



**WILPF Report:**  
**UPR Albania**  
*6<sup>th</sup> Universal Periodic Review*

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This is a WILPF summary of the draft report of the working group. It contains a brief description of Albania's full opening presentation and subsequently focuses on women's issues (i.e. gender equality, domestic violence, trafficking).

The special rapporteurs (troika) were Mauritius, Russian Federation, and United States of America.

### **1. Review**

A list of questions prepared in advance by Argentina, the Czech Republic, Germany, Hungary, Latvia, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland was transmitted to Albania through the troika.

H.E. Genc Pollo, State Minister for Reforms and Relations with the Parliament, opened his country's review stating, Albania believed that the mechanism for the Universal Periodic Review is an additional opportunity to promote and uphold human rights and fundamental freedoms universally.

Albania has made significant strides towards setting up legal frameworks and state structures necessary to implement them since its political transition in 1992. Its constitution, established in 1998, contains over 40 articles addressing human rights and fundamental freedoms in great detail.

Measures which improve Albania's compliancy with international human rights standards:

#### Constitutional Elements

- Article 23—Right to information—improves the contents of relevant articles in the Universal Declaration of Human Rights and the International Covenant for Political and Civil Rights
- Article 35—Protection of personal data—prevents personal information from becoming public
- Article 122—Domestic vs. international law—all conventions or agreements ratified by the Albanian Parliament become part of domestic law and, moreover, they prevail over the latter
- Constitutional Court has also stipulated in its jurisdiction the review of complaints filed by individuals for the protection of their constitutional rights.

#### International conventions

- Republic of Albania has acceded and ratified almost all human right conventions, in the context of the UN and the Council of Europe.
- Ratified protocol 6 and 13 of European Convention of Human Rights abolishing capital punishment under any circumstance, in war or peace
- Ombudsmen—A mediator between administration and individual, an essential element of HR infrastructure.

#### Corruption

- The specialized structures of the State Police, during the last four years, have cracked down 108 criminal groups involved in the distribution of narcotic substances or prostitution.
- Specialized anti-corruption structures are attached to the Prime Minister's Office, to the Ministry of Interior, Ministry of Finance and others
- The Government has taken concrete measures for the eradication of corruption and it has endorsed the legislation for the organization of exams at universities.

#### Civil Society

- The government considers non-profit organizations as vital partners for strengthening education, advocacy and monitoring of human rights.
- To demonstrate its commitment to transparency and reflection on human rights issues, the government officially extends an open invitation for all special procedures mandate-holders, who would like to visit the country in the framework of their respective mandate.

### **2. First round of country statements**

*Issues raised by country reviewers ranged from concerns of continued state corruption, torture, prison reform and others. WILPF's summary touches on issues related to human rights concerns from the gender perspective (i.e. gender equality, domestic violence and human trafficking). For a full details on other human rights issues, please see the Draft Report of the Working group.*

#### Gender equality

*(France, Turkey, Brazil)*

States encouraged further efforts to improve gender equality and enquired about measures undertaken by Albania to improve equality between men and women in political as well as in professional life.

They requested more information about the main steps taken and the shortcomings identified by Albania regarding economic, social and cultural rights, especially in the

areas of unemployment and combating poverty and migration; 2) the main steps taken in the fulfillment of the rights of women and the combating of all forms of discrimination; 3) the main steps to address the issue of customary law and traditional codes of *Kanun*, which has been known to discriminate against women.

#### Domestic violence

*(Algeria, Canada)*

States noted the adoption of the national strategy for Gender Equality and Domestic Violence for 2007-2010 and of the Law on measures against domestic violence in 2006, but enquired on tangible results of the implementation of these measures. However, the protection of women against domestic violence remains weak.

#### Human trafficking

*(Egypt)*

States commended Albania for its progress in cracking down on criminal groups involved in human trafficking, but reminded that human trafficking is a constant concern for Albania, and welcomed the adoption of a comprehensive legal framework, the establishment of institutions for the care and rehabilitation of victims, the formulation of strategies and action plans and tangible results such as dismantling of more than 200 groups.

### **3. Response of the Albanian Delegation:**

The delegation noted that the law on gender equality adopted in 2008, introduced a quota for women, which resulted in a 16.6 per cent increase of the number of women members of parliament, and stated that the participation of women in the next municipal elections is expected to further increase. It reported that the adoption of a law on measures against domestic violence in 2006 led to 456 cases of domestic violence considered by courts, with 162 decided, including by orders of protection. The implementation by a plan of action of the National Strategy on Gender Equality and Violence 2007 to 2010 aims at ensuring the implementation of the legal framework and its review, taking into account experiences and new challenges. The delegation referred to the implementation of programmes for gender equality and the promotion of the employment of women, including from particularly vulnerable groups, in the private and public sectors.

The delegation refuted the current application of the *Kanun*, which was applied in certain parts of Albania in medieval times, noting rather the need, in certain rural or poor areas, to improve enforcement of the laws.

### **4. Second round of country statements**

#### Gender equality

*(Bahrain, Italy, Austria, Mexico, Spain, Sweden, Germany, the Netherlands, Norway, China, the Former Yugoslav Republic of Macedonia)*

Countries recognized efforts for promotion of gender equality, but requested further information on measures the Albanian Government undertook to eliminate gender discrimination. Ongoing efforts to ensure effective gender equality were welcomed such as the adoption of a law reserving a quota of at least 30 per cent of posts to women in public administration.

States noted that traditional law still contributes to the low status of women.

States also enquired about the Government's intention to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-CESCR). States noted reports, including by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Discrimination Against Women, of discrimination against women, particularly under customary law and traditional codes of conduct and enquired on the measures taken in this regard.

Concern was also expressed about violations of human rights based on sexual orientation or gender.

Albania was commended for carrying out wide consultation with various stakeholders in preparation of its national report and for the progress made in various areas, including protection of rights of women and Roma and the fight against discrimination on various grounds.

Albania was encouraged to continue working on remedial measures to address regional disparities that affect the equal enjoyment of economic, social and cultural rights and to pursue efforts in the field of education.

#### Domestic Violence

*(Italy, Austria)*

States expressed confidence that the Albanian authorities will speed up the adoption of the law on domestic violence and to establish a monitoring mechanism for the implementation of gender equality policies both in the public and private sectors. It was noted that traditional concepts of justice known as *Kanun* persisted in some parts of the country and collided with norms of national and international law, contributing to domestic violence against women and honour killings.

#### Human trafficking

*(Mexico, Spain, Poland, China)*

States noted progress in combating human trafficking, but enquired as to the results yielded by the National Action Plan (2005 – 2007) on the fight against trafficking in persons. Albania was commended for its effective collaboration with the international community on combating trafficking.

### **5. Response from the Albanian Delegation**

The delegation stated that Albania has recognized trafficking as a phenomenon since 2001 when it ratified the United Nations Convention Against Transnational Organized Crime and its Optional Protocol and its criminal code has been amended to be in conformity with this and other instruments. Albania developed several programmes against trafficking in persons like adopting and implementing anti-trafficking strategies of biennial length. Other programmes, like the one on unemployment, reduction of school drops-out, minorities, in particular Roma, empowerment, have indirect effects.

Assistance services for victims are improved by the guidelines for implementing the social care standards for trafficked persons through, among others, increase of financial resources of the national shelter in Tirana. Assistance is also provided after the victims left the shelters. Albania has five reception and reintegration centres which offer short,

medium and long term assistance and reintegration to victims of trafficking. In order to track cases of trafficked persons, including their identification, a database is operational since September 2008. This system has allowed the identification and the assistance of 55 persons in 2009 so far. The draft law to amend the law on prevention of organized crime is being adopted by the Parliament; amendments will include, inter alia, confiscation of assets owned by perpetrators of trafficking and compensation of victims. Positive prevention measures include awareness programmes for the general public, improving the capacities of law agencies dealing with this phenomenon, informing people about legal migration and employment abroad. A law on the improvement of the legal frame on the protection of witness and collaborators creates a legal flexible tool to ensure protection through specific and practical measures.

With respect to measures to combat domestic violence, the Government has introduced a law to counter domestic violence and has bolstered all the bodies which are in challenge of dealing with violence against women and have included family violence in these measures. There is an action plan for 2010 and this provides for specialized capabilities to implement the above mentioned law to counter domestic violence and to ensure equal opportunities between women and men and involves training sessions to raise awareness amongst all appropriate public officials, lawyers, people working in the area of education and also includes the involvement of the ombudsman.

The Ministry of Labor, Social Affairs and Equal Opportunities seeking to build the capacity of local authorities in setting up programmes for shelters for victims of domestic violence. Efforts are being made to training 1,800 members of staff who are providing medical services, in addition services are being provided for victims of violence in families and are given opportunities to have accommodation in shelters and dedicated phone lines are being set up. This is done by the One UN Programme. From 2 November to 20 December, 2009 campaign to stop domestic violence organized by the Ministry of Labour and all other relevant actors including at the international level. The campaign includes speakers of the parliament. Clear measures for the next few years are in place to minimize domestic violence and to resolve these matters in conjunction with all relevant stakeholders, central and local government, civil society and international organizations, which are inter alia providing funding to help implement these measures.

## **6. Third round of country statements**

### Gender Equality

*(Slovenia, Greece, the United Kingdom of Great Britain and Northern Ireland, Syria)*

Some countries expressed concern about the situation of women and children's rights where practices continue to deviate from the national legal standards. Further information was requested on how to achieve better implementation of the legislation and increase public awareness on gender equality and women rights.

States underlined the range of domestic legislation to safeguard human rights and the improved representation of women in Parliament as a tangible result of legislative change.

### Domestic Violence

*(Slovenia, Greece, Kyrgyzstan)*

States acknowledged progress made in combating domestic violence, but highlighted that problems in this area continue to exist. They noted the need for the establishment of a national human rights protection system, including the establishment of a government department concerned with domestic violence.

#### Human trafficking

*(Ukraine, the Republic of Korea, Slovenia, the United Kingdom of Great Britain and Northern Ireland, Kyrgyzstan, Senegal)*

States appreciated efforts aimed at combating trafficking in human beings and expressed satisfaction on the substantial progress in countering trafficking networks in the past years.

However, concerns expressed in reports of various UN treaty bodies on trafficking in persons, especially women and girls, were also noted.

Albania was urged to share experience in the areas where it had achieved positive results in preventing human trafficking.

### **7. Conclusions and/or recommendations**

(Of the 85 recommendations offered, the following list includes only those directly related to Gender equality/women's rights, domestic violence and human trafficking. Numbering relates to OHCHR report)

18. Fully implement the National Strategy on Gender Equality and Domestic Violence, intended to tackle violence against women (Chile);
19. Provide human rights education and training to police officers corrections officers and judicial staff aimed at the protection of women, persons of minority sexual orientation and gender identity and national minorities (Czech Republic);
21. Undertake awareness-raising campaigns to ensure the effective implementation of and respect for the laws of the State, in particular by ensuring the effective investigation and prosecution of honour killings and cases of violence, including domestic violence against women and children (Austria);
22. Create more social awareness-raising campaigns against gender-based violence, with particular emphasis on its condemnation by the highest levels of the Administration; and more human rights training programmes for employees in the security and justice sectors (Spain);
23. Implement public education and awareness programmes on issues related to sexual orientation and gender equality and provide training to law enforcement, judicial and other relevant authorities with the same objective (Netherlands);
25. Develop further the National Strategy for Gender Equality and Domestic Violence adopted in 2007 in accordance with the recommendations made by the Committee on Economic, Social and Cultural Rights and the Committee against Torture (Israel);
30. Take further measures to promote and protect the rights of women and children (Afghanistan);
40. Continue and strengthen policies to combat all forms of discrimination, with special attention to discrimination against women, and establish a legal framework to combat domestic violence (Brazil);
41. Take further measures to ensure equality between men and women, including through facilitation of women's participation in public affairs and the labour market (Sweden);
42. Step up necessary measures to promote equality between men and women and strengthen the ongoing efforts for the prevention of domestic violence (Ukraine);

44. Amend the economic aid law and the property law so that they in no circumstances discriminate against women (Netherlands);
53. In light of the priorities established in the fight against domestic violence, take those effective measures that it deems appropriate for the realization of the emancipation of women, in particular through education and integration in the labour market, and extend them to rural areas (Algeria);
54. Adopt and implement robust measures to better address domestic violence (Canada);
55. Continue efforts directed towards protection of the rights of women and children (Russian Federation);
56. Strengthen efforts against all forms of violence against women, including domestic violence (Sweden);
57. Remain vigilant on the issues of blood feud and domestic violence; develop and support programmes to provide help to victims of domestic violence (Slovenia);
58. Intensify efforts to combat sexual violence and ill-treatment against women and children, including by providing specific training to law enforcement officers and judges (Malaysia);
59. Pursue its efforts to diligently combat the smuggling and trafficking of persons and envisage appropriate channels for sharing its experience and its knowledge with countries that may wish to benefit from them (Algeria);
60. Adopt and implement robust measures aimed at addressing human trafficking (Canada);
61. Continue pursuing efforts to combat human trafficking, with emphasis on protection of victims (France);
62. Continue efforts aimed at combating trafficking of human beings (Russian Federation);
63. Further develop specific measures and rehabilitation programmes directed at the long-term reintegration of victims of trafficking (Poland);
64. Bolster its efforts to address the issue of trafficking in persons, especially women and girls, in a more comprehensive and systematic manner that includes all aspects of prevention, protection and prosecution (Republic of Korea);
65. Adopt further measures to fight human trafficking and assist its victims (Slovenia);

Albania considers that recommendations No. 19, 21, 22, 30, 33, 40, 42, 44, 54, 58, 59, 61 63, 64 above are either already implemented or in the process of implementation.

The following recommendations will be examined by Albania, which will provide responses in due time. The response of Albania to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

1. Ratify those treaties which have not yet been ratified, such as the Optional Protocol to CESCR and CRPD and its Optional Protocol (Argentina);
6. Implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women (Germany);
8. Strengthen measures to eliminate customary practices leading to violence, in particular vendetta and honour killings and domestic violence, and ensure effective access of potential and actual victims to protection (Czech Republic);