

## Albania

### 1. Discriminatory family code

The minimum **legal age of marriage** for women and men in Albania is 18. However, the first instance court of the location where the marriage is concluded, may give permission that marriage at an earlier age 'for matters of importance' which are under the court's discretion to be evaluated as such. In such cases, there is no indicated minimum age under which the court can or cannot give permission.<sup>1</sup> Nevertheless, article 100 of Criminal Code considers sexual intercourse with a person 14 years old or younger or with a person that has not reached sexual maturity a criminal offence.

The Family Code has envisaged that, "When a minor marries before the age of 18, with the court's permission, the marital property regime of community legal property is applied until s/he reaches the age of 18, after which time s/he can request a change of the marital property regime".<sup>2</sup>

Only civil marriages are legally recognised in Albania.<sup>3</sup>

Data from the Albanian Institute of Statistics shows that women are married at around the age of 24 and men around 30.

The official report to the Convention on the Elimination of Discrimination against Women (CEDAW), 2010, notes that marriages involving under-age spouses are not registered.<sup>4</sup> According to a report by The United Nations Population Fund (UNFPA), marriages (of adults as well as under-age partners) in certain Roma communities are not routinely registered, making it difficult for such couples to access some forms of state support.<sup>5</sup>

Beyond the stipulations included in the Family Code, there is no specification legislation addressing **early marriage** in Albania, or defining what actions should be taken in cases of early marriage.<sup>6, 7</sup>

Research on early marriage in Albania by UNFPA found that early marriages do occur within some communities in Albania, particularly those living in remote, mountain areas, and some Roma communities; the practice predominantly affects girls. In these cases, the law related to the age of marriage is not effectively implemented. This research also found high rates of school dropout among

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<sup>1</sup> Family Code of the Republic of Albania, law number 9062, adopted 8 May 2003, promulgated in 2004, article 7

<sup>2</sup> Family Code of the Republic of Albania, law number 9062, adopted 8 May 2003, promulgated in 2004; Article 70

<sup>3</sup> Family Code of the Republic of Albania, law number 9062, adopted 8 May 2003, promulgated in 2004; Article 1

<sup>4</sup> CEDAW (2010) p. 116

<sup>5</sup> Boce Elmazi, Elona (2012) p. 4

<sup>6</sup> Boce Elmazi, Elona (2012) p. 5

<sup>7</sup> CEDAW (2010) p. 112

adolescent girls in these communities, which was identified as being strongly linked to the practice of early marriage.<sup>8</sup> A shadow report submitted to CEDAW in 2010 by the Albanian Coalition for the Preparation of Alternative Reports (ACPAR) also mentions high numbers of early marriages among the Roma and Egyptian minorities.<sup>9</sup> In its concluding observations on Albania's 2010 report, the CEDAW committee expressed its concern at the state's ongoing lack of action in regard to challenging early marriage, and other discriminatory marriage practices. In particular, it raised alarm at the re-emergence and influence of customary law, *kanun*, in northern Albania, and the impact that this is having in regard to violations of women's rights in general and in relation to consent and equality in marriage. The UN Human Rights Council (HRC) also drew attention to discrimination that women face under *kanun* in its report prior to the Universal Periodic Review for Albania.<sup>10, 11</sup>

Under the Family Code, Albanian parents share equal parental responsibility, and have the same rights and obligations towards their children.<sup>12</sup> Parental responsibility is governed by the Family Code.<sup>13</sup> Customary and religious laws are not valid sources of law under the constitution, in regard to **parental authority** or any other matters.<sup>14</sup>

The Family Code stipulates that mothers and fathers have equal parental rights and responsibilities over children in the event of **divorce**, and the absent parent has the right to input into decisions regarding the child's upbringing and education and has visitation rights.<sup>15</sup>

According to the World Bank's *Women, Business and the Law* report for 2012, women and men have the same rights to be the 'head of the household' or the 'head of the family', and there is no legal requirement for women to obey their husbands.<sup>16</sup> According to ACPAR, it appears that in practice, men are usually recognised as the head of the family, and women defer authority to them, including in regard to decisions relating to children.<sup>17</sup>

According to the *Women, Business and the Law* report, women have the same right as men to inherit property from a spouse, and sons and daughters have the same **inheritance** rights.<sup>18</sup> These matters are legally regulated by the Civil Code in particular, as well as the Family Code in the section on issues related to matrimonial property regime.<sup>19</sup>

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<sup>8</sup> Boce Elmazi, Elona (2012)

<sup>9</sup> ACPAR (2010)

<sup>10</sup> CEDAW (2010)

<sup>11</sup> Human Rights Council (2009)

<sup>12</sup> Family Code of the Republic of Albania, law number 9062, adopted 8 May 2003, promulgated in 2004, Article 215

<sup>13</sup> CEDAW (2010), p. 112-114

<sup>14</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>15</sup> Family Code of the Republic of Albania, law number 9062, adopted 8 May 2003, promulgated in 2004

<sup>16</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>17</sup> ACPAR (2010)

<sup>18</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>19</sup> <http://www.shqiptarja.com/Aktualitet/2731/femrat-duan-burra-ne-moshe-ne-krahete-tyre-199863.html#sthash.YrRRcq4.dpuf>

Customary and religious laws are not valid sources of law under the constitution, in regard to inheritance or any other matters.<sup>20</sup>

In practice, women rarely inherit property, either as wives or as daughters. In a marriage, it is assumed that a woman becomes a member of her husband's family, so property is passed to sons in order for it to remain in the family.

The phenomenon of disinheritance in favour of men is rare, but not because discrimination against women does not exist: rather, it reflects the fact that women have poor access to land and property in the first place.<sup>21</sup> One of the CEDAW shadow reports for Albania draws attention to the practise of donation contracts in regard to inheritance, whereby a husband donates his portion of the household property to a third party, meaning that the wife is unable to inherit in the event that her husband dies. The report notes that there is no provision in Albanian law to protect the inheritance rights of wives and children in these cases.<sup>22</sup>

### **More**

Women have the same **right to initiate divorce** as men; however, divorce carries a high social stigma for women. ACPAR includes divorced women among its list of groups of women who are marginalised and discriminated against, indicating the extent to which divorce may impact women's wellbeing and wealth in Albania.<sup>23, 24</sup> Both spouses, who are in the process of dissolution of marriage and do not yet have an irrevocable court decision for this court case, separately have the right to benefit economic aid.<sup>25</sup>

Under the 2008 law "On gender equality in society", the **unpaid work** of women and men are considered as a contribution to family and society.<sup>26</sup>

## **2. Restricted physical integrity**

Albania has signed and ratified the Council of Europe's 'Convention on preventing and combating violence against women and **domestic violence**'.<sup>27</sup>

Until recently, there were no provisions in the Criminal Code addressing **domestic violence**. However, Amnesty International reports that in March 2012, amendments were introduced to the Criminal Code to include coverage of domestic violence.<sup>28</sup> Reports and studies confirm that domestic violence in Albania continues to be a concern: 31.2% of women said that they have suffered domestic violence in a

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<sup>20</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>21</sup> ACPAR(2010)

<sup>22</sup> GADC, AWEN, The Network Against Gender-Based Violence and Trafficking (2010)

<sup>23</sup> ACPAR (2010)

<sup>24</sup> CEDAW (2010) p. 116

<sup>25</sup> Law no.10399, dated 17.03.2011, "On some changes and addings in the law no.9355, dated 10.03.2005, "For aid and social services", changed

<sup>26</sup> Law no.9970, dated 24.07.2008, article 23

<sup>27</sup> Council of Europe Treaty Office (2013)

<sup>28</sup> Amnesty International (2013) p. 20

marriage or an intimate relationship “during their life” and 23.8% of women had suffered from domestic violence within the 12 months prior to interview<sup>29</sup>.

According to Amnesty International, amendments to the criminal code made in April 2012 include penalties of up to five years imprisonment in cases of domestic violence; no minimum penalty is specified.<sup>30</sup>

Domestic violence is also covered under civil law by the law 'On measures against violence in family relations'.<sup>31</sup> The law defines domestic violence as 'any form of abuse committed by one person against another [to whom he or she is related, or used to be in a family with], which results in a violation of their physical, moral, psychological, sexual, social or economic integrity'.<sup>32</sup> Since this is a civil law<sup>33</sup>, it does not include any criminal penalties. However, under the law, victims can apply to the civil courts for a protection order.<sup>34</sup>

The court decides on the request for an urgent protection order for a minor within 24 hours after the request is submitted and within 48 hours for other subjects of violence in family relations. The Police or the prosecutor's office and persons legally responsible for the children may submit the request for protection order on behalf of minors. The National Bar Association and State Commission on Juridical Aid have the responsibility to send to the courts the list of attorneys, who are authorised to provide free legal aid. Victims of domestic violence do not have to pay judicial taxes and tariffs for judicial expenses. The national mechanism for the coordination of actions and referral of domestic violence cases aims to support and rehabilitate the victims of domestic violence. It is determined by a Decision of the Council of Ministers.<sup>35</sup> According to the official report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the law on family violence envisages a coordinated network of government institutions to respond in a timely manner to domestic violence.<sup>36</sup>

Research by IREX in 2011 found that there were problems in the implementation of the law on family violence. For instance, staff at the Centre for Legal Civic Initiatives (Qendra per Nisma Ligjore Qytetare)(CLCI), an NGO working with victims of domestic violence, reported that there were often big gaps between a woman being granted a protection order, and the order being enforced. In some cases, this gap was lethal. The report also notes that the police often do not have adequate resources to enforce protection orders.<sup>37</sup> According to the Women against Violence Europe (WAVE) network, only about 20% of applications for protection orders are granted.<sup>38</sup>

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<sup>29</sup> OECD (2014), *Gender Institutions and Development Database*, <http://stats.oecd.org>

<sup>30</sup> Amnesty International (2013) p. 20

<sup>31</sup> CEDAW (2010a), p. 12-13

<sup>32</sup> Law 'On measures against violence in family relations', Law No. 9669 of 18.12.2006, changed

<sup>33</sup> Law no. 9669, dated 18.12.2006

<sup>34</sup> CEDAW (2010a), p. 12-13

<sup>35</sup> Law no. 10 329, dated 30.9.2010 “On some additions and changes in the law no.9669, dated 18.12.2006 “On measures against violence in family relations”, changed

<sup>36</sup> CEDAW (2010a), p. 12-13

<sup>37</sup> Orndorff, Sarah (2011), p. 4

<sup>38</sup> Women Against Violence Europe (WAVE) (2011) (accessed 27 June 2013)

2011 Decision of the Council of Ministers no.334, established the Mechanism of Coordination and Referral of cases of domestic violence.<sup>39</sup> Data is available in a number of municipalities in Albania, in which this mechanism is established. The Ministry of Youth and Social Welfare, UNDP, and members of the Network against Gender Based Violence and Trafficking are working in different municipalities<sup>40</sup> and offer data on the work of this Mechanism.

In the past, domestic violence was considered to be a private matter, and few women reported it for fear of reprisal or shame. Reporting rates do appear to have increased, partly, it is thought, as a result of increased awareness around the 2006 family violence law. According to IREX, the number of cases of domestic violence reported rose from 300 in 2007 to 1300 in 2010.<sup>41</sup> Amnesty International reports that this is changing, particularly in urban areas with more women coming forward to report abuse (although some are then pressured into retracting their claims). In 2012, 2526 cases of family violence were reported.<sup>42, 43</sup>

The 2006 law, "On measures against violence in family relations", envisaged that in cases when the lawsuit on issuing protection order is submitted by the police or the prosecutor's office, the court is obliged to continue with the case, even if the victim of domestic violence has withdrawn from the process.<sup>44</sup>

Under a 2011 Order of the Prime Minister, the National Centre for treatment of victims of domestic violence was established. This was accompanied by a law to allow victims to benefit from economic aid for the period of availability of an urgent protection order or protection order.<sup>45</sup>

**Rape** is a criminal offence under Albania's criminal code.<sup>46</sup> According to the CEDAW shadow report by the Albanian Coalition for the Preparation of Alternative Reports (ACPAR), rape cases can only be prosecuted if it is shown that the victim physically resisted the attack.<sup>47</sup> Marital rape is not included.

In 2013, penalties for rape were changed as follows: the minimum penalty for imprisonment ranges from three to ten years; gang rape or rape that leads to "serious health consequences" for the victim is punished with imprisonment from five to fifteen years; when the offense leads to death or suicide of the victim, the punishment is imprisonment from ten to twenty years.<sup>48</sup>

The 2008 Law on Gender Equality includes a definition of **sexual harassment**, and requires employers to protect employees from harassment and sexual harassment in the work place.<sup>49</sup> This law defines sexual

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<sup>40</sup> This network works in ten municipalities, Shkodër, Rrëshen, Berat, Vlorë, Pogradec, Pukë, Lezhë, Elbasan, Manzë, and Tirana District 6, with the support from UN Trust Fund project. <http://www.stopdhunes.com/eng/>

<sup>41</sup> Orndorff, Sarah (2011), p. 4

<sup>42</sup> Amnesty International (2010), p. 10

<sup>43</sup> Amnesty International (2013), p. 20

<sup>44</sup> Law no.9669, dated 18.12.2006

<sup>45</sup> Law no.10399, dated 17.03.2011, "On some changes and additions in the law no.9355, dated 10.03.2005, "For aid and social services", changed, article 2

<sup>46</sup> Criminal Code, 7895, dated 27 January 1995, Article 102

<sup>47</sup> Albanian Coalition for the Preparation of Alternative Reports (ACPAR) (2010), p. 15

<sup>48</sup> Law no.8733, date 24.1.2001, article 17. Law 144/2013, date 2.5.2013, article 21

<sup>49</sup> Law 'On gender equality in society', 2008, Article 18

harassment as any kind of unwelcome conduct, by means of words or actions, physical or symbolic, of a sexual character, which aims at or leads to the violation of personal dignity, especially when creates a threatening, hostile, humiliating, disparaging or insulting environment. Article 18 also sets responsibilities for the employer to take preventive measures and define disciplinary sanctions. Sexual harassment is also prohibited under the Labour Code.<sup>50</sup>

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report states that women are reluctant to complain of sexual harassment in the workplace, for fear of losing their jobs. The shadow report to the CEDAW Committee by The Gender Alliance for Development Centre (GADC) remarks that in addition, women do not file complaints regarding sexual harassment because they do not have faith in the justice system to protect them.<sup>51, 52</sup>

In its Concluding Observations on Albania in 2010, the CEDAW Committee noted its regret that in cases of sexual harassment in the workplace, the burden of proof falls on the victim.<sup>53</sup> Both the official CEDAW report and the GADC shadow report note the lack of data on the number of sexual harassment cases that have been prosecuted.<sup>54, 55</sup>

The official CEDAW report notes that there are no mechanisms in place within the Labour Code to enable a victim of sexual harassment to file a complaint.<sup>56</sup> A similar point is made by ACPAR in its CEDAW shadow report, which calls for the creation of procedural mechanisms to deal with cases of sexual harassment, the provision of better legal protection for victims, and a clearer definition of what constitutes sexual harassment.<sup>57</sup>

There is no evidence that **female genital mutilation** is practised.

### **More**

**Abortion** is available on demand in Albania.<sup>58</sup> The Albanian Criminal Code criminalises the act of interrupting pregnancy without the consent of women, or those conducted in unauthorised places by unlicensed persons.<sup>59 60</sup>

There have been documented cases of abduction for **forced marriage** (bride kidnapping) in Albania.<sup>61</sup> A very real fear of kidnapping is cited by the 2010 report to the CEDAW committee as one of the reasons parents are reluctant to send older girls to school in rural areas. Fear of abduction was also cited in

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<sup>50</sup> Labour Code, Article 32

<sup>51</sup> CEDAW (2010) p. 79

<sup>52</sup> GADC, AWEN, The Network Against Gender-Based Violence and Trafficking (2010), p. 14-15

<sup>53</sup> CEDAW (2010b)

<sup>54</sup> CEDAW (2010a) p. 78

<sup>55</sup> GADC, AWEN, The Network Against Gender-Based Violence and Trafficking (2010), p. 45

<sup>56</sup> CEDAW (2010a) p. 78

<sup>57</sup> ACPAR (2010), pp. 44, 68

<sup>58</sup> United Nations Department of Economic and Social Affairs (2013)

<sup>59</sup> Law no.8876, dated 4.4.2002

<sup>60</sup> Law no.8045, dated 7.12.1995

<sup>61</sup> Thomas, Cheryl (2009), p. 7

research by The United Nations Population Fund (UNFPA) on early marriage as a reason for parents to marry their daughters off while they are still in their teens.<sup>62, 63</sup>

### 3. Son bias

A report by UNFPA points to the importance of sons in transferring the family line, inheriting family property, and financially providing for the family. Albanian society is traditionally patrilineal and therefore sons are necessary to ensure the continuation of the family name and identity. In addition, the same study notes the prevailing belief that sons “protect” the family from physical violence and threats to the family’s reputation or honour.<sup>64,65</sup>

The male/female **sex ratio** for the working age population (15-64) in 2014 is 0.96 while the sex ratio at birth is 1.11.<sup>66</sup>

There is evidence to suggest that Albania is a country of low concern in relation to **missing women**; **however**, the situation is improving.

According to 2008-2012 data provided by UNICEF, there is virtually no gender gap in pre-primary school enrolment and a slight gender gap in detriment of girls in regards to primary and secondary education<sup>67</sup>

### 4. Restricted resources and assets

Women and men have the same rights to **access, own, and manage land**, under the country's civil code.<sup>68</sup> Customary and religious laws are not valid sources of law under the Constitution, in regard to land rights or any other matters.<sup>69</sup> However, while customary law is not officially recognised in Albania, it has a considerable influence on women's access to and control over land and other resources.<sup>70</sup>

According to the World Bank / Food and Agriculture Organization database, 90% of women-headed households own land in rural areas, while almost 100% have access to land which they can use. It is not clear from this data, however, what independent ownership and access to land women living in male-headed households enjoy.<sup>71</sup>

In practise, after marriage, it is difficult for Albanian women to have access to land, as land belonging to a couple was previously registered in the name of the household head, usually the husband, and women have to take legal action.

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<sup>62</sup> CEDAW (2010a), p. 106

<sup>63</sup> Boce Elmazi, Elona (2012)

<sup>64</sup> World Vision & UNFPA, 2012.

<sup>65</sup> World Vision & UNFPA, 2012.

<sup>66</sup> CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 05/05/2014)

<sup>67</sup> UNICEF. [http://www.unicef.org/infobycountry/albania\\_statistics.html](http://www.unicef.org/infobycountry/albania_statistics.html) (accessed 05/05/2014)

<sup>68</sup> CEDAW (2010), p. 108

<sup>69</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>70</sup> CEDAW (2010), p. 108

<sup>71</sup> World Bank (2011), p. 226

Women and men have the same right to own **non-land assets**, under both the Constitution and the Civil Code.<sup>72</sup> Women's rights to property are not dependent on their marital status or type of marriage, and under Albanian law, joint property is to be administered by both spouses.<sup>73</sup> Under the 2012 law, "on registration of immovable properties", any property that a woman owns prior to marriage remains hers after marriage.<sup>74</sup>"

Article 231 of the Civil Code on "Co-property between spouses" determines that co-property between spouses is regulated with the articles of the Family Code. There are two main property regimes: the legal regime and the regime with a contract. In the case of the legal community regime, the Family Code defines which property and income will be of the community and which property and income will be of the individual. In general, regulations of the regimes regarding property, administration and representation are gender neutral; however, there are issues with their implementation.<sup>75</sup>

Rural women attest to the fact that men rule the majority of households and are typically the official owners of the household land, often disposing of or renting out such land without their wives' consent. Even when women do legally own land, it is often considered to belong to the whole family, and they are not considered to have the right to administer it. According to a shadow report to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) committee, it is impossible for an individual to be a member of two different farming families simultaneously, making it virtually impossible for women to own land either through membership of their natal family or by marriage into their husband's family.<sup>76, 77</sup>

Customary and religious laws are not valid sources of law under the Constitution, in regard to land rights or any other matters.<sup>78</sup>

However, in practice, women's rights to own and administer property other than land are limited, particularly for married women. Immovable property is usually registered in the husband's name only, despite the fact that such property should be registered jointly.<sup>79</sup> The 2010 CEDAW official report notes that just 8% of Albanian women (legally) own property.<sup>80</sup>

Women and men have the same rights to access **financial services**, including to apply for **credit and bank loans**.<sup>81</sup> In practice, bank loans require capital that women do not have, and husbands and male relatives who do own property are usually reluctant to support loan applications on behalf of their wives or female relatives.<sup>82, 83</sup> According to the official CEDAW report, a government programme is in place to

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<sup>72</sup> CEDAW (2010a), p. 108

<sup>73</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>74</sup> Law no. 33/2012 "On registration of immovable properties", article 41/2

<sup>75</sup> Civil Code

<sup>76</sup> CEDAW (2010), p. 99, 108

<sup>77</sup> Gender Alliance for Development Center (GADC), The Albanian Women Empowering Network (AWEN), The Network Against Gender-Based Violence and Trafficking (2010), p. 19, 55

<sup>78</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 54

<sup>79</sup> GADC, AWEN, The Network Against Gender-Based Violence and Trafficking (2010), p. 53

<sup>80</sup> CEDAW (2010a), p. 99

<sup>81</sup> CEDAW (2010a), p. 99

<sup>82</sup> CEDAW (2010a), p. 99

<sup>83</sup> GADC, AWEN, The Network Against Gender-Based Violence and Trafficking (2010), p. 53

encourage more women to join – and lead – agricultural cooperatives, and to provide easier access to credit for women in rural areas.<sup>84</sup>

According to financial inclusion data presented by the World Bank, 23% of adult women had bank accounts in 2011, compared to 34% of men.<sup>85</sup> Data from the Microfinance Information Exchange indicates that in 2012, women made up 22.85% of microfinance recipients.<sup>86</sup>

## 5. Restricted civil liberties

There are no legal restrictions on women's **access to public space** in Albania, either within the country or abroad. The Article 38 of the Constitution guarantees every Albanian citizen (regardless of gender) the right to travel freely within the country, apply for a passport, and to choose where to live.<sup>87</sup> In cases of dispute in regard to residence, both spouses have the right to approach the court, and the court will then make a decision based on an assessment of the best interests of both spouses and of any children.<sup>88</sup>

Article 55 of the Family Code has envisaged that the dwelling place of the family is the place the spouses select through a common agreement. In case of a disagreement, each of the spouses address the case to the court and the court finds a solution based on the opinion of both spouses and children who are 14 years old. When this is not possible, the court finds the most adequate solution.<sup>89</sup>

The official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report notes that women may have to seek permission from their husbands or family before travelling within Albania or abroad, placing effective de facto limits on their access to public space and freedom of movement.<sup>90</sup> The CEDAW report states that in rural areas in particular, married women report needing to seek their husband's permission before leaving the house (except in cases of medical emergency).<sup>91</sup>

The 2008 Law on Gender Equality includes a **quota** of 30% of all government-appointed positions and of party lists at election time should be reserved for each gender (thus for women); this applies at the national and sub-national level.<sup>92</sup> The Electoral Code states that "one of the first three names on the multi-name list shall belong to each gender".<sup>93</sup> In article 175, failure to comply with the obligations is punishable with a fine of 1,000,000 Albanian Lek in the case of elections to the Assembly and 50,000 Albanian Lek for elections of local government bodies.

There were 6.4% women elected in the Albanian Parliament in 2005, 7.1% in 2009<sup>94</sup> and 27.9 in 2013.<sup>95</sup>

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<sup>84</sup> CEDAW (2010a), p. 103

<sup>85</sup> World Bank (accessed 28 July 2013)

<sup>86</sup> Microfinance Information Exchange (2013) Database (accessed 21 June 2013)

<sup>87</sup> CEDAW (2010a), p. 57, 110

<sup>88</sup> CEDAW (2010a), p. 57, 108, 110

<sup>89</sup> Family Code, article 55

<sup>90</sup> CEDAW (2010a), p. 57, 108, 112

<sup>91</sup> CEDAW (2010a), p. 112

<sup>92</sup> Law 'On gender equality in society', 2008, Article 15

<sup>93</sup> Electoral Code, the law no.74/2012, article 67, p. 6

<sup>94</sup> Millennium Development Goals Indicators (2014)

<sup>95</sup> OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>

## **More**

Article 26 of the Gender Equality law prohibits gender discrimination and gender stereotyping in the **media**, and acknowledges the important role of media in challenging gender inequality and in increasing general awareness of equality between women and men. In particular, it prohibits the broadcasting, printing and publication of information that contains gender differences or displays gender stereotyping attitudes. According to the Albanian Coalition for the Preparation of Alternative Reports (ACPAR), the media in Albania is heavily male dominated, with few women journalists reporting on 'hard news' issues, and women politicians and commentators rarely consulted as sources of information on news items. The print and broadcast media principally reinforce the existing gender stereotypes in Albanian society of women as weak and vulnerable, In particular, victims of sexual violence are often portrayed in an insensitive, unprofessional, and sensationalist way.<sup>96</sup>

The Labour Code prohibits discrimination based on gender that infringes on the right of the individual to be equal in **employment** and training, in employment procedures, in labour conditions, in performance of duties, in remuneration, social assistance, in signing the employment contract and to participate in trade unions, and also states that gender should not be considered in decisions on hiring of employees.<sup>97</sup> It foresees a special protection for women, including "Prohibition of work of pregnant women and young mothers" and "protection of employment of women".<sup>98</sup> Discrimination on the basis of gender is also prohibited under the law 'On gender equality', which requires employers to protect employees from sexual harassment and discrimination in the workplace.<sup>99</sup>

The law "On protection from discrimination", prohibits discrimination in labour relations, outlines the obligations of the employers and the rights of employees and provides remedies for protection.<sup>100</sup>

The Commissioner for Protection from Discrimination examines complaints from persons or groups of persons who claim that they have been discriminated against and from organisations that have a lawful interest to act in the name of a person or group of persons who claim discrimination.

In its Concluding Observations, the CEDAW Committee urged the Albanian authorities to provide better support to women facing **gender discrimination in the workplace** as well as in other contexts. In particular, the Committee urged the state to reverse the burden of proof in cases of alleged discrimination on the grounds of sex and gender.<sup>101</sup>

Under the Social Insurance Act, pregnant Albanian women are entitled to 365 days of paid **maternity leave**.<sup>102</sup> A woman on maternity leave receives 80% of her salary for the 35 days before she gives birth and for 150 days after the birth, and then receives 50% of her salary for the remaining period of her

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<sup>96</sup> ACPAR (2010), p. 56-58

<sup>97</sup> Labour Code, Articles 15 and 146

<sup>98</sup> Labour Code, articles 104, 105/a

<sup>99</sup> Law 'On gender equality in society', 2008, Articles 16-23

<sup>100</sup> Law no. 10 221 articles 12, 13 & 15, dated 04.02.2010, "On protection from discrimination"

<sup>101</sup> CEDAW (2010b)

<sup>102</sup> ILO (2011)

maternity leave.<sup>103</sup> Maternity leave is financed by the Social Insurance System, which is financed by the contributions of employers and the insured.<sup>104</sup>

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<sup>103</sup> People's Assembly Act on Social Insurance in Albania, 9 July 2007

<sup>104</sup> People's Assembly Act on Social Insurance in Albania, 9 July 2007

## Sources

Albanian Coalition for the Preparation of Alternative Reports (ACPAR) (2010) 'CEDAW Shadow Report on situation of women and girls in Albania', ACPAR, Tirana.

Albanian Women Empowering Network (AWEN) Report, "Enforcement of the law no.9669, dated 18.12.2006, 'On measures against violence in family relations'", Findings from the monitoring of court decisions with object issuing urgent protection orders/protection orders in the District Judicial courts of Shkodra, Duresi, Elbasani, Pogradeci, Vlora, Dibra and Saranda, 2013.

Amnesty International (2010) Amnesty International Report 2009, State of the World's Human Rights, London: Amnesty International.

Amnesty International (2013) *Amnesty International Report 2013: State of the World's Human Rights*, Amnesty International, London.

Boce Elmazi, Elona (2012) 'Republic of Albania: Child Marriage', UNFPA Albania / UNFPA EECARO, Tirana/Istanbul.

CEDAW (2010a) Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Third periodic report of States parties Albania', CEDAW/C/ALB/3, CEDAW, New York.

CEDAW (2010b) Concluding observations of the Committee on the Elimination of Discrimination against Women Albania, CEDAW/C/ALB/CO/3, CEDAW, New York.

CLCI, Mandro A., Bozo A., and Anastasi A., "Report on knowledge and implementation of the gender equality standards in court decisions", Tirana, December 2013, p.57. Preparation and publication of this report is supported by UNDP Albania and the Government of Sweden. This report is available in the website of CLCI [www.qag-al.org](http://www.qag-al.org).

Council of Europe Treaty Office (2013) 'Council of Europe Convention on preventing and combating violence against women and domestic violence CETS No.: 210: Chart of signatures and ratifications', <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG> (accessed 15 July 2013).

Gender Alliance for Development Centre (GADC), The Albanian Women Empowering Network (AWEN), The Network Against Gender-Based Violence and Trafficking (2010) 'Shadow report on the implementation of the CEDAW convention in Albania', GADC, Tirana.

Human Rights Council (2009) Compilation Prepared By The Office Of The High Commissioner For Human Rights, In Accordance With Paragraph 15(B) Of The Annex To Human Rights Council Resolution 5/1. Albania, A/HRC/WG.6/6/ALB/2, UN General Assembly Human Rights Council, Geneva.

INSTAT (2013), Domestic Violence in Albania: National Survey 2013, p.33. <http://www.sl.undp.org>.

International Bank for Reconstruction and Development/The World Bank (2011) Women, Business and the Law 2012: Removing Barriers to Economic Inclusion. Measuring gender parity in 141 economies, IBRD / World Bank, Washington, D.C.

International Labour Organization (ILO) (2011) Database of Conditions of Work and Employment Laws – Albania,

[http://www.ilo.org/dyn/travail/travmain.sectionReport1?p\\_lang=en&p\\_countries=AL&p\\_sc\\_id=2000&p\\_year=2011&p\\_structure=3](http://www.ilo.org/dyn/travail/travmain.sectionReport1?p_lang=en&p_countries=AL&p_sc_id=2000&p_year=2011&p_structure=3) (accessed 14 June 2013).

Joint Guidance, no. 5668, dated 20.11.2013, "For a change in the Guidance no.13, dated 12.2.2009, "On determination of the tariffs of the service for actions and services of judicial administrative, Ministry of Justice, State Bailiff Service, Prosecutor's office, notary service and the office of registration of real estate", changed.

Microfinance Information Exchange (2013) Database - <http://reports.mixmarket.org/crossmarket#> (accessed 21 June 2013).

Millennium Development Goals Indicators (2014) <http://mdgs.un.org/unsd/mdg/Data.aspx>

Murati, Erl (2011) 'Women candidates missing from Albanian elections', *SETimes*, 28 April 2011, [http://setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2011/04/28/feature-02](http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/04/28/feature-02) (accessed 14 June 2013).

Orndorff, Sarah (2011) 'Scholar research brief: gender, law and transition in Albania: Assessing the impact of Albania's domestic violence prevention law', IREX, Washington, D.C.

Albanian Statistical Yearbook 2011, publication of the Ministry of Justice, <http://www.drejtesia.gov.al>.

The Electoral Code of the Republic of Albania, approved by Law no.10019, dated 29 December 2008 and amended by Law no.74/2012, dated 19 July 2012. It is available in the website [www.osce.org](http://www.osce.org)

Thomas, Cheryl (2009) 'Forced and Early Marriage: a Focus on Central And Eastern Europe and Former Soviet Union Countries with Selected Laws from other Countries', EGM/GPLHP/2009/EP.08, UN Division for the Advancement of Women, Addis Ababa.

United Nations Department of Economic and Social Affairs, Population Division (2013) World Abortion Policies 2013, United Nations, New York. [www.unpopulation.org](http://www.unpopulation.org) (accessed 19 June 2013).

United Nations Development Programme, <http://www.al.undp.org> (accessed 10 October 2014).

Women Against Violence Europe (WAVE) (2011) 'Country report: Albania', Vienna. <http://www.wave-network.org> (accessed 27 June 2013).

World Bank (n.d.) Financial Inclusion Data – Albania, World Bank, Washington, D.C., <http://datatopics.worldbank.org/financialinclusion/country/albania> (accessed 28 July 2013).

World Vision & UNFPA, "Sex imbalances at birth in Albania", Tirana 2012, [https://www.unfpa.org/gender/docs/UNFPA\\_report\\_Albania2012.pdf](https://www.unfpa.org/gender/docs/UNFPA_report_Albania2012.pdf).