at the beginning of the '90s is a must.

¹⁰ DECISION No. 1114, dated 30/7/2008 "ON SOME ISSUES PURSUANT TO LAWS NO. 7703, DATED 11/5/1993 "ON SOCIAL INSURANCE IN THE REPUBLIC OF ALBANIA", AS AMENDED, NO. 9136, DATED 11/9/2003 "ON THE COLLECTION OF MANDATORY SOCIAL AND HEALTH INSURANCE CONTRIBUTIONS IN THE REPUBLIC OF ALBANIA", AS AMENDED, AND NO. 7870, DATED 13/10/1994 "ON HEALTH INSURANCE IN THE REPUBLIC OF ALBANIA" AS AMENDED.

Implementation of the objective on economic and social empowerment, respectively paragraph 3.1.20 [provided for the period 2011-2012] of the Strategy on Gender Equality and the Reduction of Gender Based Violence and of Domestic Violence (NSGE-RGBDV).

Ongoing monitoring, in particular of the Strategy on Business and Investments Development, the Strategy on Pre-university Education, the Strategy on Social Insurance and Social Protection.

Introduction to Recommendation **25 of the CEDAW Committee** and taking measures for its application.

Expert consultations aiming the implementation of positive case-specific measures.

15. **What is the status of the bill drafted by the Ministry of Agriculture, Food and Consumer Protection on agricultural cooperative associations also regarding the application of the Strategy on Agriculture 2007-2013 in a gender sensitive manner. [paragraph 37 CO]**



15.1.Current Situation

Law No. 38, dated 05/04/2012 "On agricultural cooperative associations" has been approved. The object of this Law is setting the rules, criteria and conditions for the establishment and management of agricultural cooperative associations, the rights and obligations of their founders and members, their reorganizations and dissolution as well as setting and defining the criteria for some aspects of their activity. The Law stipulates that agricultural cooperative associations, which are established and exercise their activity in compliance with the definitions of this Law, shall be subject to fiscal facilities and support schemes, pursuant to the legislation into force.

Upon its establishment, the association shall be registered at the National Registration Centre, according to the provisions of this Law and Law No. 9723, dated 3/5/2007 "On the National Registration Centre".

The current provisions of this Law do not reflect any gender based considerations and the inclusion of any positive actions in those cases when the agricultural cooperative associations have been founded by women natural persons. The Law is somehow neutral when it comes to gender issues, which may produce unbalanced results under the conditions of the Albanian society.

15.2.What is needed

Introduction of women in rural areas and women with an interest in business to the content of the Law.

Encouragement of positive measures for supporting women who establish agricultural cooperative associations. Introduction to the fiscal facilities and support schemes.

Monitoring registrations of agricultural cooperative associations managed by women and their legal and economic counselling.

16. **Are there any legal initiatives to ensure more opportunities for assets, credit and loans by providing sufficient day care institutions for children, so that women, especially those from ethnic minorities or those living in rural areas, can be completely and equally able to benefit from economic growth and poverty reduction. [paragraph 37 CO]**



16.1.Current Situation

There are no such initiatives or the information obtained does not show any results in this regard.

The specific objective 3.1 of the NSGE-RGBDV provides for the increase of economic independence of women by adding and improving access to credit and loans, support programmes and structures for social care and protection. Paragraph 3.1.1 stipulates that for 2011-2015 "Women participation shall be supported by drafting a legal framework on granting soft loans and the organization of awareness raising activities, in the media as well, regarding this legal framework".

Recently [2012] UNWomen together with the Ministry of Justice has prepared a study on women's proprietary rights in Albania, in the framework of women's access to property and loans. The study touches upon, among other things, the issue of *access to bank loans*, mortgage assistance and other forms of financial loans and it finds that the situation is stable or with few changes as compared to the previous findings. Obviously there are still no proper policies that favour and encourage private enterprises for girls and women. Statistics in this regard are limited. INSTAT does not possess any data on the economic situation of women as compared to men. Additionally, INSTAT lacks information on immovable property registered for women/men and bank loans on the gender perspective. Article 14 (2) (g) of the CEDAW protects rural women's right to benefit agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes. Letter "h" of this Article underlines the right to adequate living conditions, particularly in relation to housing, etc.

Apparently, the situation presented in the third periodic report prepared by the Albanian Government in the framework of the CEDAW Committee¹¹ reporting has remained unchanged, showing that cases of women applying for loans are very rare [see paragraph 350 of the report]. There is still the perception that they have a supporting role in business activities. Moreover, the loan policy of many banks requires the applicant to possess a capital, when in fact very few women can meet this requirement. Women do not have the support of men in taking business initiatives or in some cases they lack the courage to take such initiatives. Lack of information also adds to the inability to use banks efficiently.

There are no adequate statistics related to access of women to property, while according to the 2006 statistics 8% of women are legally property owners [paragraph 351 of the third periodic report for the CEDAW]. INSTAT statistics provide the

¹¹ For the report see: http://www.mpcs.gov.al/dpshb/images/stories/files/monitorimi/4.2.2.Raporti-i-III-te-Periodik-CEDAW_azhornuar.pdf [accessed in April 2012].

number of businesses registered and managed by women. These figures are low [pg. 352]¹².

Other studies conducted reach to the conclusion that¹³ requests for credit and loans come mainly from men. They are people acting in the quality of heads of family. Generally, women borrow money from their relatives and have difficulties in obtaining loans. The study of the Professional and Business Women Association conducted in 2006 underlines that 72.2% of women who have requested a loan have faced difficulties in completing the bank documentation and 76.6% of women have difficulties in the preparation of the business plan. The main forms of business are those recognized by the law as “natural person” or “Limited Liability Company”¹⁴.

Starting from this almost unchanged or slightly changed situation, in section 23 of the 37 concluding observations for Albania [July 2010]¹⁵, the Committee on the Elimination of Discrimination against Women calls for strengthening the use of temporary special measures in compliance with Article 4, paragraph 1 of the CEDAW Convention. The Committee recommends that temporary special measures be implemented in order to ensure equality between men and women in the access to property, capital and loans, etc., particularly regarding women coming from disadvantaged groups, including girls and women from linguistic and ethnic minorities, elderly women, women with disabilities and women living in remote rural areas.

This issue has also been tackled in the NSGEDV [2007 -2010] as well as in the National Strategy on Gender Equality and Reduction of Gender Based Violence and of Domestic Violence 2011-2015¹⁶ and it has become part of the Strategic Programme

¹² Referring to the Enterprise Census 2010; in a reply to our request for information dated 5 April 2012, INSTAT underlines that 26% of businesses are registered and managed by women.

¹³ See the studies conducted by the Albanian Centre for Economic Research (ACER) and the Professional and Business Women Association in 2006. According to the PBWA study, women who have been granted a loan from banks have usually faced difficulties. Difficulties were related to their business [81.3%]; the preparation of the business plan [76.7%]; the preparation of bank documents [72.7%] and the terms and conditions for pledging of collateral [70%].

¹⁴ According to the 2006 PBWA study, 51.3% are natural persons and 41.3% are Limited Liability Companies.

¹⁵ See: <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/ALB/VP/3> the text of the concluding observations of July 2010. [accessed in April 2012]

¹⁶ See Decision of the CM No. 573, dated 16/6/2011 "On the approval of the National Strategy on Gender Equality and the Reduction of Gender Based Violence and Domestic Violence 2011-2015 and the Action Plan for its implementation". Official Journal No. 127/2011. From the text of this strategy we understand that: "Women have established their businesses mainly in trade, wholesale, shops, various services such as dentistry, notary, lawyer, hairdresser, agri-business, industry, dairy products, textiles, book publication, tailoring and handiwork. According to INSTAT statistics, 18% of private business managers are women. The majority of registered businesses managed by women are found in Tirana (31%) and Elbasan (30%). Support has been given for initiatives regarding the establishment of loan programmes aiming the encouragement of women's businesses by implementing programmes such as the one on the Export Credits Guarantee Fund. Although approximately 70% of women living in rural areas work in the agricultural sector, only 6% of farms are owned or managed by women. Women in rural areas face many difficulties in finding employment, thus the majority of them work mainly in agriculture. There are no production or sale opportunities for farms and they receive very little care and support by the Government."

on the Development of Small and Medium-Sized Enterprises for 2007-2009¹⁷. In this framework trainings and workshops have been organized on the topic “*Women in business*” in order to ensure women’s progress in economy and elements of formal and informal education on enterprises have been introduced, etc.¹⁸.

The legislation on banks, including the regulatory acts of the Bank of Albania, or the Manuals and Regulations on Loans of second tier banks do not have any special provisions in favour of women. Whereas it is worth mentioning that there are also no legal, regulatory or technical provisions which are an obstacle to women. It seems that for banks the customer is “genderless” to put it in other words.

The difficulties faced in crediting or the so called “soft loans” may be a huge obstacle for women to exercise their proprietary rights. Very often women borrow money from their relatives. However, even this form is not always possible. Rural women have even less real and effective access to loans.

16.2. What is needed

Trainings and legal counselling: It is very important for bankers and/or other creditors to be trained on women’s rights and they must possess such skills that allow for the management of financial issues from the viewpoint of positive and effective measures related to support for women.

On the other hand, when women are ready to request a loan, it is important for them to receive dedicated counselling or training in order to benefit from their rights and avoid risks.

NPOs in rural areas: These measures are highly important, especially for rural women in order for them to have access to agricultural loans, marketing facilities, appropriate technology and equal treatment related to land and other immovable property, etc.

With the aim of turning equality in marriage and family relations into a reality, it is of utmost importance to provide education on the financial and contractual autonomy of spouses. The lack of such autonomy becomes an obstacle and seriously restricts women’s ability to ensure economic independence for themselves and their children.

Legislation: This issue may be the subject of possible legal initiatives that can be undertaken by the MoLSAEO as this institution is working on ensuring and guaranteeing the protection of social rights of the Roma community and beyond.

Monitoring: NPOs focused in women's economic empowerment should conduct an analysis of the Strategy and collaborate with the Ministry so that its objectives are implemented in an efficient manner.

¹⁷ http://www.mete.gov.al/doc/20070713105531_programit_sme.pdf [accessed in April 2011]

¹⁸ See the third periodic report of the Albanian Government for the CEDAW Committee, respectively paragraphs 356-357-358.

17. To what extent has the amendment to Article 20, paragraph 1 of the CEDAW Convention on the meeting of the Committee been accepted [paragraph 44 CO]



17.1. Current Situation

Amendments to Article 20, paragraph 1 of the CEDAW have been approved by Law No. 10 373, dated 10/2/2011: On additions to Law No. 7767, dated 9/11/1993 “On Accession to the Convention on the Elimination of all Forms of Discrimination Against Women”.

This Article stipulates that the Committee for the Elimination of Discrimination Against Women (CEDAW Committee) shall normally meet annually, in order to assess the reports submitted in accordance with Article 18 of this Convention.

II. Legal Counselling and Aid

18. The Committee is concerned about: [1] Counselling and [2] legal aid services available to women, particularly women from ethnic and linguistic minorities and women from other disadvantaged groups. Which institutions provide legal aid and counselling [paragraph 14, 27 CO]



18.1. Current Situation

The legal grounds into force on legal counselling and legal aid service include:

1. The Law “On the Profession of Lawyer” [No. 9109, dated 17/7/2003, as amended], Article 2 of which, among other things, stipulates that “The lawyer shall provide legal aid through legal counselling on various issues; the preparation of lawsuits or requests during criminal proceedings...etc.; the preparation of requests addressed to the Court of Appeal, the Constitutional Court, International Courts and any such structures to which the Republic of Albania is a member;...representation of natural or legal persons in civil and administrative cases in court, in arbitration, and other public administration bodies; through other acts of legal aid as provided for by the Law.

2. The Law “On legal aid” [No. 10039, dated 22/12/2008], Article 11 of which stipulates that: Secondary legal aid shall mean the provision of counselling, representation or defence services in criminal proceedings, civil and administrative proceedings as well as presentation before the state administrative bodies.”

According to the 2010 PA report [page 15 of the report that can be accessed at http://www.avokatipopullit.gov.al/Raporte/Raporti_2010.pdf] “During the enforcement of the Law ‘On legal aid’, different problems have arisen in practice, both regarding the quality of this protection by the lawyers and the failure of the state to pay for this service for various unjustified reasons. Actually, this constitutes a potential violation of this right”. These observations were also made by the AHC¹⁹, TLAS, etc.

¹⁹ See the report of the Albanian Helsinki Committee which mentions the acts drafted and approved in the framework of the provision of free legal aid. http://www.ahc.org.al/doc/Raport_ndihma_juridike_falas-shkurt%202012.pdf

There is still the impression that the cooperation of the State Commission for Legal Aid with freelancers, especially with the National Chamber of Attorneys, is limited.

Even the NSGE-RDBDV fails to properly address the issue of legal aid improvement, although it recognizes the quality-related difficulties in this service.

We do not have information on legal aid for the categories of women highlighted by the CEDAW,²⁰ while there is a Cooperation Agreement dated April 2011 between the Anti-Discrimination Commissioner and the State Commission for Legal Aid. Such agreements have also been entered into with the People's Advocate²¹ but the assessment of their impact and the service provision under this point of view is lacking. This assessment is also found in the 2012 EU Progress Report²². Thus, apart from access difficulties because of expensive court taxes, the efficiency of this institution should be considered carefully.

18.2. What is needed

The organization of a meeting with the NCA and the Commission for Legal Aid, urged by the NPO, aiming the coordination of assistance and setting the best methods of cooperation and legal protection by providing access to the categories highlighted in the CO.

Inclusion of topics on issues addressed by the CEDAW in the trainings organized by the NPO and NCA.

Public reports of the Commission on the aid provided and problems faced.

19. The CEDAW Committee recommends that free legal aid be ensured for victims of trafficking and the laws on witness protection be enforced efficiently [paragraph 29 CO]



19.1. Current Situation

Pursuant to the Albanian legislation, legal aid for the **categories of people who need this service**, including victims of trafficking is guaranteed by Law No. **10039, dated 22/12/2208 “On legal aid”**. According to Article 11 of this Law state legal aid shall be provided by authorized lawyers in the form of primary legal aid and secondary legal aid.

More to the point, in order to ensure legal aid for victims of trafficking through legal representation throughout the stages of their treatment, the National Coordinator for Combating Trafficking in Human Beings is considering the possibility of close collaboration with the State Commission for Legal Aid, pursuant to the Law No.

²⁰ According to the data obtained on the website of the Ministry of Justice, the State Commission for Legal Aid has reviewed 27 cases in 2011 and 4 cases for the period January-May 2012, for which legal aid has been provided. The nature of cases for which this aid has been provided is unclear. See <http://www.justice.gov.al/?fq=brenda&m=news&lid=7959>

²¹ Agreement dated 08/06/2012. See <http://www.avokatipopullit.gov.al/?p=2581>

²² See the progress report at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf

10039, dated 22/12/2008 “On legal aid”. To this end, a meeting with the Chairwoman of this Commission was held in December 2011 and in principle it was agreed on drafting an agreement/Memorandum of Cooperation whose object would be prioritizing the provision of legal aid for victims of trafficking. NPOs experienced in the provision of legal services will also be included in this agreement. We do not have any further information on the progress of this agreement.

The National Coordinator for Combating Trafficking in Human Beings has taken the initiative to open a discussion on the need for some amendments to important laws that govern the combat against trafficking in human beings, particularly the protection of victims of trafficking. Amendments to the Criminal Procedure Code aim at increasing access to justice for victims of trafficking in order for them or their legal representatives to be an active part in the proceeding, thus serving for the protection of the victims’ interests and rehabilitation.

In addition to the proposed amendments to the Criminal Procedure Code, the National Coordinator is liaising work for improving legal protection for victims of trafficking, making use of the existing mechanisms and instruments.

Thus, the new draft of the Agreement on the National Referral Mechanism (NRM) for the referral, identification and protection of victims of trafficking is being reviewed and it is in its final stages. The new NRM draft clearly describes the roles and responsibilities of parties and the number of members to the agreement has increased with the addition of new institutions such as the Ministry of Health, the Ministry of Education, and apart from the existing centres, other international organizations offering services for victims of trafficking have been added.

Standard Operating Procedures (SOP) for the identification and referral of victims/potential victims of trafficking” have been approved by DCM No. 582, dated 27/07/2011. The SOP constitutes the fundamental document based on which operations for the identification and referral of victims/potential victims of trafficking will be conducted, including the provision of the package of services for victims of trafficking.

In this framework, for 2012 [January-May 2012] trainings have been foreseen in all the regions of the country on the introduction and application of the SOPs.

19.2. What is needed

Adequate needs assessment for the groups defined by the CEDAW, in order to provide access to justice and qualified legal aid.

Stakeholders trainings.

Ongoing needs assessment in various aspects [structures, infrastructure, etc.].

III. Monitoring

20. Information/monitoring related to court cases that according to the Convention or its provision have been classified as self-executing, thus being executed directly. [paragraph 13, 16 CO



The CEDAW Committee is concerned that the provisions of the Convention have not been mentioned in court proceedings, thus showing that the society in general, the women themselves, and all the branches of government, including the judiciary, have insufficient knowledge on the rights of women as per the Convention and its Optional Protocol, and the concept of gender equality (de facto) between women and men and the general recommendations of the Committee.

20.1. Current Situation

There is no monitoring related to court decisions referring to the CEDAW, and there are no statistics on the qualification of the provisions as self-executing by the judiciary.

Whereas, the trainings organized at the School of Magistrates underline the CEDAW standards and the direct application of these provisions for cases when the establishment of a new mechanism is not required.

20.2. What is needed

Paragraph 1.3.7 of the NSGE-RGBDV should include monitoring of court decisions starting from the non/self-executing aspect of the CEDAW provisions.

Organization of training with lawyers and judges aiming the introduction to the Convention for its adequate application. The training should be focused on the issues of distinguishing between self-executing or non self-executing provisions, in order to encourage their direct enforcement.

Pilot monitoring of court decisions, in order to conduct a quality analysis of the situation in the highest instances courts. Preparation of questionnaires on the frequency of application of the CEDAW by judges and data analysis in order to address trainings in this regard.

- 21. Information/monitoring on issues brought to the courts by: [1] the Anti-Discrimination Commissioner and [2] the People's Advocate (Ombudsman) and their result. [paragraph 15 CO]**



21.1. Current Situation

- 1. The Anti-Discrimination Commissioner** exercises its activity based on and pursuant to Law No. **10 221, dated 4/2/2010.**

As per Article 32/gj, upon request of the court examining the case, it can submit the written opinion on any discrimination-related issues; 32/i, it can represent the complainant in court in civil proceedings, with their consent, in compliance with paragraph 3 of Article 34 of the present Law.

As per Article 34/3 of the same Law, "An organization of legitimate interest or the commissioner may file a lawsuit on behalf of a person or a group of persons, on the condition that the commissioner or the organization have their consent given through

a special power of attorney or a declaration before the court given by the person or group of persons suffering from discrimination.

The cases brought to the Commissioner are very limited in number. Many other important cases remain unreported. The ADC has addressed 41 cases, 11 of which have been addresses ex officio. Administrative sanctions have been applied only in one case.

In April 2012, the Anti-Discrimination Commissioner launched the Strategic Plan for 2012-2015 as well as the Action Plan for 2012²³.

2. **The People's Advocate** exercises its activity based on the Constitution [Articles 60-63 and 134] and Law No. 8454, dated 4/02/1999 "On People's Advocate" [as amended]. As per Article 25 (last paragraph) of Law No. 9398, dated 12/05/2005 "On some amendments and additions to the Law "On People's Advocate": “The People’s Advocate shall accept complaints, requests or notifications on violations of human rights resulting from the administration of the judiciary, **final decisions** and judicial procedures. Investigations and the request of the People’s Advocate shall not affect the independence of courts in making decisions.”

The powers of the institution of the People's Advocate in this aspect are indicators and a requirement of a democratic society and governance, established for increasing mutual control between the activities of institutions that guarantee human rights. Interventions to the Code of Civil Procedure are needed for this provision to become effective.

20.2. What is needed

Since the CEDAW Committee requires information on the relationship between the Commissioner, the People's Advocate and the courts, and since both laws provide for cooperation with the NPOs, in the framework of the right to information and monitoring, the NPOs can provide data and make recommendations on how to improve the addressing of cases in court.

Additionally, NPOs should encourage subjects that approach them and have discrimination problems, to address the above mentioned institutions so that the judiciary can play at best its role in making justice.

The necessary legal updates should be made. The amendments by Law No. 9398, dated 12/05/2005 “On People’s Advocate”, as it is previously mentioned, foresee that the People's Advocate shall accept complaints, requests or notifications on violations of human rights resulting from the judiciary administration, final decisions and judicial procedures. Investigations and the request of the People’s Advocate shall not affect the independence of courts in making decisions.” This amendment to the legislation needs to be followed by amendments to the Criminal Procedure Code and Code of Civil Procedure as it is the proper legal way through which the People's Advocate may address citizens' complaints against final court decisions. This problem

²³ See the Action Plan at: <http://www.soros.al/2010/foto/uploads/File/RAPORTI%20SHQIP%20PER%20PRINTIM.pdf>

has found no solution so far, because the necessary legal amendments have not been conducted by the Assembly.

21. Monitoring capacity building of women in order to use the existing complaint mechanisms [paragraph 15 CO]



20.1. Current Situation

No monitoring exists in this aspect.

21.2. What is needed

Monitoring of final court decisions for cases when women, being in the position of the plaintiff or defendant, have had the possibility to make use of effective complaint instruments.

Monitoring the impact of court fees regarding access to the justice system.

22. Monitoring requests for discrimination compensation in the Albanian legal system, as well as monitoring the results of these effort. Monitoring the existing compensation schemes for victims of trafficking [paragraph 15,29 CO]



22.1 Current Situation

No monitoring is conducted focusing on the issues underlined by the CEDAW Committee²⁴.

Discrimination issues have been previously addressed in this study. Since practice is very limited, monitoring court decisions is very difficult.

According to the domestic legislation, the right to indemnification and compensation for victims of trafficking in human beings is provided for in the following provisions:

1. *Criminal Procedure Code of the Republic of Albania (CCP) – Articles 61-68.* Article 61 of the CCP governs the institution of the civil lawsuit in the criminal proceedings according to which, the person affected by the criminal offence (the victim of trafficking) has the right to require, through a civil lawsuit in the criminal proceedings, the return of assets and compensation of damage.
2. *Civil Code of the Republic of Albania (CC) – Articles 604, 625, 644.* According to Article 625 of the CC the person who suffers damage, other than property damage, shall have the right to claim compensation if there are health consequences or their honour and personality have been harmed. A positive example to be mentioned is a case won recently in favour of the victim by a decision of Tirana District Court No. 1202, dated 19/02/2010. According to this

²⁴ We can mention here the two OSCE reports. “Compensation for trafficked and exploited persons in the OSCE region” published in Albanian in December 2010, as well as drafting the “Assessment Report on the Compliance of the Albanian Legislation with the Council of Europe Convention on Actions Against Trafficking in Human Beings.” Also see the CLCI report at: http://www.gag-al.org/WEB/deklarata/2010/Raport_trafikimi_al.pdf

decision the victim, being in the quality of the civil plaintiff, is entitled to compensation amounting to 40,000 Euro, resulting from non-property damage.

3. *Law No. 10192, dated 3/12/2009 "On prevention and suppression of organized crime and trafficking through preventive measures against property"*. This Law provides for the establishment of a Special Fund for the prevention of organized crime, whose source shall be the properties and assets seized and confiscated pursuant to this Law, by decision of the Court of Serious Crimes (*Article 37/1*) Article 32 of this Law "*On the use of seized personal property and pecuniary instruments*" stipulates that these assets shall first be used for compensating the victims of criminal offences resulting from organized crime. Among other things, the Special Fund will be used for social purposes, including rehabilitation and reintegration of victims of trafficking (*Article 37/2-c*). Whereas, *Article 37/3-b* explicitly states that non-profit organizations and centres for assistance and rehabilitation of victims of trafficking shall also benefit from this Fund.

Although compensation schemes for victims of trafficking do exist, their application has encountered some difficulties.

22.2. What is needed

In order to ensure efficiency and practical implementation of **compensation** schemes for **victims of trafficking** we believe that legal improvements are needed, which seem to have been forwarded to the Ministry of Justice in the form of proposals.

Apart from the establishment of a government scheme for compensation of victims of trafficking, the provisions of the CCP on bringing civil lawsuits in the criminal proceedings and their trial within the same proceedings, should be amended and complemented. This constitutes the only case where, according to Article 58-68 of the CCP, victims of trafficking have the right to participate in the proceedings as a party by bringing **the civil lawsuit in the criminal proceedings, in order to claim compensation of damage.**

Furthermore, access of victims to justice and representation of their interests by a legal representative throughout the stages of the trial, including compensation procedures, should be ensured.

The Anti-Discrimination Commissioner may be involved in monitoring the Law "On protection from discrimination", in order to underline its strengths and weaknesses related to compensation.

23. **Monitoring the impact of legislation on gender equality and anti-discrimination. [paragraphs 19, 43 CO]**



Monitoring the Law "On protection from discrimination" regarding discrimination based on sexual orientation and gender, by ensuring efficient protection against discrimination and violence against women.

24. **The Committee recommends improvements to the monitoring system and the conduction of an assessment of the phenomenon of cross-border and internal trafficking of women, aiming an efficient implementation of anti-**

trafficking legislation, policies and measures [paragraph 29 CO]

24.1. Current Situation

The **Office of the National Coordinator for Combating Trafficking in Human Beings has drafted** a National Action Plan on the Fight against Trafficking in Human Beings as well as the National Action Plan on the Fight against Trafficking in Children and Protection of Children Victims of Trafficking 2011-2013 (approved by DCM No. 142, dated 23/2/2011).

The purpose of this Plan is taking concrete measures for the investigation, prevention and fight against trafficking in persons. This Plan serves as a monitoring instrument for the implementation of anti-trafficking legislation, policies and measures. The State Committee for the Fight against Trafficking in Human Beings is in charge of monitoring and implementing these actions plans, whereas the Office of the National Coordinator drafts periodic reports on the progress of implementation of the action plans, which can be found at the official website of the Ministry of Interior www.moi.gov.al.

24.2. What is needed

Monitoring should serve at highlighting the positive aspects of the system as well as its problems, in order to bring about legal, structural improvements, etc.

Improvements resulting from one monitoring to the other should be emphasised.

Cooperation of NPOs in the monitoring process, by suggesting to the monitoring institutions adequate monitoring mechanisms.

- 25. Close monitoring of the situation of women working in the informal sector and as housewives and introduction to the measures taken on employment, in order to ensure that women have the possibility for permanent, full time employment with proper social benefits, if they so desire. [paragraph 33 CO]**



25.1. Current Situation

Currently there is no such monitoring.

- 26. Detailed information on the application of the Family Code on property during marriage and after its dissolution. [paragraph 37 CO]**



26.1. Current Situation

The Family Code [2003] is a representation of an advanced legislation in relation to equality between spouses in family and marital life, both in the personal or proprietary aspects.

Among the principles of the Family Code, priority is given to equality between spouses in all aspects of life [personal and proprietary] and in relation to the children.

Although there is no comprehensive and focused monitoring of divorce decisions or situations during marriage that allow for an analysis of the proprietary status of women and the impact of divorce on the proprietary status of the spouses, there are legal studies and analyses which clearly show the situation of women.

As such we can mention an analysis of the provisions of the FC on the gender perspective. A team of experts in cooperation with the UNDP conducted an analysis of the provisions that violate the principle of equality in various aspects or that may undermine this principle because of their lack of clarity.

Moreover, UNWomen, under the auspices of the MoJ, has prepared a study on proprietary rights of women in Albania, which also includes proprietary rights. This study, based on case law, shows that knowledge of women on proprietary regimes before marriage is very limited. The findings, conclusions and recommendations of the study are to be considered as very important in taking positive measures.

26.2. What is needed

Monitoring only the cases included in the Family Code and proprietary relations between spouses. The main object shall be court decisions on the proprietary consequences of divorce, termination or invalidity of marriage.

Trainings of notaries on the compilation of notary deeds related to nuptial contracts on proprietary regimes so that they can reflect observation of principles of equality, particularly contributing to marriage and family. Trainings of notaries on cohabitation agreements and proper observation of principles of equality and non-discrimination in the drafting of provisions²⁵.

Trainings of lawyers for enhancing their skills in legal matters regarding the proprietary consequences of divorce.

Establishment of *ad hoc* pre-marital counselling centres regarding rights and obligations of spouses.

Preparation of information leaflets.

IV. Gender Equality and Non-discrimination Mechanism

27. **[paragraph 20 CO] [1] What are the conditions of internal gender equality institutional structures? [2] Is there new staff appointed for gender equality issues at the Ministries and local government structures, line ministries and municipalities as per the requirements of the Law “On gender equality in society, or does the current situation show only an extension of duties for the existing personnel? [3] The Committee is concerned about the possibility of an appropriate national or local coordinating mechanism for ensuring coherence of local policies with the objectives of the central government gender equality policy. [4] What is the situation of financial and human resources at the Directorate of Policies for Equal Opportunities within the MoLASEO? Are they proportional to the wide range of duties and responsibilities for the promotion of gender equality and prevention of domestic violence? [5] While the Committee notices that the State Party is preparing the new National Strategy and Action Plan on Gender Equality**

²⁵ The Ministry of Justice in cooperation with UNWomen has started training activities for the notaries and the IPRO.

and Domestic Violence, it feels regret about the lack of information on the results achieved through the implementation of measures and actions for meeting the objectives of the new National Strategy and Action Plan on Gender Equality and Domestic Violence 2007-2010 and the problems faced.



27.1. Current Situation

1. Regarding internal structures

A total of 14 employees have been appointed in the Ministries, of whom only two have the duties of gender officers (respectively at the Ministry of Health and Ministry of Defence).

Proper gender equality officers have been appointed only in 15 out of 65 municipalities. For the other employees it is just an addition to their functional tasks.

2. The National Council on Gender Equality has the role of the coordinating mechanism.

Thus, the mechanism does exist but the appropriateness and coordination of coherent policies at all levels have to be analysed.

3. Financial resources are insufficient.

However, usually these sources are provided by national and international partners.

4. The CEDAW Committee observation on the 2007-2010 strategy emphasises the ongoing attention that has to be paid for the efficiency of measures in the current strategy [2011-2015].

27.2. What is needed

An assessment of the recommendations resulting from the expertise gained by UNWomen by a renown GE expert and their translation into laws or by-laws, structures and adequate budgets, etc.

Introduction of NPOs to these recommendations.

28. **The Committee asks for special care to be given to the implementation of the general recommendation No. 6 and the instruction issued in the Beijing Platform for Action, particularly related to the necessary conditions for the effective operation of national mechanisms. Is there an analysis of these aspects and what are the measures taken? Have the recommendations of the Committee been duly considered in the preparation of the new National Strategy and Action Plan on Gender Equality and Domestic Violence? What is the situation of monitoring and proper assessment of strategies and measures used for their implementation? What type of coordination is foreseen between the central and local government on the policies drafted in order to meet the objectives of the Action Plan? [paragraph 21 CO]**



28.1. Current Situation

An analysis of the operation of the gender equality structure and national mechanisms has been prepared with the support of UNWomen.

The suggestions that resulted from this expertise are available to the MoLSAEO authorities in order to be translated into concrete initiatives.

All the recommendations of the CEDAW Committee have been taken into consideration in the drafting of the strategy and its action plan for 2011-2015.

28.2. What is needed

NPOs should be informed on the analysis and recommendations of the UNWomen expertise so that they can emphasise their role more.

Continuous cooperation with institutions addressing GE, discrimination and domestic violence issues.

Monitoring the strategic objectives and the efficiency of positive measures and recommendations for improvements.

Close cooperation with local authorities.

V. Introduction to the Convention and General Recommendations

Various sections of the CO emphasise the importance of knowing the general CEDAW recommendations.

Thus, following the CO paragraphs, we find that attention has been paid to various documents which have not been properly reflected.

29. [1] **General Recommendations: Paragraph 2 of the CO states that the reports did not include references to the general recommendations of the Committee;** [2] **General recommendation 19: Paragraph 27 of the CO underlines the attention that must be paid to the General Recommendation 19, which has also been stated in the previous recommendations of the Committee and the previous concluding observations (A/58/38(Supp), par. 73). The Committee encourages the State Party to focus on the complete measures for addressing violence against women in family relations and in society;** [3] **General recommendation 24: Paragraph 35 underlines the importance of General Recommendation no. 24 of the CEDAW Committee according to which: "The State Party should take all the measures necessary for improving access of women to health care and health-related services, in the framework of the Committee's General Recommendation No. 24, particularly for addressing the unequal access to services of men and women in rural and urban areas in the country and making all efforts regarding girls and women from linguistic and ethnic minorities";** [4] **General recommendation 26: Paragraph 41 states the importance of recommendation 26 regarding migration issues, in order to protect human right of migrant women as far as work and employment are concerned. [paragraphs 2, 27, 35, 41 CO]**



29.1. Current Situation

Some of the recommendations have been analysed during various trainings, but this has been done in a non-exhaustive manner. Knowledge on these recommendations is insufficient.

29.2. What is needed

Although the recommendations are part of the soft law, very often their value is

increased, when states underline that in their realities these recommendations take on a special place and role.

The preparation of a comprehensive document which will include all the recommendations of the Committee, translated in Albanian.

Dissemination to the different stakeholders, NPOs and lecturers at the Law Faculty and beyond.

VI. Training and Awareness raising

30. Ongoing training for judges and prosecutors. [paragraph 16, 17 CO]



30.1. Current Situation

The School of Magistrates of the Republic of Albania is the only institution established by law that conducts induction and ongoing training of judges and prosecutors. Its schedule of activities and their calendar include each academic year topics directly related to gender equality and non-discrimination issues. The passing of each new law results in the organization of new trainings.

Thus, three activities have been organized in the framework of the ongoing training on the Law “On protection from discrimination”.

31. Regular training of Members of Parliament, bailiff’s office employees and high officials on the Convention and its Optional Protocol, the recommendations and promotion of gender equality. [paragraph 17 CO]



31.1 Current Situation

There are no regular trainings of stakeholders underlined by the CEDAW Committee. TIPA and the Austrian Project, as well as various NPOs have conducted a training programme on the above mentioned instruments.

31.2.What is needed

Cooperation with the institutions, donors and NPOs in order to draft a training programme for the stakeholders identified by the CEDAW Committee.

32. Vocational trainings for unemployed women of the most disadvantaged groups of society should be organized. [paragraph 22 CO]



32.1. Current Situation

Both the State and NPOs have conducted such trainings.

32.2.What is needed

NPOs should continue their work and keep regular records in order to come out with statistics in the preparation of the shadow report.

33. **The Committee highlights the obligation of the State to strengthen targeted educational programmes, including induction training and on the job training programmes for teachers of all levels of the educational system, and prepare a more complete strategy with a wider range of stakeholders, in order to eliminate stereotypes, including women associations and civil society associations, the media and the private sector, aiming particularly the rural areas and communities and minorities about family relations. [paragraph 25 CO]**



33.1.Current Situation

These trainings have been organized.

33.2.What is needed

Continuation of trainings.

34. **The Committee asks the State Party to strengthen special training programmes for various groups of unemployed women. [paragraph 33 CO]**



The CEDAW Committee also recommends the strengthening of efficient measures which allow for a combination of domestic and professional responsibilities, particularly in rural areas as well as the encouragement of share of household and family economy responsibilities between men and women, among others, through awareness raising and education initiatives on the proper separation of child care, care for other family members and household economy tasks, targeting men and women.

35. **Training on the implementation of point 53 of the CO related to the preparation of the next report. [paragraph 53 CO]**



35.1.Current Situation

No such training on the preparation of the next report by the state exists. However, there is positive experience to this regard.

35.2.What is needed

Cooperation with the CEDAW Committee in order to ensure adequate expertise in the conduction of such trainings.

Cooperation with NPOS.

36. **The Committee also recommends that the State Party, by observing the independence of the media and the right to freedom of speech, encourages the media to display a positive and non-stereotypical image of women and their equal status and role in the public and private life. It requires the State Party to monitor the impact of measures taken and provide information on the results achieved in the next periodic report. [paragraph 25 CO]**



36.1. Current Situation

The situation has been reflected in the Strategy on GE 2011-2015.

On the occasion of 100 years of independence of the country, a special place was given by the media to the role of women in different walks of life. UNESCO, UNWomen, etc. together with other civil society organizations [Refleksione, CLCI,

GADC, etc.]²⁶ organized a series of activities, some of which were reflected in the media.

36.2. What is needed

The preparation of a plan so that proper information on the impact of measures taken can be included in the next report.

37. **The Committee recommends proper awareness raising of civil servants, particularly law enforcement employees, members of the judiciary, health care employees and social workers, on all forms of violence against women. [paragraph 27 CO]**



37.1. Current Situation

Judges and prosecutors have attended continuous training on legal and practical problems related to domestic violence. This has been achieved through the two main programmes of the School of Magistrates, i.e. the induction programme and the ongoing training programme. The new amendments to the Criminal Code reflect the necessity to update the stakeholders on these provisions aiming their application in practice. In this regard, the School of Magistrates has been given continuous support by the UNDP and UNWomen as well as UNICEF regarding cases of violence against children. The cooperation of this institution with the civil society has allowed bringing to the attention of judges the real problems of the Albanian society related to domestic violence.

TIPA is the agency for training employees/public administration.

37.2. What is needed

Ongoing training and awareness raising

38. **The Committee recommends awareness raising on the provisions of affordable contraception methods throughout the country and ensuring that women in rural areas and women from linguistic and ethnic minorities do not face obstacles in receiving information on and services of family planning. [paragraph 35 CO];**



38.1. Current Situation

The need for awareness raising is a dynamic and continuous process. Starting from the data of the demographic survey and information obtained from the respondents, it results that this should be a permanent process whose focus must not be neglected.

38.2. What is needed

Continuation of awareness raising, particularly in specific areas that face information barriers.

VII. Training & Education

39. **The Committee further asks the State Party to ensure that the Convention, its Additional Protocol and the general recommendations of the Committee**

²⁶ The activity called 90+10 was focused on the role of the Albanian women during 100 years.

and the opinions approved for communication and individual investigations become an integral part of the education curricula, including the law school. [paragraph 17 CO]



39.1. Current Situation

Unifem [UNWomen] in cooperation with the School of Magistrates and the Faculty of Law in Tirana, have analysed the curricula and have prepared suggestions on their improvement from the gender perspective. UNWomen in cooperation with experts of law and gender equality issues have published a course book titled "Gender equality and non-discrimination" for law students which includes all the relevant national and international legal context and case law, including the CEDAW.

Among the subjects of high school text books [social sciences text books] some space should be dedicated to the inclusion of the CEDAW Committee suggestions.

39.2. What is needed

Analysis of texts to this regard.

40. **The CEDAW Committee also recommends that sexual education be widely promoted targeting teenager girls and boys, with a special focus to the prevention of teenage pregnancy, especially in rural areas and for women belonging to linguistic and ethnic minorities, as well as controlling sexually transmitted infections, including HIV/AIDS, particularly regarding the mother to child virus transmission. [paragraph 35 CO]**



40.1. Current Situation

There is no deep analysis of school texts.

40.2. What is needed

Training of teachers,

Awareness raising of the parent and students community,

Preparation of informing leaflets and broadcasting TV programmes at those times that can be easily followed by the students.

VIII. Research, analysis and reports

41. **The Committee calls for the State Party to review the issue of differentiation of salaries between men and women and refer to current research and practices on the equal payment for equal work or work of equal value aiming the overcoming of differentiation of salaries. It also asks for the State Party to strengthen measures regarding work inspections in order to ensure a better application of the Labour Code, particularly regarding hazardous work places occupied by women, women working at home and women working in the informal sector as well as sexual harassment at the work place. [paragraph 33 CO]**

41.1. Current Situation

The GDAC study supported by Soros Foundation on the salaries and other studies conducted have highlighted the situation of inequality.

There is no research of the "facts and figures" type on sexual harassment at work and monitoring of the case law regarding cases of dismissals from work whose main cause may have been sexual harassment.

41.2. What is needed

Taking into consideration the recommendations that have resulted from these studies. Conducting diversified studies focusing on the specific sectors where women are most involved and the impact of salaries in cases of part time employment and household work as the works women prefer the most.

Monitoring obligations deriving from the NSGE-RGBDV 2011-2015.

Inclusion of these topics in the Masters and PhD curricula.

42. **The Committee requires the State Party to give information on the situation of migrant women workers and remittances received by the State Party. [paragraph 41 CO]**



43. **The Committee asks for integration of the gender perspective and a clear reflection of the provision of the Convention in all efforts aiming the achievement of Millennium Development Goals and requires the State Party to include this information in the next periodic report [paragraph 45,46 CO]**

The Committee urges the recognition and use of the Beijing Declaration and the Platform for Action and requires the State Party to include this information in the next periodic report.

43.1. Current Situation

As per the NSGE-RGBDV.

43.2. What is needed

Care should be given to the process of reporting and the stakeholders should be informed on the obligations stemming from these instruments.

IX. Statistics

44. **The Committee has noticed that the report included limited statistics divided according to gender and limited quality data on the situation of women in the areas covered by the Convention, particularly regarding women from disadvantaged groups. [paragraph 2 CO]**



44.1. Current Situation

Attention to statistics is mainly an obligation of the MoLSAEO, INSTAT and the other respective line ministries. A special role is played by the Sectors of Monitoring, Analysis and Statistics at the Directorate of Budget Planning, Analysis and Statistics, etc.

To this end, it is worth mentioning the Order of the Minister of Labour, Social Affairs and Equal Opportunities No. 2498, dated 16/12/2008 as amended by Order No. 2271,

dated 8/12/ 2009 “On the establishment of an Inter-institutional Working Group (IWG) as an advisory team for highlighting and determining the gender statistics in support of the gender equality monitoring policies in Albania, and an Instruction of the Minister No. 1220, dated 27/5/2010 “On setting the indicators for the assessment and monitoring of gender equality and violence against women indicators, including domestic violence, their revision, collection and processing.”

The role of the Ministry of Justice is quite clear regarding statistics of the judiciary which should be divided according the gender.

The Ministry of Interior keeps the statistics of the state police regarding domestic violence, etc. There is room for improvement here as well.

44.2.What is needed

Implementation of normative initiatives related to strategies, in compliance with the 2011-2015 strategy.

- 45. The Committee urges the State Party to better organize data collection on violence against women, including domestic violence. [paragraph 27 CO]**



45.1.Current Situation

The Law ‘On measures against violence in family relations’ [No. 9669, dated 18/12/2006 as amended], has appointed the MoLSAEO as the authority in charge and it has also assigned other responsible authorities such as the Ministry of Interior, the Ministry of Health and the Ministry of Justice.

Article 6/a sets the obligation to keep statistical data on the level of violence.

45.2. What is needed

Better organization of data and their unification in a single system.

- 46. The Committee requires the State Party to give in the next report full information and data of trafficking in women, including the progress done so far. [paragraph 29 CO]**



This is an obligation of the State and NPOs to ensure effective and realistic methods for data provision. Official statistics are more clear for cases of trafficking, extracting them from court decisions.

- 47. The Committee also expresses its concern regarding the lack of complete data on the extent of enrolment of Roma women and girls, and women and girls with disabilities at all levels of education, which is an obstacle for the State Party to assess their situation aiming at its improvement. [paragraph 30 CO]**



47.1. What is needed

Monitoring the responsible authorities and ensuring data also via NPO sources.

- 48. The Committee is also concerned about the low level of representation of women in high the managing positions of educational institutions, including**

the primary, secondary and tertiary education. The Committee asks for the inclusion in the next periodic report of complete data and information on the educational situation and possibilities of women and girls with disabilities as well as women from ethnic and linguistic minorities especially Roma girls and women. [paragraph 31 CO]



48.1. Current Situation

Albania's legislation on people with disabilities is almost of international standards. The ratification of the UN Convention will bring improvements and approximation to these standards in the domestic legislation as well. *Objective 7* of the National Strategy on People with Disabilities provides for: *The collection and use of information on persons with disabilities and disability issues.*

Statistics on ethnic and linguistic minorities as well as those on Roma women and girls are not clear.

48.2. What is needed

In order to meet this obligation it is necessary to have cooperation between women NPOs in general, NPOs representing people with disabilities and state institutions in order to take concrete measures for the collection of reliable data on the number and typology of disability in Albania.

These data should be divided according to gender.

49. The Committee asks for a complete overview of the actual situation of elderly women, including gender divided data on the areas covered by the Convention and for a reporting on the specific gender measures taken in order to eliminate age-based discrimination against women. [paragraphs 38, 39 CO]



49.1. Current Situation

2012 was called the European Year for Active Ageing and Solidarity between Generations. In this framework a series of activities have been focused on third age. As such we can mention: The national conference of third age held by the MoLSAEO on 30 July 2012 and the study on third age. A [UN]DESA mission [10-13 October 2011] prepared a report on the main facts and figures and it also prepared the respective recommendations underlining the importance of statistical data, studies and analyses as well as the importance of residential centres, the specific law on third age and some amendments to the law on social insurance [starting from the fact that 60% of elderly people benefit minimum ageing pension because of informalities in the employment sector]. According to the statistics published by the Ministry of Labour, only 9% of the population in Albania falls under this age-group as compared to 20% of population of this age-group in Europe.

According to the MoLSAEO, more than 120 requests for residential services are submitted by elderly people each year, and although recently the number of licenced services has increased by 30% they still cannot meet the demand.²⁷

²⁷ According to the MoLSAEO: The governing law supporting elderly people accommodated in social care institutions has improved, allowing them to benefit 60% of the pension for personal expenses from

49.2. What is needed

Residential centres are still insufficient.

Health care services and expenditure, reimbursement of medicines, and measures directly affecting the improvement of quality of life for the third age benefitting from these services are still a problem

There is lack of complete statistics on third age women and an analysis of their actual situation as per the categories of the Convention. A qualitative and quantitative analysis of the situation of third age women should be conducted based on the census data and data from the questionnaires prepared by specialists.

Violence against the elderly [physical, economic, etc.] is almost unrecognised and left aside.

0% that was in 2005. For the elderly who are not entitled to ageing pension the extent of benefit has increased by 50%. The daily nutrition quota in centres has also increased by 40% from 2008. The number of elderly people being supported with social services in the country is 1,800 people, but the problems these people have go past this number. Around 500 elderly people are treated with pensions and this monthly payment is the most important aspect of social support provided to the third age, serving as the basis for meeting the vital needs of this group and as an important factor in reducing poverty in the city and in the village. Monthly benefits from pensions have increased significantly. In 2012, compared to 2005, an increase in income of pensioners by 60% has been observed as compared to 22% which is the increase in the level of price index. As a result of Government policies in the area of pensions, recently a significant rise in transfers in household budgets can be noticed. For 2005-2012 transfers in household budgets have increased by 75.7%. Minimum income of a pensioner in the city in 2012 have increased 64.2% since 2005 and minimum income of a pensioner in the village have seen an increase of 2.4 times. The rise in pensions will continue in the coming years.

Legislation

The Constitution of the Republic of Albania [Law 8417/28101998 as amended]
The Criminal Code of the Republic of Albania
Criminal Procedure Code of the Republic of Albania
Labour Code, Law No. 7691, dated 12/7/1995 [as amended]
The Family Code
The Electoral Code, Law No. 10019/29.12.2008
The Law "On gender equality in society"
Law No. 9669, dated 18/12/2006 "On measures against violence in family relations"
Law No. 10 221, dated 4/2/2010 "On protection against discrimination"
Law No. 7703, dated 11/5/1993 "On social insurance in the Republic of Albania" [as amended]
Law No. 7995, dated 20/9/2005 "On the encouragement of employment" as amended
Law No. 9232, dated 13/5/2004 "On social housing programmes for residents of urban areas" [amended in 2007]
Law No. 10039, dated 22/12/2008 "On legal aid"
Law No. 9109, dated 17/7/2003 "On the profession of lawyer" [as amended]
Law No. 9136, dated 11/9/2003 "On the collection of mandatory social and health insurance contributions in the Republic of Albania" [as amended]
Decision of the CM No. 573, dated 16/6/2011 "On the approval of the National Strategy on Gender Equality and the Reduction of Gender Based Violence and Domestic Violence 2011-2015 and the Action Plan for its implementation"
Decision of the CM No. 519, dated 20/7/2011 "On the approval of the Crosscutting Strategy for Justice and its Action Plan", Official Journal No. 116, dated 18/8/2011
Decision of the CM No. 142, dated 23/2/2011 "On the approval of the National Action Plan on the Fight Against Trafficking in Human Beings" and its Complementing Document "Action Plan on the Fight Against Trafficking in Children and Protection of Children Victims of Trafficking"
Decision No. 1114, dated 30/7/2008 "On some issues pursuant to Laws No. 7703, dated 11/5/1993, "On social insurance in the Republic of Albania" [ad amended], Law No. 9136, dated 11/9/2003 "On the collection of mandatory social and health insurance contributions in the Republic of Albania" [as amended] and Law No. 7870, dated 13/10/1994 "On health insurance in the Republic of Albania" [as amended]
Decision of the CM No. 47, dated 16/1/2008 "On employment encouragement programmes, through on the job trainings" [as amended].
Decision of the CM No. 582, dated 27/07/2011 "On the approval of Standard Operating Procedures (SOP) for the Identification and Referral of Victims/Potential Victims of Trafficking".