Information of the Albanian Government on the practices and significant legislative and policy reforms adopted for the advancement of women`s rights.

General Information

The Republic of Albania is located in the Balkan Peninsula, bordering Greece on the South, the Republic of Macedonia (FYROM), on the East, Montenegro and Kosova on the North and Adriatic and Ionic seas to the West and Southwest. The national territory covers 28,748 km2, of which nearly 30% lies more than 1,000 meters above sea level.

Based on the preliminary results, the total population of Albania is 2,831,741. According to the 2001 Population and Hausing Census, the population of Albania was in 2001 equal to 3,069,275. The comparison of the figures shows that the population of Albania has decreased by 7.7% in about ten years. The total population is composed of 1,421,810 males (50,2%) and 1, 409,931 females (49.8%). According to 2011 census result 53,7% of the population lives in urban areas and 46,3% in rural areas. But according to 1989 census results 35.7 of population lives in urban areas and 64.3% in rural areas.

Albania ratified the Convention on Elimination of all Forms of Discrimination against Women [CEDAW] by Law No. 7767, adopted by Albanian Parliament on 09.11.1993 and published in Official Gazette No.13 on December 1993. Albanian Parliament ratified the Convention Optional Protocol, by Law No. 9052 of 17.04.2003. During 2011 Albania approved amendments to article 20, first paragraph of CEDAW Convention, regarding the time of Committee meeting.

Government of Albania has been reported 2 times on CEDAW Committee, in 2003 and 2010. Its recommendation are now the part of action plan of National Strategy on Gender Equality, Reduction of Gender Based Violence and Domestic Violence 2011-2015.

**Politics**

Since 1945 till 1990 Albania was under communist regime. From mid-80s economic conditions deteriorated and from late 1980s the Government began a gradual process of liberalization and contact with other countries. By 1989-1990 further deterioration in the economic conditions gave raise to public protest and to undocumented emigration flows to nearest pays.

The first multi-party elections were held in March 1991. Since 2995 the Albanian Government has been leaded from right coalition headed from Democratic Party.

**State**

Albania is a Parliamentary Republic. The Republic of Albania is a unitary state (article no.1 of Constitution). The system of Government in the Republic of Albania is based on the separation and balancing of legislative, executive and judicial powers (article no.7 of Constitution).

I-*Legal measures to promote women's rights and gender equality*

Government of the Republic of Albania has placed the issue of gender equality at the heart of its priority agenda considering the women rights as an integral part of human rights. In this framework are approved important laws and policies aimed at elimination on gender discrimination.

The principle of parity of women and men occupies an important place in the Constitution of the RA and national legislation. The Constitution of RA, [in article 18, point 2] formulates the principle of non-discrimination in this way *"No one can be discriminated against for such reasons as gender, race, and religion…".*

The principles of equality e nondiscrimination are sanctioned also in Labour Code, Civil Code, Penal Code, Family Code and other part of Albania Legislation.

Specifically on gender equality and women's rights were drafted and approved the following legislation:

**Law No. 9970 of 24 July 2008 “On gender equality in society”,** provides protection against discrimination due to gender and due to any form of behavior, which drives discrimination because of gender. The main purpose is to protect citizens against any discrimination, which is inflicted on gender basis, to provide equal opportunities for men and women and, to ensure growth and welfare for the entire society. The

The law takes into account the relevant international principles on the definition of gender discrimination by the Article 1 of CEDAW.

In this law are provided temporary special measures as gender quota for achieving gender balance in all legislative, executive, judicial organs and in other public institutions; and other special measures for women during pregnancy, for the person who have special responsibilities in their family etc.

**Law No. 10221 of 4th February 2010 “On protection against discrimination”.** The scope of the Law on protection against discrimination includes implementation and respecting of equality principle in relation to gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical views, economic, education or social status, pregnancy, parental belonging, parental responsibility, age, family or marital status, civil status, residence, health condition, genetic inclinations, disability, association with a special group, or in relation to any other cause.

The purpose of this law is to entitle every person to the following rights:

1. Equity before the law and equal protection by the law;
2. Equal opportunities and possibilities to exercise the rights, to enjoy freedoms and to participate in public life;
3. Effective protection against discrimination and against any form of behavior that encourages discrimination.

The Law establishes the “Commissioner’s” institution as an independent one, which ensures protection against discrimination and, which has a binding power as imposed through sanctions for protection against discrimination, therefore filling also another gap of the Law on Gender Equality.

**Law No. 9669 of 18.12.2006, "On measures against Violence in Family Relations"** has the purpose to "Prevent and reduce violence in family in all its forms, with appropriate legal measures and to guarantee protection with legal measures for family members, who are victims of violence in family, paying special attention of children, old people and people with disability.

**Civil and Political rights**

Men and women de jure enjoy equal civil and political rights. Legally a woman has the right to free choice of residence, hold a name and a surname have the right to organize freely, the right to freedom of opinion and expression, etc.

1- Civil rights

Free choice of residence

Under Civil Code Article 12 "Everyone has the right to freely assign his/her residence". Although the Family Code Article 55 defines that spouses choose marriage connection with the joint agreement of their place of residence, according to tradition the woman when marriage goes in linking her husband's home, where parents often live with the husband. This is related to the patriarchal tradition of Albanian society. However during recent years a new trend has been evolved including that newly married couples live on their own, thus creating a greater independence from the family tree by creating small family. This is noticed especially in large urbane areas.

The right of surname

According to Article 5 of the Civil Code any natural person (referred to equally as daughter and son) has the right and obligation to keep a name and a surname. According to Article 52 Family Code spouses may hold as one common surname or each hold his family name. However in practice and according to the tradition the spouses have held the surname of the men.

Citizenship

The legal basis for Albanian citizenship provided by the Constitution and the Law on Citizenship of Albania (Law Nr.8389, date 05.08.1998). Under Article 19 of the Constitution every child born with at least one parent (either mother or father) of Albanian nationality, Albanian nationality automatically wins. Article 6 of the Law on Citizenship provides three ways of gaining Albanian citizenship: 1. birth 2. Naturalization 3 Adoption,

While Article 10 provides that when a foreigner is married to a citizen of Albania for not less than three years, then he / she can win the Albanian citizenship if so wished. Therefore marriage is not a decisive factor for winning or losing Albanian citizenship. In this way, domestic legislation is in line with the 1954 Convention on the nationality of married women, the Convention on which Albania adheres well.

Under Article 4 of the Law on Albanian Citizenship, every citizen, might abandon his/her Albanian citizenship, considering that he / she has or is taking another citizenship. Minors can earn and abandon the Albanian citizenship with the approval of parents. However, any change in him / her citizenship of a (14-18) must be done with his/her approval. In the past fifteen years, there has been a tendency for men and for women to change the Albanian citizenship by marrying with non-Albanian citizen.

For citizenship of their children women have equal rights with men. What determined the law has been applied in practice. In general, in Albania there are no problems regarding the deployment of the child's citizenship. Minors may travel with each parent's passport, but after the amendment of the law since the past few years, children also can have their passports. In this case, for the issuance of a passport the permission of both parents is required.

2-Political Rights

The right to vote and it was guaranteed to be elected Albanian citizens who have reached the age of 18 regardless of sex. (Constitution Article 45) This right is guaranteed as for elections, as well as for public referenda. In addition, the newly-adopted Election Code in its article 3 provides that: "Every Albanian citizen who has reached the age of 18 years even on election day, without regard to race, ethnicity, gender, language, political belief, religion, physical capability or economic situation has the right to elect and be elected in accordance with the rules provided in this Code”

Right to organize and peaceful assembly

Albanian Constitution uses a view of gender neutral language guaranteeing anyone the right to organize, which includes creating or joining non-profit organizations (NGOs), political parties and other organizations in political and public life.

It can be argued that women in Albania have actively participated more in public life, after the issuance of the law "On non-profit organizations" and creating a considerable number of associations run by women, conducting activities across the country. Albanian Constitution uses a view of gender neutral language guaranteeing anyone the freedom of participating in peaceful gatherings.

*The right of women to participate in NGOs and public life of the country*

More and more participation of women in public and political life of the country and in the process of decision making has created the possibility that womens interests to be reflected better in taking initiatives in the protection of their rights.

Efforts have been made by civil society, political forums of women, government mechanism for gender equality with the support of international organizations operating in Albania to increase the capacity of potential women and women elected.. In this framework a large number of training sessions related to gender issues, communication, organization of campaigns, and management of the situation have been organized.

Public awareness on the positive values that brings equal participation of women in politics and decision making to the democratization and development of the society.

Activities that have been organized: awareness programs and spots in the electronic media, articles, analysis in the print media, posters, leaflets, brochures with different thematic focus of which was woman with her concerns;

Since 2000, a national movement for political empowerment of women was launched and is increasingly consolidating, which has reached its impacts on social and political climate in the country in favor of gender balance. OJF-të shqiptare kanë luajtur një rol të dobishëm në rritjen e pjesëmarrjes së grave në politikë. Albanian NGOs have played a useful role in increasing participation of women in politics. Although sporadic, some women's NGOs have helped to raise funds for political candidates and have encouraged participation in the polls and vote candidates supported by them. NGOs have lobbied with international organizations and have their attention towards better representation of women in politics.

During 2012 efforts to gender quotas applied are intensively in order to have a positive impacts on women's representation. Finally, civil society in collaboration with Gender Equality state structure (MoLSAEO) is engaged in a lobbying process to improve the gender quota in the Election Code. The proposals consist in the provisions of setting one in every three names on the electoral list for local and parliamentary elected to be a woman, and rejection of lists by CEC if gender quotas are not applied by the parties in their electoral lists.

*II-Positive measures to increasing participation of women and girls in public and politic life.*

A broad support for increased participation of women in political and public decision-making has been offered by the Assembly Speaker, Prime Minister and President who have been totally committed to the introduction of a quota in the electoral law and have given their support for the adoption of Law No. 9970 date 24.07.2008 "On gender equality" to whom she had numerous discussions regarding the introduction of a quota. Also the appointment of many women in senior positions at the head of important governmental institutions shows for awareness and political support for the values and potentials of women,

## Specific measures undertaken in the framework of increasing participation of women in political and public decision-making processes are provided for in Article 8 of Law no. 9970 dated 24.07.2008 "On gender equality in society" GEL as:

## Temporary special measures:

1. Temporary special measures include quotas to achieve equitable gender representation, increasing the participation of the less represented gender in decision-making and public life, economic empowerment and the position of persons of each sex in the field of employment, so improving equal educational level as well as other measures in each area, where persons of one sex do not enjoy equal status with those of another gender.

2. They do not constitute discrimination because of sex when state authorities take temporary special measures, including legal provisions aimed at accelerating the deployment of actual equality between women and men. These measures should cease to exist as soon as they reach the goals of gender equality, for which they were created.

*Special measures Article 9 of GEL*

They do not constitute discrimination because of sex when the state takes special measures, including legal provisions aimed at:

a) special protection of women during pregnancy and childbirth, new mothers and new parents, due to natural birth or adoption of child, creating conditions for protecting and facilitating their work, in social security of social assistance; in providing necessary assistance for mother and child health, promoting security and social services system, favoring the development of network of kindergartens nests;

b) Facilitating assistance to persons who have special responsibilities in the family, due to the daily care to disabled family members, due to age, physical or mental disability or incapacity for other reasons.

c) Limitations of working in some job sectors serious and dangerous for pregnant women and those with breastfeeding. These restrictions will be reviewed periodically, depending on scientific and technical knowledge and the needs that arise.

Item 5 of Article 67 of the Electoral Code provides that "For each electoral area at least thirty percent of the multinamed list and / or one in three first names of the list must belong to each gender. For elections to local government bodies, one in every three names on the list must belong to each gender”.

*Statistical data*

Following the application of gender quotas and other sensibilization measures the current situation is according to the statistics:

As a result of the application of the provided quota set in the Electoral Code during the electoral campaign for the June 2009 parliamentary elections, the candidate lists included 30% women MPs. The values of women and girl candidates were promoted through meetings, TV shows, etc.

**Parliamentary Elections 2005**

In the parliamentary elections of 2005 the representation of women were only 10 out of 140.

In the governmental cabinet out of the election of 2005 the representation of women were 2 ministers from 14 in total or 14% and 7 women deputy ministers from 21 in total. In a prefecture level there was 1 woman nominated as a prefect in 12 districts.

**Parliamentary Elections 2009**

In the Parliament of the Republic of Albania, women hold 23 seats out of 140 total or 16.4% of the seats or double number of women compared to the previous parliamentary elections. In the government cabinet there is one position of a woman minister or 7.1% of the Cabinet. Deputy ministers are in total 35, out of which 8 woman or 23%. One woman was a prefect out of 12 districts.

**Local government**

**Elections 2007**

In the local government referring to the last elections of 2007 the results were:

A woman mayor municipality from 65 municipalities or 1.5%.

9 women are Heads of the Municipality Councils or 16%.

Women members of the Municipality Councils are 157 from 1178 in total or 13.3.%.

From 11 mini-municipalities of Tirana 3 mayors are women or 27.3%.

There are 6 heads of the communes women from 309 in total or 1.9%

**Elections 2011**

From 65 Municipalities – 3 are women Mayors of Municipalities or 7,7% ( Burrel, Konispol, Patos)

From 11 minimunicipalities of Tirana- 2 are Mayors ose 18 % (Municipality Unit 1 dhe 5)

Members of the Municipality Councils are 760 from a total of 6152 or 12 %.

The positions of Chair of the Parliament, of the Supreme Court and the Attorney General are held by women. Furthermore, leading positions of other important central institutions are held by women.

*Efforts over the years for the introduction of a quota*

The first attempt to introduce the legislation has been end of the 2000 year for local government elections. Despite efforts of the largest political forums DP and SP to put on the Electoral Code a minimum representation quota, this was not achieved.

1 - other efforts was by civil society during the drafting process of the Law No. 9198 dt. 1.7.2004 "On gender equality in society", but quotas were not accepted. In an article of this law was only for equal representation of genders, but without specifying quotas.

2 - For the 2005 parliamentary elections, with the initiative of President of the Republic signed a code of conduct, where political parties would engage to provide support for increasing women participation in politics and direction. Major parties in their statutes of this year sanction a quota percentage (DP provide a quota of not less than 25%, while SP of not less than 20%).

*Obstacles*

Constitution of the Republic of Albania and the Electoral Code of 2000 provides a mixed system of majority and proportional. This system was an obstacle to the introduction of a quota.

Constitutional changes was possible to shift from a mixed majoritarian system in the proportional

Me ndryshimet kushtetuese u bë e mundur që të kalohej nga sistemi i përzier mazhoritar në atë propocional duke lejuar aplikimete kuotës të vendosur në LBGJ dhe Kodin Zgjedhor 2009.

*III-Data of representation of women in public decision-making follow:*

Based on statistics by PAD in the public administrations there is a high participation of women and girls in the expert level, this proportion was 2008 or 58.8% and has increased to 64% in 2010.

In the mid-management level the share is 42% women for year 2010.

In the high management level the representation of women and girls is 25%.

In the Universities the academic faculty is comprised by 43.6% women as comparing to 56.4% men. Meanwhile women with scientific degrees are 38% (year 2008). From 10 rectors none is a woman, out of 10 deputy-rectors, 3 are women or 23%. In the rank of deans, women are 11 or 27% as compared to 29 men who comprise 72%.

*IV-Politikat qeveritare për promovimin e barazisë gjinore*

Paragraph II.4.4 **Enhancement of Gender Equality** of the Government of Albania Program 2009 -2013 describes *the commitment to promote gender equality principles and the enforcement of protective legal and institutional instruments to ensure incorporation of gender policies across all levels of governance. Prevention of domestic violence, protection of victims and their access to legal and psychosocial schemes of protection in close cooperation with media and civil society will constitute a means to guarantee and protect woman dignity by paying a special attention to children and old persons.*

*Policies drafting / implementation*: The Council of Ministers adopted, in its meeting of 16. 06. 2011, Decision No. 573, dated 16.6.2011 "On the Adoption of the National Strategy of Gender Equality and Reduction of Gender Based Violence and Domestic Violence, 2011-2015, and the Action Plan for its implementation."

The strategy was drafted with technical working groups, with a broad consultation with relevant institutions, civil society, donors and stakeholders. Drafting of the Strategy was supported by the "ONE UN" Joint Program for Gender Equality in Albania. The vision of this strategy is: "A society in which gender equality is respected and valued, taught, supported and promoted, where gender-based violence of any kind is not tolerated, but punished, where those affected by it are supported and protected and where equal opportunities and treatment is a reality for all, regardless of gender orientation.”

The directions are: 1) Strengthening of the Legal and Institutional Mechanism, 2) Increasing Women's Participation in Decision-making, 3) Economic Empowerment of Girls and Women; 4) Reducing of Gender Based Violence.

The adopted strategy is sensitive to the needs and rights of both sexes and it attempts to address these needs and rights through comprehensive interventions, especially taking into account the needs of particular groups of women who experience more significant disadvantages arising from situations, which are associated with their disability, ethnic or social origin and sexual orientation.

National Strategy on Gender Equality and Reduction of Gender base Violence and domestic Violence 2011-2015 contemplate in Objectif II : **“Empower women and girls through participation in decision-making”** some measures:

* Organize and support advocacy and lobbying campaigns to improve the Electoral Code thus seeking to strengthen the dispositions that ensure the quota of women’s participation in general and local elections.
* Organize awareness raising campaigns that seek to engage political parties to undertake the legal initiative to review the Electoral Code.
* Work with Women’s Forums within political parties so that they encourage women’s introduction and participation in politics
* Undertake initiatives that increase representation of women in the local level, e.g., political agreement to increase representation of women as heads of commune and in commune councils, or revise the development plans of the communes to see how women’s needs are represented in these plans.
* Monitor the implementation of the quota of 30% in the senior level decision-making positions in politics, in the lists and the entities that administer elections.
* Study to identify gender disaggregated voting patterns, community structures, perceptions, stereotypical attitudes, impact of electoral system on women’s participation in politics and other aspects that are linked to political empowerment of women. The study identifies and recommends tools and strategies to better illustrate the importance and advantages the society derives from women’s participation in politics.
* Organize local and national media awareness raising campaigns that support entry of women in politics, with no distinction as to origins, ability or social situation – activities include roundtables, community level programs, seminars, television debates, discussions from NGOs and target especially first-time voters.
* Organize programs focused to raise political and legal awareness for potential candidates and women in general to increase their knowledge in relation to the Constitution, Electoral Code, political issues, human rights, challenges of political economic and social development of Albania.
* Develop mechanisms and training sessions encouraging women to participate in the election process, political activities and other leadership areas.

*V- Government Structures Responsible for Gender Equality and Domestic violence issues are as follows:*

**I. Government Structures Responsible for Gender Equality and Domestic violence issues are as follows:**

The Minister of Labour Social Affairs and Equal Opportunities is the responsible authority for gender equality. Pursuant to Article 13 of Law No 9970/2008, the Minister performs the duties defined by law, and supervises the activities on gender equality issues through the respective serving to this purpose. His competences are provided in Article 13 of this Law.

**MoLSAEO** is the main authority responsible for implementation the Law No. 9669 dated 18.12.2006 "On measures against domestic violence", OG Year 2007, No. 150, Page 6113; date of publication: 18/01/2007. Tasks are given in Article 6 of this Law.

**Department of Equal Opportunities and Family Policies (DEOPF),** at MoLSAEO is functioning since the Year 2006 as the responsible structure for gender equality and domestic violence. Its primary mission is to promote gender equality and wider participation of women in economic, political and cultural life as well as formulating and developing policies for preventing and reducing domestic violence, gender-based violence , protection from discrimination due to sexual orientation and to protect the rights of children.

**(DEOPF),** consists of two sectors: Gender Equality and Measures against Domestic Violence (a chief specialist sector and 3) and the Department for Rights and Child Protection. (2 specialists).

In the implementation of the Law No. 9970/2008 , other responsible structures are all state institutions: at central level (Ministries with their subordinate institutions) ,at local level (districts, municipalities, communes) as well as employees dealing with gender issues in the ministries and local officials on issues of gender equality. We currently have 14 gender employees in line ministries and only 2 of them (Ministry of Health and Ministry of Defence), have been appointed gender officers working full time just on issues of gender equality and domestic violence, and were also appointed gender officers in 68 municipalities of the country and only 15 of them are appointed by national gender officer (GEL)

**Advisory bodies operate as follows: National Council for Gender Equality** – is established in the application of the Law No 9970/24.07.2008,under the Prime Minister`s Order No. 3, date 8.1.2009 "On functioning of the National Council for Gender Equality" as an advisory body for gender policies. This Council is headed by the Minister responsible for gender equality issues and is composed of 9 deputy-ministers and three members representing the civil society. Council meet not less than twice a year. Its duties are defined in Article 12 of this Law.

Gender issues at parliamentary level are handled by the Parliamentary Commission for Health, Labor and Social Affairs.

*VI- Access to Justice*

The enhancement of the decision making role of women in the justice system is another important component. This is an obligation of the Law on Gender Equality but also a demand of the present and achievement of gender equality standards. Many girls attend nowdays the Law Faculty in a ratio almost equal to boys. Many of them aspire to qualify further. The legislation itself utilizes gender neutral language, thus women face no legal barriers whatsoever to participate in court proceedings and in courts in general. In addition to that, women may participate in a process as judges, prosecutors, lawyers, experts et. Although for these functions there are restrictions or criteria that relate to the qualification level of the person, they are not gender related.

Women professionals prosecutors and judges in the system of justice influence daily through their rulings for maintenance of justice in general and the legal protection of women and girls in particular. The positioning in the hierarchy of the justice system such as in the position of Attorney General, Head of the Supreme Court etc. Increase of the confidence to women and girls for more justice.

Statistical data from 2010 indicate that the representation of women judges in the courts of two first instances of judgement is 32% of the general number. The number of women prosecutors in the first instance is 30%, in the second instance 18% and in the General Prosecutor’s Office it is 38%.

*VII-Awereness*

MoLSAEO through the structure responsible for gender equality has been one of its objectives raising awareness of all actors involved and can contribute to gender equality issues, and raising awareness for public opinion.

*VII-Awereness*

The main objective of the structure responsible for gender equality at MoLSAEO its the arising of awareness of all actors involved who can contribute to gender equality issues, including also the public opinion.

In the recent years have been carried out:

* Awareness campaigns to support women in the 2009 parliamentary elections and 2011 local elections.
* Training for potential women candidates for local elections 2011
* Different shows at the national and local TV to the role of women and girls in politics..
* Articles in the media, preparing and transmitting the advertising spots on TV;
* Preparation and distribution of leaflets and posters.
* Meetings and awareness activities in the university with students of the Faculty of Social Sciences, Journalism and Justice political forums of women NGOs etc. in order to promote the flow of new girls' participation in politics.
* Lobbying in collaboration with civil society for implementation of the Electoral Code regarding the 30% quota for parliamentary and local elections.
* Establishment of forums and networks of women to increase women's participation in political and public life, especially supported be the OSCE and ONE UN Program "Gender Equality in Albania"

For additional information please refer to and I-II Report 2003 and Report III of the implementation of CEDAW in Albania to the Committee for the Elimination of Discrimination against Women.