

Post Legislative Scrutiny of the Gender Equality in Society law

Post-legislative scrutiny Report

Tirana, August 2020, Mirela Arqimandriti

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List of acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPD	Commissioner for Protection from Discrimination
DSIGE	Directory of Social Inclusion and Gender Equality
GBV	Gender Based Violence
DV	Domestic Violence
LGE	Law on Gender Equality in Society
LPD	Law on Protection from Discrimination
MEFA	Ministry of Europe and Foreign Affairs of Albania
MHPS	Ministry of Health and Social Protection
NSGE	National Strategy on Gender Equality and its Action Plan (2016-2020)
OSCE	Organization for Security and Co-operation in Europe
PLS	Post legislative scrutiny
WFD	Westminster Foundation for Democracy
UPR	Universal Periodic Review (UPR)

Introduction

Ky raport u përgatit me mbështetjen e nismës së Fondacionit për Demokraci Westminster (WFD) dhe Nënkomisionit për Barazi Gjinore dhe Parandalimin e Dhunës kundër Grave dhe Nënkomisionit Për të Drejtat e Njeriut, pranë Kuvendit të Republikës së Shqipërisë. WDF-ja zbaton një program rajonal që synon forcimin e bashkëpunimit mes parlamenteve në Ballkanin Perëndimor, përmes krijimit të një rrjeti rajonal me komisionet të drejtat e njeriut dhe barazinë gjinore. Kohëzgjatja e zbatimit të programit është nga muaji prill 2019 deri në muajin nëntor 2021, me mbështetjen e Ministrisë së Punëve të Jashtme të Mbretërisë së Norvegjisë.

Rrjeti i Komisioneve për të Drejtat e Njeriut dhe Barazinë Gjinore në Ballkanin Perëndimor¹ (më poshtë: HUGEN) u themelua zyrtarisht më 8 tetor 2019, gjatë një konference rajonale për parlamentet, e cila u mbajt në Cetinje, Malin e Zi. Rrjeti HUGEN mbledh organet për të drejtat e njeriut dhe barazi gjinore nga tetë parlamentet në rajonin e Ballkanit Perëndimor. Në takimin e parë të këtyre organeve, u themelua Bordi i Rrjetit HUGEN që mblidhte kryetarët/nënkryetarët e komisioneve për çështjet e të drejtave të njeriut dhe barazi gjinore.

Një nga aktivitetet e para të përbashkëta të rrjetit HUGEN, ishte dhe mbështetja për parlamentet në pilotimin e procesit të kontrollit post-legjislativ. Gjatë muajit nëntor 2019, u organizua një kurs treditör për temën e kontrollit post-legjislativ, i certifikuar, për deputetët dhe shërbimet parlamentare profesionale që marrin pjesë në punimet e rrjetit. Menjëherë pas kësaj, gjashtë parlamentet përzgjedhën ligjet përkatëse që do t'i nënshtroheshin procesit të kontrollit post-legjislativ (KPL) si dhe metodologjinë përgjegjëse. Procesi rezultoi në një raport KPL që u mbështet në një proces pjesëmarrës dhe të hapur për konsultime me palë interesi të ndryshme, çka kontribuoi në cilësinë e vetë raportit KPL.

WFD dëshiron të shprehë mirënjohjen gjithë institucioneve, organizatave, individëve, ekspertëve si dhe aktivistëve që kontribuan në përgatitjen e raportit KPL. Një falënderim i veçantë i drejtohet autores së Raport për Kontrollin Post-Legjislativ.

Qëndrimet e shprehura në këtë dokument i përkasin autorit dhe ato nuk miratohen domosdoshmërisht nga WFD, Parlamenti i Shqipërisë ose Ministria Norvegjeze e Punëve të Jashtme, të cilët nuk pranojnë të marrin përgjegjësi për këto qëndrime dhe për mbështetje të tyre.

¹ Më shumë informacion gjendet në- <https://www.hugenwb.net/>

Executive Summary

This paper will bring information about the actual practice of the Albanian Parliament on evaluation of law enactment and its impact in Albanian society. In addition, the paper presents the Post-Legislative Scrutiny (PLS) for the Law on Gender Equality in Society (LGE) in Albania. The paper is enriched with findings and recommendations for the PLS process in the future for the Albanian Parliament and for the LGE, based on the opinion of the author and different stakeholders with knowledge on the Parliament of Albania and on the implementation of the LGE in Albanian society.

Key findings

- Post-Legislative Scrutiny is partially, but not fully done by the Albanian legislative in the form of parliamentary oversight provided for by the Constitution of Albania or the Rules of Procedure of the Assembly.
- Initiatives for drafting new laws or amending existing ones, be it initiatives of the Council of Ministers, Members of Parliament, or citizens, come as a result of a cyclical evaluation of policies, legislation, and post-legislative review of laws in force. In addition to their explanatory reports, draft laws are accompanied by a report on impact assessment (RIA). However, not all the legal initiatives are accompanied by such report.
- Efforts have been recently made to enhance the Assembly capacity for legislation evaluation and review, mainly for important reforms of significant impact, such as the justice reform, the electoral reform, or the administrative-territorial reform. Such major changes to legislation encourage a series of pre- and post- reviews, assessments, and reports. However, this does not always happen with all the laws and policies adopted by the parliament and later implemented by the executive.
- The draft laws submitted to the Parliament are accompanied by an explanatory report, and sometimes even by a Report on Impact Assessment (RIA), which consists of a summary of the relevant problems and the need for legal intervention, reflecting also on the analysis and evidence, focusing on the scope of the law and the roots of the identified problem(s), which the law intends to address.
- The legal basis for legislative review is provided for by the Constitution of the Republic of Albania and the Rules of Procedure of the Assembly of Albania. In legal terms, parliamentary oversight is first of all attributed to the parliament, as provided by Article 80 of the Constitution.
- A latest amendment of the Rule of Procedure introduced provisions on *ex post* assessment, especially on the legislation approximated to the EU *acquis*. A recently adopted new article² requires a review of the approximated parts of the legislation to be made no later than 3 years after its implementation; setting an annual schedule for the *ex post* assessments.
- Albania's political context has become increasingly favourable for the equal representation and participation of women and men in important decision-making processes.
- In 2019, the Albanian Government ranked as one of the countries with the most equal cabinet in the world, as more than 50% of its ministers were women.
- An Alliance of Women MPs is established in the Assembly of Albania, acting unanimously at times, regardless of the opposite political affiliations of its members.
- Albania has developed an inclusive gender machinery from the local to the national level, and from the legislative to the executive power. The review below focusses on the main institutions and agents responsible for guaranteeing gender equality and women empowerment in the country.
- The Gender Equality Law is one of the most powerful tools in the fight for gender equality, as it sets the institutional and policy framework to fight against discrimination and gender-based inequality.

² Rules of Procedure approved by the Assembly by its Decision No. 12/2020 "On some amendments to Assembly Decision No. 166, dated 16.12.2004 "On the approval of the Rules of Procedure of the Assembly of Albania", as amended.

- The Gender Equality Law is put into action through the implementation of the National Strategy for Gender Equality, currently in its third round (2016-2020). The law has not gone under any changes since its approval in 2008.
- Since the approval of the LGE, 6 sublegal acts have been adopted.
- An analysis of the implementation of the law and interviews with various stakeholders emphasize the need for a significant review of the LGE, including its scope, aims, and functioning.
- The provisions and sanctions of the Electoral Code and the LGE on gender quotes are no longer compatible. A review of the latter is, therefore, necessary to ensure its alignment with the Albanian Electoral Code.
- The discrimination cases represented in the Anti-Discrimination Commissioner refer to the Anti-Discrimination Law instead of the LGE, as its stated objective for ensuring effective protection from gender-based discrimination is non-operational under the LGE, because what the LGE contains is advanced by the Anti-Discrimination Law, which has also an implementing mechanism, the Anti-Discrimination Commissioner (ADC).
- The LGE does not contain any specific provisions on gender-based violence as one of the most serious forms of discrimination and manifestation of inequality between men and women. These are covered by the Law on Domestic Violence. Nevertheless, both laws must be interrelated.
- The Albanian women continue to be marginalized and discriminated against, and the LGE provides no protection from numerous forms of discrimination. Women of various groups experience numerous forms of inequality. Factors like race, religion, ethnicity, age, disability, sexuality, workplace and employment status may be combined with gender to create distinctive and particularly disturbing experiences of discrimination and inequality, not even mentioned in the LGE.
- The LGE defines gender clearly as the possibilities and social attributes associated with being a woman or a man, and the relationships between them. The LGE makes no distinction between gender and sex. It contains no reference to the “gender identity” either. In addition, the LGE does not define “gender-based violence” and “sexual violence”. Lidhur me përkufizimet gjinore, Ligji për Mbrojtjen nga Diskriminimi ka përparuar duke përfshirë më shumë përkufizime dhe koncepte të lidhura me diskriminimin dhe gjininë. Prandaj, mbështetur në rregullin e teknikës legjislative, referimet për raste të diskriminimit gjinor mund të bëhen bazuar në Ligjin për Mbrojtjen nga Diskriminimi. Sidoqoftë, vetë LBGj-ja duhet të përfshijë më shumë përkufizime dhe koncepte gjinore, të përditësuara sipas standardeve ndërkombëtare.
- Law No. 17/2018 on Official Statistics does not consider the LGE and does not mention the importance of gender disaggregated data in any of its articles.
- The LGE draws on the Constitution of the Republic of Albania, the Convention on the Elimination of all Forms of Discrimination against Women, and all the other international acts ratified by the Republic of Albania³. However, the LGE needs to also take into consideration other international commitments of Albania, such as the Istanbul Convention, and the EU Directives in the field of gender equality, the case law of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ), etc.
- Although the LGE includes important articles, some of them have merely a declarative nature and are not effectively implemented.
- Gender quotas can be considered as an achieved objective of the LGE. The implementation of the gender equality law has led to an improved gender balance at all levels of gender equality, especially in Parliament. Introducing a gender quota in the LGE was a necessary incentive for significantly increasing the representation of women in political processes. The large number of women who have benefited from this policy, as defined in the LGE, is one of the main achievements of the law.
- However, it has not been successful in increasing women's participation in all spheres, and what is most important, there are no data to see the representation of women in certain sectors. Për shembull, sipas INSTAT 2020, në nivelet e larta drejtuese, në vitin 2019 vetëm 1 grua mban gradën e Drejtuesit të Lartë dhe 1 grua të Drejtuesit të Parë në organet e Policisë së Shtetit.

³ Article 3 of the LGE

Kandidatet fituese gra për kryetare bashkie ishin 13,1 %, në zgjedhjet vendore të vitit 2019. Në sistemin e drejtësisë vihet re se, pjesëmarrja e grave është shumë e ulët në pozicionet e larta, si Kryetar i Gjykatës së Lartë, Kryetar i Gjykatës së Apelit, Kryetar i Gjykatave të Rretheve Gjyqësore dhe Kryetar i Gjykatës Administrative. Nuk ka të dhëna për përfaqësimin e grave në bordet e ndërmarrjeve publike dhe agjencive të pavarura.

- It is worth mentioning that the LGE has had a positive impact on the collection and regular distribution of statistics about gender equality and/or gender-disaggregated data. However, the current use of gender-disaggregated data and gender statistics in developing policies, budgeting, and monitoring the national development priorities is still far from satisfactory.
- The current statistical system is characterized by a significant gap between data and information collected by institutions on one hand, and indicators required at the international level for monitoring gender equality on the other.
- Article 14 of the LGE is not in line with the new developments in Albania and should be revised.
- The LGE does not include any provisions on gender-responsive budgeting (GRB) at the local level, although Albania has progressed with its GRB legal framework and policy development since 2012.
- As drafted in 2008, the LGE contains articles that cannot be implemented in practice, because the language used is unclear and fails to ensure concrete action for its implementation, or to provide for an authority that would monitor compliance with the obligation introduced by Article 15, letter "a"⁴ of this law itself . Therefore, there is a need for providing a monitoring and sanctioning mechanism regarding this provision in order to ensure its effective implementation.
- In the Ministry of Health and Social Protection, there is a Gender Equality Section, which is mainly in charge of coordinating work on gender equality among the line ministries, through their gender equality employees, both at the local level through their gender focal points and/or coordinators against domestic violence. The Gender Equality Sector in the organigram of the Ministry of Health and Social Protection consists of two specialists and one chief of the sector. Considering the wide variety of tasks assigned to the responsible sector and the wide range of gender equality issues, human resources are not sufficient to carry out the amount of work required.

⁴ Ligji për Barazinë Gjinore në Shqipëri, Neni 15 - Pjesëmarrja në procesin e vendimarrjes; 1. Përfaqësimi i barabartë gjinor në të gjitha organet e pushtetit legjislativ, ekzekutiv dhe gjyqësor dhe në institucionet e tjera publike arrihet kur: a) sigurohet përfaqësim në masën mbi 30 për qind për secilën gjini, përfshirë edhe në organet e tyre drejtuese;

About this report

This report presents in its *first part* information about the PLS and the two main dimensions of this important process for understanding the impact of a law or a part of a certain law. This part is based on the analysis of the Guide for Parliaments about the PLS process, drafted by the Westminster Foundation for Democracy (WFD). After explaining the importance of the PLS process this part gives a picture about how the ex-ante assessment of law is organized in Albania, by the Albanian Parliament or Parliamentary Committees. In addition, the first part includes an overview of the Albanian institutional, political and gender equality / human rights context relevant to the law under review.

The second part identifies the scope of the PLS. In this part it is explained that why it is decided to conduct the PLS for the LGE. A thorough analysis is been dedicated to all the bylaws and the LGE itself. In addition, this part continues with an analysis of all relevant official information at hand, analysis of the primary and secondary legislation, how the secondary one covers important articles of the LGE and how these affects the gender equality agenda in Albania. The analysis in this part are based on the literature review, international reports on gender equality and LGE implementation in Albania, structured, semi-structured interviews, quantitative/qualitative surveys, focus groups discussions, gender-disaggregated data.

The third part presents findings of the PLS of the LGE enactment and whether the legal provisions of the law have been brought into force. This part looks how legal practitioners and citizens have used the law. In addition, this part looks at the impact in Albanian society of the LGE and if the intended policy objectives of the law have been met and how effectively.

The fourth part includes recommendation for the LGE improvement and application to the Albanian society.

This report has some limitations since it is not including a general overview of the Albanian public about the knowledge of the LGE and applicability. This could have been done through a large survey. Also, does not included opinions received through large focus groups discussion such as Gender equality employees in local and central level and CSOs. Another limitation relates to analysis to understand how the gender quota is being extended in independent institutions. Under the guidance of the representatives of the Albanian Parliament, some structured questions were sent to 21 independent institutions, 13 of which responded. The result presented in one of the annexes is not representative to conclude regarding the implementation of the gender quota in public institutions in Albania.

Contextual background and rationale

“Post Legislative Scrutiny refers to the stage at which a parliament applies itself to this question: whether the laws of a country are producing expected outcomes, to what extent, and if not, why not.”⁵

The post-legislative scrutiny (PLS) pilot process is taking place as part of the activities of HUGEN network (Human Rights and Gender Equality Network of Committees in the Western Balkan). The programme is supported by the Norwegian Ministry of Foreign Affairs and implemented by Westminster Foundation for Democracy (WFD) in the period April 2019 – November 2022. The Albanian Parliament as part of HUGEN network decided to explore to what extent are ex-ante legislative impact

⁵ Westminster Foundation for Democracy. (2017). Post Legislative Scrutiny. Guide for Parliaments. Page 7. Retrieved from https://www.wfd.org/wp-content/uploads/2018/07/WFD_Manual-on-Post-Legislative-Scrutiny.pdf

assessments, Regulatory Impact Assessments (RIA) and a substantive explanatory memorandum on new legislation being practiced or applied in Albania. In addition, the Law on Gender Equality in Society (LGE) is decided to be scrutinized using the PLS methodology as it is suggested by the WFD at the “Post-Legislative Scrutiny – A guide for Parliaments”.

The guide explain why PLS is relevant for the Parliament. The main reason relates to the fact that while parliaments devote a large part of their human and financial resources to the process of adopting legislation, it is not uncommon to overlook the review of implementation of legislation.⁶ According to the guide the PLS in its stricter sense, looks at the enactment of the law, whether the legal provisions of the law have been brought into force, how courts have interpreted the law and how legal practitioners and citizens have used the law, and in a broader sense, PLS looks at the impact of legislation, whether the intended policy objectives of the law have been met and how effectively.⁷

Parliaments should seek to carry out both forms of PLS, or the two dimensions of post-legislative scrutiny: (1) to evaluate the technical entrance and enactment of a piece of legislation; (2) to evaluate its relationship with intended policy outcomes.⁸ The PLS or Regulatory Impact Assessments (RIAs) are relevant methodologies to the Parliament of Albania because they can propose policy changes (legislative and non-legislative) which could affect the public or private sectors, CSO sector or businesses.

Through a written rationale the representatives of the Parliament of Albania decided to prepare the PLS for the Law on Gender Equality in Society. The Albanian Parliament as many other parliaments wants to know the extent to which the LGE adopted in 2008 is being implemented and has an impact. Post-legislative scrutiny (PLS) has been included in regular parliamentary practices around the world according to different procedures and it will be a great achievement if the Albanian Parliament adopts it and includes procedures for conducting regularly the PLS process.

The rationale for the PLS process of the Law on Gender Equality in Society in Albania lays in the fact that an assessment of the implementation of legislation, identification of its impact, remedying possible gaps and addressing unintended consequences of legislation will strengthen and advance the proportion of gender equality in Albania. Human rights implementation often suffers from poor understanding of the law, gaps in legislation or reliance on local discriminatory patterns.⁹ A comprehensive PLS approach is needed to overcome such challenges and to ensure that citizens benefit from equal opportunities and equal protection under the law and its secondary legislation.

A new publication released by the WFD analyses the main rules, practices and trends in PLS in Europe, focusing on the experience of seven national parliaments: Belgium, Germany, France, Italy, Sweden, Switzerland and the UK.¹⁰ According to this document the UK Law Commission outlined four main reasons for having more systematic acts of evaluating laws that a parliament has passed, known as PLS: 1) to see whether legislation is working out in practice, as intended; 2) to contribute to better regulation (secondary legislation); 3) to improve the focus on implementation and delivery of policy aims; 4) to identify and disseminate good practice so that lessons may be drawn from the successes and failures revealed by this scrutiny work.¹¹ In addition, the PLS can serve to act preventively regarding potential adverse effects of new legislation on fundamental rights.¹²

⁶ Ibid. P.7

⁷ Ibid. P.11

⁸ Ibid.

⁹ Westminster Foundation for Democracy. (2018). Following the law: Combatting discrimination and human rights violations through post-legislative scrutiny

<https://www.wfd.org/2019/10/30/following-the-law-combatting-discrimination-and-human-rights-violations-through-post-legislative-scrutiny/>

¹⁰ De Vrieze, F. (2020). Post-Legislative Scrutiny in Europe. Westminster Foundation for Democracy.

¹¹ Ibid.

¹² Fitsilis, F. & De Vrieze, F. (2019). How Parliaments Monitor Sustainable Development Goals - A Ground for Application of Post Legislative Scrutiny, paper presented at the Academic Seminar on Post-Legislative Scrutiny in Asia, Westminster Foundation for Democracy, Yangon, June 2019.

In order to conduct PLS, a Parliament should first establish a structural basis in its internal organization. In addition, Parliament must identify the relevant (internal or external) units responsible for the preliminary fact-finding and analytical activity whose aim is to evaluate the effects of implementing a single piece of legislation or a selected public policy based on one or more laws. An internal unit means to establish a research unit in order to develop an autonomous expertise on legislative impact assessments, while an external one means to hire external independent institutions or agencies with specific knowledge and experience in the field of policy evaluation and impact assessment.¹³ In both cases the Parliament should include appropriate budget and human resources for conducting the PLS. The assignment of sufficient resources to conduct PLS is a prerequisite for its success.¹⁴

Prior experience with PLS and practices which are similar to PLS

Post Legislative Scrutiny is partly, but not thoroughly, conducted by the Albanian legislative branch in the form of parliamentary control stipulated in the Constitution and internal rules and procedures of the Albanian Assembly. There have been efforts in recent years to increase the latter's ability to conduct assessment and analysis of legislation, mostly related to important and impactful reforms, such as the justice reform, electoral reform or the territorial-administrative reform. Such major changes to legislation spur a string of analyses, assessments and reports prior and after their implementation. But this is not the case with all laws and policies that are approved by parliament and later implemented in the executive branch.

Draft laws presented in parliament are accompanied by an explanatory report and sometimes a Report on Impact Assessment (RIA) is conducted, which consists of a summary of issues and the need for legal intervention as well as a reflection on the details of the main basis for the analysis and evidence, focusing on the context in which the law is presented and the root causes of the problem identified, which the law aims to address. Part of the RIA is also the evaluation phase, which summarizes monitoring and evaluation measures and criteria/indicators of success are identified. Ex-post evaluations have been conducted primarily by parliamentary committees for implementation of specific legislation, secondary legislation and institutions in charge of implementing them. The RIA in the past years has been conducted by a specific unit within the Prime Minister's Office, with staff having received specific training in conducting RIA. Therefore, in absence of a PLS process *per se*, there are different institutional pieces and processes that conduct assessments and reports resembling PLS. The latter has been introduced by stakeholders in the past two years.

The legal basis for past legislative scrutiny processes of the law is stipulated in the Constitution of the Republic of Albania and at the Rules of Procedure of the Assembly of Albania document. From a legal perspective parliamentary control is a primary attribute of the parliament as sanctioned in Article 80 of the Constitution, which provides that: *1. The prime minister and every other member of the Council of Ministers is obliged to answer questions of MPs within three weeks. 2. Members of the Council of Ministers have the right to participate in the meetings of the Assembly and its committees; they are given the floor whenever they ask for it. 3. The heads of state institutions, upon request of parliamentary committees, give explanations and inform on various issues of their activity as far as the law allows.*¹⁵

The Rules of Procedure of the Assembly envision a set of provisions in the third part of "Parliamentary control", which also defines the mechanisms for the exercise of parliamentary control in Article 102 which stipulates that: *"The standing permanent committees may submit reports or proposals to the Assembly on issues that are under their competence, or when this is requested by the Assembly. 2. The Committees have the right to call the ministers at any time to explain and clarify issues of their responsibility, or implementation of laws, decisions, resolutions and statements adopted by the Assembly. The heads of state institutions, upon request of the committees, explain and inform on issues*

¹³ Ibid.

¹⁴ Fitsilis, F. & De Vrieze, F. (2019). How Parliaments Monitor Sustainable Development Goals - A Ground for Application of Post Legislative Scrutiny, paper presented at the Academic Seminar on Post-Legislative Scrutiny in Asia, Westminster Foundation for Democracy, Yangon, June 2019.

¹⁵ Constitution of the Republic of Albania. P.15. Retrieved from <https://www.osce.org/files/f/documents/3/2/41888.pdf>

*related to their activity, as well as issues related to the implementation of recommendations of independent institutions addressed to them. 3. The standing committees, within the respective areas of responsibility, may conduct searches or request documents they consider necessary for reviewing a specific issue. In this case, the Speaker of the Assembly is informed in writing by the chairperson of the committee. Upon completion of such control, the committees draft a report, which is forwarded to the Speaker of the Assembly and published, including the minority opinion.*¹⁶

A recent revision to the Rules of Procedures brought about provisions on Ex-post review, specifically for legislation approximated to EU acquis. Introduction of a new article¹⁷ foresees that for approximated legislation there should be a revision of parts of a legislation no later than 3 years after implementation; sets up a yearly plan to conduct ex-post review; establishes an institutional mechanism whereby the plan is forwarded to line ministries; charges line ministries with preparation of preliminary assessment reports of the legal framework to be reviewed; following which a specific committee is to conduct their own ex-post legislation review, including public consultations, hearing sessions with interest groups and collect other materials; finally, the prepared reports are presented and discussed between the Committee for European Integration and the standing committee, upon which the report is approved and published in the Assembly website.

Law no. 8550, dated 18.11.1999 "The MP status", paragraph 2 of Article 4 provides *for the MPs' right to exercise, on their own, or in the framework of the committee to which they belong, the right to oversee the implementation of the law, decisions, and other acts issued by the Council of Ministers, from ministries, local government bodies, and other central institutions.* However, because an MP can be in principle member of only one standing committee, the membership of committees is rather large and the areas of responsibility broadly defined. The staff, one legal and one technical advisor per committee, do not have capacity to follow the situation in all designated areas and provide the necessary legal, oversight and policy-making support.¹⁸

According to the Parliament of Albania the parliamentary committees have made a partial ex-post evaluation of the parliamentary oversight of law enforcement, issuance of secondary legislation, and bodies responsible according to the law. Also, parliamentary committees, through monitoring visits, and public hearings held in recent years, have made a partial ex-post evaluation of the laws, monitoring their implementation and whether there are obstacles to their implementation. We have no information about any ex-post evaluation made by government institutions.

According to the Parliament of Albania initiatives for drafting new laws, or for amending the existing ones, be it these initiatives of the Council of Ministers, MPs or citizens' initiatives, come as a result of the cyclical review of policies, legislation, and post legislative assessment of the laws in force. Draft laws, in addition to the explanatory reports, are also accompanied by a report on impact assessment (RIA). However, not all legal initiatives are accompanied by such a report.

In recent years there is an increasing interest and awareness in Parliament, both among members and staff, on the need for post-legislative control. There have been cases when interest groups have filed requests or complaints to parliamentary committees on failure to fulfil the legal obligations on the part of the bodies responsible for issuing sub-legal acts. Parliamentary committees have organised hearing sessions in the presence of interest groups and representatives of the law enforcement bodies. In the end, parliamentary committees have made an assessment and have given recommendations regarding law enforcement by responsible bodies.

¹⁶ Rules of Procedure adopted by Assembly decision no. 12/2020 "On some additions to Assembly decision no. 166, dated 16.12.2004 "On the adoption of the Rules of Procedure of the Republic of Albania", as amended

¹⁷ Rules of Procedure adopted by Assembly decision no. 12/2020 "On some additions to Assembly decision no. 166, dated 16.12.2004 "On the adoption of the Rules of Procedure of the Republic of Albania", as amended

¹⁸ National Democratic Institute. (2017). Legislative services in parliaments. Operation of select legislative departments and examples of legislative opinions.

Despite legal provisions on conducting PLS, the internal organizational capacity rests with parliamentary committees, supported by the legal service of the parliament and external experts. There is thus, not a clear resourced structure to support efforts to conduct PLS regularly and extensively. In reviewing draft laws, the committees expect evaluations from institutions, organizations, universities, or consultants. Under post-legislative scrutiny, the committees request information to make a post-legislative assessment, but so far there have been no cases of any full legislative assessments of a law conducted by the committees.

Another shortcoming relates to the lack of an annual parliamentary legislative plan or annual calendar, which would provide more planning and include legislative initiatives coming from members as well as public hearings and other activities related to law-making.¹⁹ The assessment report on the functioning of the legislative branch in Albania also identified that the legislative and oversight functions are hampered by short time frames between committees and plenary sessions procedures, whereby sometimes it takes only two days from drafting a law to its discussion in a plenary session.²⁰

During 2016, the permanent parliamentary committees and sub-committees organized 232 public hearings in total, out of which 133 were on legislative process, 18 on election process, and 60 on parliamentary oversight. In 2017, the parliamentary committees and sub-committees conducted 24 public hearings with CSOs and interest groups, 14 consultative meetings for draft laws, and three field hearings. Although the number of public hearings is relatively high, there is no appropriate evidence as to what extent the information from the public hearings has been utilised in the legislative drafting and/or oversight process.²¹

As mentioned previously, there are practices of conducting ex ante or ex post assessments for specific legislation that is passed by the Assembly. As an example, provided by OSCE Presence in Albania, in the case of the adoption of the Law on Cultural Heritage, there was a process of monitoring its implementation. The responsible parliamentary committee on cultural issues, in the framework of its control role, conducted monitoring of the implementation of the law, issuance of all relevant sub-legal acts and other aspects of its implementation at the local level.²² Therefore, there are existing mechanisms, but more efforts are needed to institutionalize and operationalize PLS within the structure of the Albanian Assembly.

Political context important for LGE applicability

Albania's political context has increasingly become more enabling for a fair representation and participation in important decision-making processes. This progress is most visible in terms of numbers. While towards the end of the communist regime there was a significant number of women in parliament (over 30% by the end of the 1980s), the early years of democratic transition saw a sharp decrease in women's representation in politics and decision making, reaching an all-time low of 7% representation in parliament by 1997. Since then however, there has been a steady increase in the number of women in parliament, with the current convocation composed of 29% women.²³

As a result of gender quota imposed by the LGE, in the latest local elections held in June 2019 women constitute 43.6% of local councils but significantly less at the level of mayors (only 13%).²⁴ Most telling of all the Albanian government/cabinet was ranked in 2019 as one of the most equal cabinets in the world, with women constituting over 50% of the governing ministers cabinet.²⁵ In the Albanian parliament

¹⁹ NDI. Final Assessment Report.

²⁰ Ibid.

²¹ NDI. Final Assessment Report.

²² Interview with OSCE Presence in Albania.

²³ INSTAT. (2019). Women and Men in Albania. Retrieved from, http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf

²⁴ Central Election Commission. (2019). Local elections results. Retrieved from, <http://cec.org.al/wp-content/uploads/2020/02/2019-Tabela-Permbledhese-Final-1.pdf>

²⁵ Iknowpolitics most gender balanced cabinets where Albania ranks 5th. Retrieved from, <https://www.iknowpolitics.org/en/learn/knowledge-resources/here-are-most-gender-balanced-cabinets-world-today>

there is an Alliance of Women Members of Parliaments that at certain periods can act in unison despite their different and opposing party affiliations.²⁶ A similar alliance of women was established at the local level among women councillors in some municipalities. A first joint meeting was held between the two alliances in 2018 to discuss challenges in women's representation and participation in politics and policies and how to move forward the agenda.²⁷

Article 15 of the law requires that a representation of not less than or above 30% in candidate lists for local government elections, in candidate proportional system list presented by political parties and a representation of above 30% of each gender in central and local election administration. These provisions served as the basis for subsequent changes to the Electoral Code starting in 2008 which introduced not only a 30% quota for the less represented gender in party lists for national elections, but later on a 50% quota following a zip system²⁸ for candidates of local councils. Initially, the Code stipulated that in national elections: "For each electoral zone, at least 30% of the multi-member list and/or one of the first three names on the multi-member list must be from each gender". By writing "and/or", the Electoral Code generated a blurred legal framework. Instead of putting more women on their lists, the parties chose to pay the fine of 39 000 Lek (about 300 USD) connected with not fulfilling the quota. This is a pernicious effect created by the quota law.²⁹

Despite the promising numbers and percentages there is a real difference between de jure and de facto representation and meaningful participation in decision-making. Problems and challenges are still faced in ensuring that women's voice is loud and clear in policy making processes. Furthermore, minorities remain under-represented in the Albanian parliament and other governing bodies. Despite the Alliance of Women MPs their range of action is limited often because party lines interfere with common interests in representing women's needs. Additionally, many of the initiatives to bring women together are led by the international community and often lack local ownership and buy in to push the process forward. Due to their weakness, these alliances and women engaged in political processes often have little voice and influence in the distribution of means and political agenda setting.

For this reason, beyond representation in numbers it is important to consider actual decision-making power and substantial inclusion of both genders in any decision-making process. A recent monitoring of the Albanian Parliament showed that women were 14% more effective than their counterparts in participating in legislative affairs, by being more active in legal initiatives, proposing legislation, debating in plenary sessions and discussing in parliamentary committees. In addition, women MPs were more active in holding speeches. Specifically, women held 168 speeches, on average 19% more than their men counterparts.³⁰

At the local level similar findings come up. Recent monitoring of municipal councils revealed that the jump in women's participation has not necessarily led to increased voice³¹. Quite the contrary, councilwomen face structural barriers in influencing the policy process. This is primarily due to the importance of political party leadership and affiliation, which makes women's participation seem as accessories to fill quotas. Women themselves report that their counterparts are more powerful both within political parties as well as in municipal councils, in terms of voice, representation and decision-making power³². In addition, a study concludes based on women's interview, that councilwomen's participation in local politics might be less an expression of their commitment to women's rights,

²⁶ To read more about the Alliance of Women in Parliament see: <https://www.parlament.al/Kuvendi/AleancaGraDeputete>

²⁷ Albanian Telegraphic Agency. Grate deputete dhe keshilltare bashke per barazine gjinore. 16 December 2018. Online: <https://ata.gov.al/2018/12/16/grate-deputete-dhe-keshilltare-bashke-per-barazine-gjinore/>

²⁸ Sistemi zinxhir (i njohur gjithashtu si "barazi vertikale") është një metodë për hartimin e listave të partive në sistemet zgjedhore me përfaqësim proporcional. Kërkon që kandidatët në listë të alternojnë burra dhe gra në mënyrë që të sigurojnë përfaqësim të barabartë në kandidaturë dhe anëtarëve të zgjedhur potencialisht.

²⁹ https://www.transparency.ge/sites/default/files/post_attachments/the_role_of_women_in_political_sphere_france_albania_and_estonia_by_cyrille_montecot.pdf

³⁰ Institute for Political Studies. (2018). First Monitoring Report on Parliament 2017.

³¹ Dauti M. and Cepani E. (2015). Strengthening the Decision-Making Power of Councilwomen in Albania, UNDP, Retrieved from, <https://www.al.undp.org/content/albania/en/home/library/poverty/study-strengthening-the-decision-making-power-of-councilwomen-in.html>

³² Dauti, M and Metaj, G. (2017). Research report. Gender Quotas and women's substantive representation in the Local Councils in Albania, Retrieved from <file:///C:/Users/User/Downloads/ENGLISH.pdf>

empowerment, and gender equality, and more an obligation to serve the interests of Party leaders.³³ According to a recent study 89% of women MPs believe they were able to win their seat in parliament because of two main factors - support from the party leader and support from the party base. None of them ran out of her own initiative to get a seat in parliament.³⁴ Moreover, they see their entry into parliament as a result of two factors, the gender quota system and support from the party leader, - an indication of the nature of the current electoral and party system, in which the party rather than the individual plays a decisive role.³⁵

One positive development, with potential to increase women's political and decision-making power is the establishment of the National Platform for Women (NPfW), a network of 1500 women politicians active in local and national level politics. The latter has been successful in raising awareness of gender issues as well as influencing the formation of internal party women's leagues/forums operating at the local level, lobbying for increased power of women within party structures.³⁶

Previous research into political parties' procedures for women empowerment within political structures shows that while some rules are in place, no comprehensive policies are followed to increase their relevance within party structures. Women representation still stands below stated commitments of political parties' statutes. There is a 30% quota instituted in some statutes of political parties in leadership positions and leading party structures. One of the political parties (Democratic Party) has a forum of women in charge of representing the latter's interests and a membership of about 20,000 women. Other major political parties institute a 30% quota in tandem with a 50% quota for party congresses and lower level structures and organizations, such as the Socialist party. Few data exist though on whether these commitments in party statutes are implemented in practice.³⁷

In a survey dedicated to women MPs, over 60% of them admit that have been assigned to a local constituency by the political party and only 16% have chosen it themselves. In addition, Over 47% of women MPs feel powerless to change things in the country, one in five women MPs admitted they voted in favour of laws they personally were critical of, and about 13% admitted to have stated in public things they did not believe in.

All these developments, steps towards progress in achieving gender equality in decision making are unfolding in the backdrop of a continuous political crisis in Albania, which has to varying degrees worsened in recent years. The year 2019 was particularly troubling as the opposition parties left parliament and refused to participate in the local elections of June. Combined with the ongoing electoral and justice reform, little attention has been paid to other issues, such as creating an enabling environment for women to be present and contribute in political processes.

Throughout 2019, strong polarization and the opposition's repeated boycott of parliamentary activities has negatively affected the Assembly's work. Since September 2018, the opposition took part in very few parliamentary activities, mostly at committee level, and cross-party consensus was reached only on a limited number of laws.³⁸ Amid the tense political atmosphere EU integration stands as a key driving force for the actions of the Albanian government. The lack of cross-party dialogue and continued boycott of political parties have hampered attempts to take the agenda forward and conduct necessary reforms. As the 2019 EU report for Albania noted "Political will to advance on the EU agenda needs to be combined with appropriate administrative capacities to align with the EU acquis."³⁹

³³ UN Women and UNDP. Gender Brief 2016. Retrieved from <https://eca.unwomen.org/en/digital-library/publications/2016/10/albania-gender-brief>

³⁴ Institute for Political studies. (2020). Survey with women MPs. Retrieved from <http://isp.com.al/wp-content/uploads/2020/03/ISP-survey-with-Women-MPs-Main-findings-and-recommendations.pdf>

³⁵ Ibid.

³⁶ OSCE. 2013. A comparative study of structures for women MPs in the OSCE region, Retrieved from, <https://www.osce.org/odihr/105940>

³⁷ For more analysis see: <https://www.wfd.org/wp-content/uploads/2019/07/Women%E2%80%99s-Participation-in-Politics-in-the-Western-Balkans.pdf>

³⁸ European Union. Albania Report 2019. Retrieved from, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>

³⁹ Ibid.

The political situation at the national level is largely mirrored by local level politics and local governance context, which poses further challenges for women to operate in as political agents. Albania underwent a significant administrative and territorial reform in 2015, which sought to reconfigure the country's territory and redefine the relationship and powers of local government vis a vis national government. Analysis of the impact of the territorial reform shows that there are still significant challenges in achieving the intended independence and functionality of local government units. As the EU report for Albania notes, "while municipalities have been attributed larger powers, the adequacy of financial resources available to local government units (LGUs) are at risk. LGUs' fiscal autonomy is also at risk. 73% of the LGUs' budget comes from national transfers. The central budget allocates about 1% of GDP to LGUs, the lowest in the Western Balkans. In most municipalities, LGUs are not effective at collecting revenues. As a result, the overall ability of local institutions to deliver quality public services remains limited."⁴⁰

Institutional context important for LGE

Albania has built a comprehensive gender machinery that extends from the national to the local level, from the legislative to the executive branch and beyond. The analysis below focuses on the main responsible institutions and agents in charge of ensuring gender equality and women empowerment in the country.

The body that brings together almost all other institutional levels is the *National Council on Gender Equality* (NCGE), which functions as a high-level advisory body in charge of providing strategic direction of the gender equality agenda. The NCGE was established in 2009 and is led by the Ministry of Health and Social Protection and contains in its composition 9 deputy ministers and three CSO representatives. Despite a few meetings held and reports/recommendations issued the NCGE is not fully operational, does not meet regularly and does not have significant power to steer the gender equality agenda in a strategic direction. To fully meet its potential a revision of the NCGE membership, functionality and responsibilities need to be revised.⁴¹

Legislative bodies

The Albanian Assembly contains several committees and subcommittees that address issues related to gender equality. These include:

- The Committee on Labour, Social Affairs and Health Care, which addresses issues related to gender equality and the fight against gender based violence and domestic violence;
- The subcommittee "On gender equality and prevention of violence against women" with decision the no. 113/2017 the Assembly established the subcommittee "On gender equality and prevention of violence against women" within the Committee on Labour, Social Affairs and Health Care. The object and area of responsibility of this subcommittee are: a) taking the necessary steps to address violence against women and girls; b) finding effective mechanisms for the prevention and reduction of domestic violence; c) proposing the necessary legal interventions that help improve the protection of women and girls and increase the safety of their lives; d) Parliamentary oversight of the institutions responsible for handling domestic violence cases, fulfilment of all legal obligations by them, implementation of measures to prevent violence against women and girls and their social and economic empowerment.
- The subcommittee on Human Rights. The Assembly with the decision no. 13/2018 has set up the subcommittee "On Human Rights", under the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights. The area of responsibility of this subcommittee is human rights- related issues including gender equality.

⁴⁰ ibid

⁴¹ UN Women Albania. Gender Brief 2016. Retrieved from https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?la=en&v_s=5235

- Kuvendi me vendimin nr. 11/2020 ka ngritur nënkomisionin “Për zhvillim të qëndrueshëm” në përbërje të komisionit për Ekonominë dhe Financat. Objekti dhe fusha e përgjegjësisë së këtij nënkomisioni është zhvillimi ekonomik dhe social, rritja ekonomike e qëndrueshme, realizimi i objektivave të zhvillimit të qëndrueshëm dhe Agjenda 2030 e OKB-së.
- Kuvendi me vendimin nr. 99/2017 ka ngritur nënkomisionin “Për Qeverisjen Vendore” në përbërje të komisionit për Çështjet Ligjore, Administratën Publike dhe të Drejtat e Njeriut. Objekti dhe fusha e përgjegjësisë së këtij nënkomisioni është organizimi dhe funksionimi i pushtetit vendor.
- Këshill kombëtar të integritetit evropian dhe në kuadër të integritetit adreson të drejtat e njeriut, kapitulli 23
- Grupi i deputetëve “Miq të fëmijëve” trajton çështje të djemve dhe vajzave

The Alliance of Women MPs plays a lobbying role within parliament. It promoted gender equality and advocates for gender mainstreaming of laws. For the past 6 years it has conducted several activities and advocated for an increased gender quota in parliament.

Executive bodies

At the executive level the Prime Minister’s Office takes a coordinating role on gender equality with the **Deputy Prime Minister** serving as the key figure. However, there are no clear roles and responsibilities which makes it difficult to hold the office into account and leaves it up to the willingness and commitment of the person in charge to exercise the functions.

Since September 2017, the **Ministry of Health and Social Protection (MHSP)** has been the lead ministry in charge of issues related to gender equality, gender-based violence, and domestic violence, and forms an essential part of the national machinery on gender equality. The Ministry exercises its mandate through the Sector of Gender Equality. The Sector is part of the Directory of Social Inclusion and Gender Equality (DSIGE), which falls under the General Directorate of Social Policies in the MHSP. The mission of this Sector is to

- formulate and develop policies for promoting gender equality and reducing Gender Based Violence (GBV) and Domestic Violence (DV).
- aim for better alignment of social inclusion programmes (especially those focused on different groups of vulnerable women); and
- support and engage in gender mainstreaming.

More importantly for the purpose of the PLS, the Ministry is also in charge of monitoring the implementation of the government’s gender equality policy. To fulfil its monitoring function, the national mechanism has prepared periodic reports on the implementation of existing strategies and action plans. However, the structure’s capacities for data-collection and monitoring and evaluation require strengthening.⁴² While evaluation is regularly conducted for the National Strategy on Gender Equality (NSGE) and its Action Plan (2016-2020), the same is not true for the LGE itself.

At a lower executive level gender equality employee (GEE) are appointed in all ministries and should serve to conduct gender mainstreaming of policies relevant to their ministries as **per Article 4 of the LGE** they occupy full-time positions within the public administration. However, despite this title, in some cases gender equality employees do not have adequate education and /or training to deal with gender issues. These employees have other duties and responsibilities in the institution except for dealing with

⁴² UN Women Gender Brief 2016. Online: https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?la=en&v_s=5235

gender issues.⁴³ Their role could be essential in monitoring and reporting against gender equality commitments and they could serve as one of the key implementers of the law on gender equality to make it as operational as possible within the confines of the law. However, as UN Women has previously noted the absence of full-time and adequately skilled formal GEEs poses a challenge to coherent gender mainstreaming across all sectors.

Local government

At the local level, 61 GEEs are appointed in all 61 municipalities. However, these employees in most cases play the role of local coordinator for the management of domestic violence cases and in most of the cases some other duties and responsibilities.

There are few definitions used as job title of those dealing with gender issues at local and ministerial level. In Ministerial level the persons in charge have the official title Gender Equality Employees. While in the local level the persons in charge have the official title gender equality employee, and some local coordinators against domestic violence. Some of the coordinators of the Child Protection Unit act as Gender equality employees or local coordinators of domestic violence.

The GEE also has little support in their ministry or municipality level to deal with this job properly. Overall political will remain only with MHSP and Prime ministry Office for approving important amendments. However, the political will in ministry and in municipality level to support and take measures to properly function of these officials and community response mechanisms remain at low level.

National Human Rights Institutions

National human rights institutions, such as the Ombudsperson's Office and the Commissioner for Protection from Discrimination (CPD) also play a similar role in protecting individuals from gender-based discrimination. They are both public independent authorities that protect individuals from discrimination and human rights infringements either by private or public institutions.

The Law on Protection from Discrimination (LPD) identified gender as one of the bases for discrimination, which means gender equality falls in its purview. Further, constitutional amendments in 2016 sanctioned the right of the Commissioner to refer cases to the constitutional court (Article 134). It should be noted however that the CPD itself recognizes that bylaws that regulate its role and implementation of the law are not yet issued, while there are ongoing discussions and suggestions from different actors to change and extend the law on protection from discrimination. In addition, data from the CPD office shows that complaints based on gender are relatively low, and of those complaints with a gender component, women are the predominant complainant.⁴⁴

Human rights and gender equality context important for LGE

Since the fall of communism Albania has made significant progress in advancing human rights and women empowerment. A comprehensive legal, institutional and policy framework is already in place to guarantee individual rights and freedoms and their protection. The country has made significant commitments to a range of international standards and institutions to ensure gender equality and respect for human rights, which stands above domestic legislation.

In terms of international commitments Albania has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993, and the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) ratified

⁴³ GFA. 2019. Training need assessment report for gender equality employees in local and ministerial level.

⁴⁴ UN Women Gender Brief 2016.

from Albania in 2012. Albania is also party to the Beijing Platform for Action (1995) and has adopted the United Nations Security Council Resolution 1325 on women, peace and security. It regularly prepares reports on its commitments and the implementation of recommendations by the international instruments.

In 2020 Albania published its first Gender Equality Index, where overall it scored 60.4 points (which is lower than the EU average). According to its conclusion there is still road ahead to full achievement of gender equality that requires commitments of all stakeholders, including the governments, private sector, civil society and citizens.⁴⁵

Violence against women and girls dominates developments and concerns in the area of gender equality and women empowerment. Domestic violence, as the most common form of violence against women, remains widespread and accepted in Albania. Data from 2019 reveals that over 3,200 protection orders were issued for women abused by partners and relatives. Twelve women and young girls died as a result of domestic violence.⁴⁶ The UN Human Rights Council, in its examination of Albania's human rights record under the Universal Periodic Review process, noted concerns about the low rate of reporting of cases of gender-based violence against women, the insufficient number of shelters and the frequent failure to enforce protection orders.⁴⁷ The latest INSTAT population survey revealed that 1 in 2 women report to have ever experienced violence.⁴⁸

In addition to domestic violence, experiences of violence in the world of work are also of concern. Although pervasive, gender-based discrimination at work, including sexual harassment, remained greatly underreported. In a survey by the Gender Alliance for Development Centre (GADC), most women respondents reported being subjected to sexual harassment and some said they were denied maternity leave.⁴⁹ Furthermore, the gender wealth gap persisted. Only 19% of women owned property due to poor implementation of the property registration law and a patriarchal tradition that favours male inheritance.⁵⁰

In July 2018 the Assembly amended the law on domestic violence to extend protection to victims in an active relationship or civil union. The amendments created a protective order that automatically protects children as well. Police implemented automated application issuance processes within the Police Case Management System, which allow for rapid issuance of protective orders and produces a historical record of orders issued. Through August the system generated more than 1,600 protective orders. In December 2018 the government began operating a crisis management center for victims of sexual assault, at the Tirana University Hospital Center.⁵¹

In 2019 Albania underwent the third cycle of the Universal Periodic Review (UPR) at the UN Human Rights Council. Over 180 recommendations were accepted by the Albanian government regarding different areas of human rights, with a prominent number of recommendations issued on gender equality and specifically violence against women. The Albanian submission to the UPR noted that "on the occasion of the 70th anniversary of the Universal Declaration of Human Rights, on 13 December 2018, the Ministry of Europe and Foreign Affairs of Albania (MEFA) launched the online platform hosted to official web site of MEFA as a monitoring mechanism on the implementation of human rights. This platform was developed with the support of UN Women and UNFPA in Albania which includes a Human Rights Action Plan and Monitoring Mechanism to facilitate the monitoring process of the implementation

⁴⁵ INSTAT. 2020. Gender Equality Index. Retrieved from, http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf

⁴⁶ Amnesty International. Report Albania 2019. Online: <https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/>

⁴⁷ Ibid.

⁴⁸ INSTAT. Violence Against Women and Girls in Albania. 2019.

⁴⁹ GADC 2019. Gender Based Discrimination and Labour in Albania. Retrieved from https://www.gadc.org.al/media/files/upload/GBD%20Labour%20Albania_EN.pdf

⁵⁰ Amnesty International. Report Albania 2019. Retrieved from, <https://www.amnesty.org/en/countries/europe-and-central-asia/albania/report-albania/>

⁵¹ State Department. Albania Human Rights Report 2019. Retrieved from, <https://www.state.gov/wp-content/uploads/2020/02/ALBANIA-2019-HUMAN-RIGHTS-REPORT.pdf>

of the UPR recommendations of the second cycle, and other treaties-based bodies recommendations related to UPR recommendations.”⁵² Therefore, it is positive to note that Albania has in place monitoring and tracking mechanisms, which could and should be extended to the entirety of the legal framework that pertains to gender equality and women empowerment. Some of the main recommendations issued to Albania regarding its human rights protection agenda include:

- Continue harmonization of internal legislation with international regulations.
- Continue strengthening national policies and programs to support protection and advancement of human rights.
- Continue to strengthen the human rights machinery in the country to support policies and national framework.
- Provide sufficient financial and human resources to national human rights institutions to enable their carrying of duties.
- Take concrete measures to fight hate speech and discrimination based on sexual orientation and ethnicity.
- Take effective measures to combat domestic and gender-based violence, which takes a considerable space in the recommendations issued.⁵³

One of the key areas in which Albania offers a good example in operationalizing gender equality is gender-responsive budgeting (GRB). The latter is applied both at the national and local level. At the national level, GRB is outlined in the Public Finance Management Strategy (2015-2020) and became part for the first time of the National Strategy for Development and Integration (2015-2020). In 2016, gender equality was included as one of the fundamental principles of the Albanian Budget System, to provide equal access to rights and opportunities for men and women in Albania. Accordingly, in the 2019 budget, gender inequality problems have been mainstreamed into 37 budget programs in 14 Ministries, affecting some of the most important sectors, such as: education, health, agriculture, etc.⁵⁴ Work is ongoing to include GRB at the local level in each unit, while there is both international support and internal willingness and commitment. GRB allows operationalization of human rights commitments and ensures that these commitments do not remain on paper but have practical impact in the lives of girls and women, men and boys.

In addition to political participation and gender-based violence, women’s participation in the labour market forms another pillar of the quest for gender equality and women empowerment as they all go hand in hand. Analysing women’s participation in the labour market is one of the most important ways of understanding the gendered patterns of Albanian society. However, women’s work is multi-faceted and complex. During the communist period, efforts were made to increase women’s participation in the productive sphere, which – to some degree – challenged traditional gender roles. Yet, women remained responsible for the reproductive and care sphere at home even as they, together with men, engaged in waged employment in various sectors, including highly technical ones. In post-socialist Albania, a re-traditionalization of gender roles and occupations is evident, with women once again almost exclusively in charge of reproductive and unpaid care work. Though the current situation is not the same as that immediately following the fall of socialism, when women disappeared from the productive sphere almost entirely, today women in Albania face numerous challenges and obstacles in accessing the labour market, and continue to carry the multiple burdens of traditional gender roles. The economic inclusion and empowerment of women remains problematic. Women’s labour force participation is low, and a high percentage of women are discouraged from entering the labour market. Furthermore, unpaid care work is the exclusive domain of women, obstructing their participation in productive and paid work.⁵⁵

⁵² For more see: <https://daccess-ods.un.org/TMP/96299.5551526546.html>

⁵³ For more see: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ALindex.aspx>

⁵⁴ For more see: https://www.unece.org/fileadmin/DAM/RCM_Website/Albania.pdf

⁵⁵ UN Women Albania. Gender Brief. 2016. Retrieved from, https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?la=en&v_s=5235

Methodology of the PLS

Planning phase

The Gender Equality and Prevention of Violence against Women and Human Rights Sub Committee of the Albanian Parliament have decided to undertake the post-legislative scrutiny for the Law on Gender Equality.

The scope of this PLS for the Law on Gender Equality in Society is to look at the enactment of the law and whether the legal provisions of the law have been brought into force, how courts have interpreted the law and how legal practitioners and citizens have used the law. In addition, this PLS looks at the impact of the LGE in Albanian society and whether the intended policy objectives of the law have been met and how effectively. In the beginning of the PLS process, it was planned to evaluate the implementation of the gender quota. It was considered by the Gender Equality and Prevention of Violence against Women and Human Rights Subcommittee, of the Albanian Parliament, to analyse factors that have supported implementation of gender quota in decision-making structures, as well as the impact of its implementation together with an analysis of the factors that have hindered the implementation of gender quota⁵⁶.

Desk review of documents and data collection

This report has been developed taking into consideration the methodology of the PLS, developed by WFD⁵⁷. Two set of questions (**please see the annex no. 4 of this report**) have been used in order to address the research questions outlined. The report was drafted involving the following methods:

- The **Legal Analysis** examined and assessed current gender equality legislation in place in Albania, including any shortcomings in aligning national legislation with the *Acquis Communautaire* (the 'Gender Equality Acquis'). It also tried to identify the relevant institutions in charge, their roles and responsibilities for the implementation of the LGE. For the PLS report some examination of international laws, treaties and conventions have been used as a reference for the LGE implementation. A legal analysis has been performed for understanding the applicability of the LGE with national legal framework and the secondary legislation developed.
- **The Literature Review** is used through the different parts of the given structure of the report to support the analysis and the conclusions. The literature review served also to understand how LGE is implemented based on the analyses done by national and international organizations, including recommendations for the future. For the literature review are used the most relevant and latest documents and research conducted by CSOs, international bodies, independent institutions or independent experts.
- **Interviews and semi-structured interviews (Please see the annex no. 1 and 2)** with representatives of relevant institutions to measure the advancement of LGE in institutional level and their opinion and recommendation for better implementation of the law in the future.
- **Data collection** – A primary and secondary data set was used to prepare the report to support the analysis of articles related to the implementation of gender quotas. In order to make an assessment of the implementation of the law regarding the article 4 point 5, of gender quotas in state institutions, at the request of the Albanian Parliament and based on a structured questionnaire, information was requested from 21 Independent Institutions. Only 13 of them

⁵⁶ Parliament of Albania, the Gender Equality and Prevention of Violence against Women and Human Rights Sub Committee (2020). Why to conduct PLS on LGE?

⁵⁷ Westminster Foundation for Democracy. (2017). Post Legislative Scrutiny. Guide for Parliaments. Page 7. Retrieved from https://www.wfd.org/wp-content/uploads/2018/07/WFD_Manual-on-Post-Legislative-Scrutiny.pdf

provided information which was processed in annex 4 of this analysis. Only data disaggregated by gender enable the reflection of the real situation of gender equality in the field of education, employment, participation in public life, decision-making, various political organizations and unions, private boards, non-governmental organizations, military life, etc.

- **Validation** - The PLS report is conducted in close collaboration with Vasilika Hysi, Deputy Speaker of the Parliament of Albania, Eglantina Gjermeni, Chairperson of the Subcommittee on Gender Equality and Prevention of Violence against Women and Ivan Radojevic, Programme Manager, Westminster Foundation for Democracy (WFD). In addition, the report will be presented in meeting/session according to the requirements from the Parliament of Albania and WFD, to have a validation, comments and full understandings of the report.

Implementation phase

The implementation phase of this report went in phases as written below:

Step 1: Identify the scope of the PLS

During the inception phase discussion and consultation have been organized by WFD representatives. A meeting was organised with Mrs. Vasilika Hysi and Eglantina Gjermeni to understand the approach and the request for the PLS. Identifikimi i fushës së zbatimit u krye bazuar në një dokument të hartuar nga Nënkomisioni i Barazisë Gjinore dhe Parandalimi i Dhunës ndaj Grave dhe të Drejtave të Njeriut nga Parlamenti i Shqipërisë të cilët në takimin e datës 10 janar 2020, vendosën të ndërmarrin kontrollin post-legjislativ për Ligjin për Barazinë Gjinore në Shoqëri sipas gjykimit më poshtë:

*“Pyetja kryesore e ShPL-së do të jetë: **Si kuota gjinore (nuk) zbatohet në praktikë në të gjitha strukturat vendimmarrëse në institucionet e zgjedhura dhe / ose të emëruara. Kanë kaluar 12 vjet që nga miratimi i Ligjit për Barazi Gjinore, ndaj duhet të hulumtohet zbatimi i kuotës gjinore. Nëse nuk zbatohet, cilët janë faktorët kryesorë që kanë penguar ose bllokuar zbatimin? Nëse është e mundur, duhet të paraqiten ndryshime të caktuara në legjislacion për të përmirësuar efektivitetin dhe zbatimin e kuotave gjinore, si dhe nëse masat institucionale që duhen marrë për të siguruar zbatimin e saj. Eksplorimi do të shërbente gjithashtu për të kuptuar se cilat hapa duhet të ndërmerren për të sfiduar stereotipat gjinorë dhe për të rritur angazhimin politik, dhe ndërgjegjësimin e shoqërisë shqiptare veçanërisht ndaj grave drejt pjesëmarrjes së barabartë në nivelet e vendimmarrjes dhe fuqizimin e grave. Në hulumtimin tonë, **do të përfshihet jo vetëm zbatimin e kuotës gjinore si pjesë e Ligjit për Barazinë Gjinore, por gjithashtu do të shqyrtojmë zbatimin e këtij ligji në përgjithësi. Zbatimi i Strategjisë Gjinore (2016-2020) në lidhje me kuotën gjinore do të hulumtohet gjithashtu, në mënyrë që të sigurojë më shumë informacion se si pjesëmarrja më e ekuilibruar e grave dhe burrave ka kontribuar në legjislacionin dhe politikën më të ndjeshme gjinore në Shqipëri.**”***

Step 2: Determine/Design the Concept note

The second step in preparing this report was designing a Concept Note, which was also discussed with WFD and the Parliament of Albania. During these phases the main consultation methods were decided and a questionnaire was developed and distributed to independent institutions. It was also discussed which stakeholders should be interviewed, which were most relevant to the LGE implementation. During this phase two officials from the Parliament of Albania were assigned to facilitate the process of sending and collecting information. The first two phases developed during February – March 2020 were interrupted due to Covid-19 and the work on the PLS of LGE resumed during June 2020.

Step 3: Primary Data Collection

Primary data collection is the process of collecting qualitative and quantitative data directly from the literature and the institutions. This was accomplished by using the Institute of Statistics data and through literature review. Also, through the questionnaire distributed to independent institutions, some primary data were collected regarding the questions:

- how the requirements of the law on gender quotas have been implemented in your institution;

- total number of employees in your institution and in institutions of dependence divided by gender;
- number of women and girls in leadership positions versus men and boys and their leadership positions;

Step 4: Data Analysis

The process of data collection started before the pandemic crisis of COVID-19, however it took time until beginning of July to collect the answers. From 21 independent institution that received the letter with the request for data only 13 responded. After data collection, the responses have been proceeded and the analyses of the results, both qualitatively and quantitatively have been used in the report.

Step 5: Dissemination

The last step is essential for the communication of the results of the PLS of the LGE. It will aim:

- To improve the understanding on the LGE and the importance for substantial changes of this norm.
- To increase support from the Parliament of Albania.
- To advocate for new PLS initiatives for other laws
- To encourage ex-ante and ex-post evaluation of the legislation in the Albania Parliament.

Challenges during the PLS evaluation

In March 2020, the World Health Organization (WHO) declared COVID-19 a pandemic, caused by the novel SARS-CoV-2 virus. The work on drafting the PLS report was affected by the pandemic and the outbreak of the virus. Exactly in March 2020 the data collection process and face to face interviews were planned. Also focus group discussions with civil society representatives and gender equality employees at central and local level was foreseen. During this period, it was not possible to visit the Parliament for discussion on the development of the PLS process. In the beginning the outbreak created a shocking experience and few people were willing to speak and participate in the online interviews. The online work also was slowed down the process since people were overburden with this new way of communication. Regarding the collection of data, literature review and other secondary data procession was not difficult, since many materials, reports and research products were found online. Only the letters send to the independent institutions took few months to receive the responses back.

Findings

Background of how the law has been used so far and current relevance of the objectives of the law today.

The emergence of a gender equality law in Albania should be understood in the context of the feminist movement in late 1990s and early 2000s. The first women's organization was established in 1991, followed by a few more between 1991 and 1995. It was not until the mid-2000s that the number of NGOs amounted to a fully-fledged civil society sector with approximately 600 organizations registered.⁵⁸ The majority of contributions that this new feminist wave brought in Albania were related to legislative measures, whereby women's NGOs brought about legislation on gender equality and anti-discrimination. The work of these organizations and collaboration between the legislative and executive branch led to the first law on gender equality approved in 2004.⁵⁹ The 2004 LGE consisted in placing both sexes in equal conditions in the area of employment, education, labour and decision-making. The main stated objectives of the law were to ensure equal rights to women and men (as provided in Article 18 of the Constitution), set out measures to promote equal opportunities to eliminate direct and indirect

⁵⁸ ibid

⁵⁹ For the full law please see: <https://www.legislationline.org/documents/id/16295>

discrimination and set out responsibilities of central and local administration in drafting policies aimed at promoting an equal gender society.⁶⁰

The 2004 Law on Gender Equality was short-lived and was promptly replaced by a more comprehensive LGE in December 2008. The latter was more comprehensive in scope, aligned more closely to international standards, especially CEDAW and included a wider range of areas as well as introduced more specific gender quotas and affirmative action to increase women's participation in different areas.

Law no. 9970 "On gender equality in society" (LGE), dated 24.07.2008, stipulates the main principles of equality between men and women in public and private life. It aims to ensure efficient protection against discrimination on the grounds of gender; defines safeguards for equal opportunities between men and women, in order to eliminate gender-based discrimination; defines the responsibilities of state bodies in supporting gender equality; and defines protection against discrimination and harassment by providing special measures for guaranteeing at least 30% representation of the under-represented gender in political and public decision-making positions for the least represented gender.⁶¹ Additionally, the Law foresees gender equality in education, employment and media.

The object of the LGE

As it is stipulated in the Article 1, the object of the LGE is to regulate fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities for the exercise of their rights, as well as their participation and contribution in the advancement of all social spheres.

The LGE aim:

- a) To ensure effective protection from gender discrimination as well as any other form of behaviour that encourages gender discrimination;
- b) To define measures guaranteeing equal opportunities among men and women to eliminate gender-based discrimination in any of its forms;
- c) To define the responsibilities of central and local state authorities for developing and enforcing laws and policies in support of encouraging gender equality in the society.

The LGE fundamental principles stipulated in **article 3** of the LGE are equality and non-discrimination. These principles are based on the Constitution of the Republic of Albania, the Convention "On the Elimination of all Forms of Discrimination Against Women", and by all other international acts ratified by the Republic of Albania.

Article 4 of the LGE includes some definitions related to gender.

The LGE defines gender equality, gender, gender-based discrimination, gender mainstreaming, equal gender representation, temporary special measures, employees dealing with gender issues, equal value for equal work, gender-based harassment and sexual harassment.⁶² However, this set of definitions cannot be considered complete since it does not include any definition of sex, which relates to the biological features of a person, compared to gender, which the LGE defines as opportunities and social attributes related with being a woman or a man, as well as the relations between them. Moreover, gender stereotypes and gender identity are not defined. In addition, the definition of gender requires improvements.

⁶⁰ Ibid.

⁶¹ Article 1 combined with article 2 of the LGE.

⁶² Article 4.

Further, LGE introduces incentives to increase the equal participation of women in public and political life.⁶³ While such incentives are understood as a mechanism to increase the number of women in official positions, the Law also expressly refers to employment by stipulating an increase in equal economic representation in terms of status and employment.

The article 5 stipulates that the LGE applies to all persons living and residing in the territory of the Republic of Albania. In addition, the Albanian citizens with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies and the foreign legal or natural persons with a temporary or permanent residence abroad enjoy protection offered in this law in the relations they establish with the Albanian governmental agencies.

The Implementing Agency of the LGE

Part II of the LGE, within the **articles 10, 11, 12, 13 and 14** deals with the regulation of institutional mechanisms that have the mandate to apply not only the provisions of this law, but to take care to implement and promote the implementation of the principle of gender equality in the country.

Responsible bodies for achieving gender equality according to the **article 10 of the LGE** are:

1. Council of ministers.
2. National Council on Gender Equality
3. Ministry that covers the gender equality issues- currently MHSP

At the article 11 it is stipulated the advisory body for the LGE, the National Council on Gender Equality followed by **the article 12** were the duties of the National Council on Gender Equality are stipulated

The article 13/1, define that the State Authority responsible for the implementation of this law and the state programs on gender equality is the ministry that covers gender equality issues.

State institutions at the central and local level shall have the legal obligation to collaborate with the respective minister for exchanging information and facilitating the accomplishment of his function. For this reason, there shall be a gender equality employee appointed in every ministry.

Part II also includes in the **Article 14**, Local government bodies which in a declarative way are required to collaborate with central state institutions for implementing the legislation in force and state policies on gender equality and shall collaborate closely with non-for-profit organizations for achieving gender equality in various fields in the territories they cover. In addition, these institutions are required to carry out the gathering and processing of local gender disaggregated statistics and appoint one or several local gender equality employees in their structures.

The Gender Equality Machinery in Albania, which consists of several state structures have been set up to implement the LGE. Its main function is to monitor and ensure the implementation of laws, the principle of non-discrimination and equality between men and women. LGE determines as the authority responsible for gender equality issues the Ministry of Health and Social Protection. Based on the LGE as well as the Law for measures against Domestic violence in family relationships, the Minister performs the defined functions assisted by the structure specialized within the Ministry, actually the Gender Equality Sector within the General Directorate of Health and Social Protection Policy and Development which has been functioning in this Ministry since 2006. Its main mission is to promote gender equality and a broad participation of women in the economic, political and cultural life of country and the formulation and development of policies to prevent and reduce violence in family relationships, and gender-based violence in general.

⁶³ Article 8.

Që nga miratimi i tij në vitin 2008, ligji ka qenë thelbësor në përpjekjet për të institucionalizuar sistemin e kuotave gjinore në të gjitha nivelet e vendimarrjes. Për më tepër, ligji ishte baza për krijimin e buxhetimit të përgjegjshëm gjinor në proceset e buxhetimit të nivelit qendror. LGE është përdorur gjithashtu si një mekanizëm koordinues për të siguruar që gjinia të përfshihet në nivelin qendror dhe lokal duke marrë parasysh natyrën ndërsektoriale të ligjit dhe dimensionet e shumta të tij. Megjithëse ligji është përdorur gjerësisht si pikë referimi për disa nga aspektet e tij (të tilla si kuota gjinore, mekanizmat institucionalë për të siguruar barazinë gjinore etj.), jo të gjitha dispozitat e tij janë përdorur siç duhet që nga miratimi i tij. Prandaj, ndërsa shumë nga dispozitat e ligjit janë të rëndësishme sot, ekziston nevoja për të zgjeruar dhe thelluar mandatin dhe dispozitat e LGE-së, në mënyrë që t'i përgjigjen siç duhet përpjekjeve për të siguruar barazinë gjinore në të gjitha fushat e jetës.

Relevance of verifying if the law is still fit for purpose

The Law on Gender Equality is one of the most important tools in the struggle for gender equality in Albanian society. The LGE sets the institutional and policy framework for combating gender-based discrimination and inequalities. However, the analysis of the law's implementation and interviews with different stakeholders emphasize the need for a significant revision of the LGE, from its scope and objectives, to operationability. Several aspects explain why the law as it currently stands is not fit for purpose.

First, while the objectives of the law are in part still relevant today, as it aims to ensure increased representation of women in different areas of life and protect them from discrimination, it should be noted that several other pieces of legislation have been adopted and amended since 2008 that cover areas similar to those of the LGE and have become a primary point of reference, leaving the LGE outdated. For instance, ensuring equal representation in decision-making, primarily local and central elections, is regulated by the Electoral Code with its amendments throughout the years (2008, 2012, 2015). The Electoral Code contains extensive measure to ensure compliance with the gender quota and it is the primary law of reference for this topic. In fact, due to its more recent changes, the provisions of the EC and LGE on gender quota are not compatible anymore, therefore a revision of the latter is necessary to ensure alignment with the former.

Second, the stated objective of ensuring effective protection from gender-based discrimination is not operational under the LGE as it falls under the primary purview of the Law on Protection from Discrimination, which also has an enforcing mechanism, the Commissioner on Protection from Discrimination (CPD). Cases of discrimination represented to the CPD consider as a legal basis the Law on anti-discrimination, rather than the LGE.

Third, the LGE does not contain specific provisions on gender-based violence as one of the gravest forms of discrimination and a manifestation of inequalities between men and women. These are covered by the law on domestic violence. However, the two laws should be inter-connected. Therefore, the LGE should be better connected to other laws that address gender equality, which have been adopted after 2008 and therefore are not referenced in the LGE.

Fourth, Albanian women continue to be marginalized and discriminated and the **LGE does not offer protection to multiple forms of discrimination**. Women across different distinct groups experience multiple forms of inequality. **Factors such as race, faith, ethnicity, age, disability, sexuality, location, and employment status can combine with gender to create distinct and particularly troubling experiences of discrimination and inequality, are not even mentioned within the LGE.** This means that women are placed in the unenviable and tenuous position of having limited or no recourse against multiple discriminations they experience. According to the opinion of the representatives of the civil society at the National Council of Gender Equality the Law should be revised entirely, should not be declarative and should be urgently enforced. The Parliament and the government

of Albania should review the existing legislation and policy to ensure it takes a cohesive view of the interaction between gender and other characteristics that lead to multiple discrimination against women.

Fifth, the LGE explicitly defines gender as the social opportunities and attributes related with being a female or male, as well the relations between them. The LGE in its definitions does not distinguish gender from sex. Also, there is nothing in regards to 'gender identity'. The LGE in its definitions does not include 'gender-based violence' and 'sexual violence'. The LGE generally prohibits discrimination, while having specific chapters on 'Equal gender protection and treatment in labour relations. The Law does not specify any special measures for public institutions to prevent gender discrimination and ensure gender equality. Unfortunately, LGE includes some principles of gender equality detached and with inconsistencies.

"The law should acknowledge the existence of variations of sex characteristics when it comes to the definition and categorization of gender. The existence of intersex people confirms the fact that sex is a spectrum and that people with variations of sex characteristics other than male and female exist. The law should also acknowledge that gender should be perceived and accepted as one's choice to destine their sex and bodily autonomy into society as they chose and feel".⁶⁴

The existing LGE does not include the socio-economic inequalities and the protected characteristics. Also, in order for the gender equality as a concept to be embraced from the society, the **LGE should include an article that enforce the gender equality mainstreaming in all strategies and/or different policies drafted by the GoA.** The articles on disputes and sanction should be strengthen also since it is far behind the sanctions that are included at the Electoral Code.

Main findings from the PLS of LGE

The Law on Gender Equality, is a special law that aims to regulate fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities for the exercise of their rights, as well as their participation and contribution in the advancement of all social spheres.⁶⁵

The Law on Gender Equality is mostly adopted indirectly through other pertinent legislation and most notably it is operationalized through the implementation of the National Strategy on Gender Equality, currently in its third iteration (2016-2020). **Since its adoption in 2008 the law has not undergone any changes or amendments.**

In total, 6 sub-legal acts have been approved since the LGE was enacted. These include mostly decisions of the Council of Ministers on approving the adoption of the National Strategy on Gender Equality and regulation and establishment of the National Council on Gender Equality. Other by-laws to operationalize the other stated aims of the LGE have not been discussed or adopted. Two important sub-legal acts not only for the implementation of the LGE, but also the PLS process is DCM no. 465 dated 18.07.2012 "On gender integration in medium term budget program" and Guidance no. 1220 dated 27.05.2010 of the Minister of Labor and Social Issues (currently Minister of Health and Social Protection) on "Defining evaluation and monitoring indicators of gender equality and violence against women, including domestic violence collection and analysis of the data".⁶⁶ In addition to these sub-legal acts, few other pieces of legislation effectively refer to the LGE. While the Electoral Code does not specifically mention the LGE, it does refer to gender quotas, which were initially introduced in the LGE. On the other hand, the Law on local self-governance refers to the LGE, but does not make a substantial commitment to achieve the aims of the LGE.

⁶⁴ Interview with the representative of Tirana Legal Aid Society.

⁶⁵ See article 1 of the LGE

⁶⁶ Information obtained from the Ministry of Health and Social Protection.

The Law on Gender Equality only sets out some basic rules, but specific rules are defined by specific laws. Equal treatment of men and women is required to be implemented within the framework of terms and conditions established by the bylaws or other specific laws.

The bylaws in implementation of LGE are:

- Decision of Council of Ministers (DCM) No. 122, dated 2.2.2009 "On the approval of the regulation of the National Council for Gender Equality
- Instruction No. 1220, dated 27.5.2010, of the Minister of Labor and Social Affairs "On determining the indicators for evaluation and monitoring of indicators of gender equality and violence against women, including domestic violence, their monitoring, collection and processing "
- DCM No.573, dated 16.6.2011 "On the approval of the National Strategy for Gender Equality and Reduction of Gender-Based Violence and Domestic Violence, 2011-2015, and the Action Plan for its implementation."
- DCM No. 465, dated 18.7.2012 "On gender mainstreaming in the medium-term budget program"
- DCM No. 733, dated 20.10.2016 "On the approval of the National Strategy for Gender Equality and the Action Plan 2016-2020"
- Order of the Prime Minister no. 239, dated 13.12.2017 "On the establishment of the National Council for Gender Equality (KKBGJ).

The National Council for Gender Equality exercises its activity based on the principle of equality and non-discrimination, as well as other principles, sanctioned in the Constitution of the Republic of Albania, in the Convention "On the elimination of all forms of discrimination against women", and all other international acts, ratified from the Republic of Albania, as well as in law no. 9970, dated 24.7.2008 "On gender equality in society".⁶⁷ The National Council for Gender Equality includes representatives of the government and civil society who are appointed according to the procedure set out in the order of the Prime Minister for the establishment of the National Council for Gender Equality. The mandate of the members of the National Council for Gender Equality is 4 years, with the right of reappointment, with except for members who have been elected to office.⁶⁸ The chairperson of the National Council for Gender Equality is the minister who covers gender equality issues. Actually, it is the Minister of Health and Social Protection.

Based on the LGE, the proposals on the policies on gender equality is entrusted to the National Council on Gender Equality. This council has the duty to advise the Government on the determination of conducting state policies on gender equality, except for matters dealt with in review by the National Labor Council and ensure gender mainstreaming in all areas.

Another important sub-legal act is the Instruction No. 1220, dated 27.5.2010, On the determination of indicators and monitoring Indicators of gender equality and violence against women, including Domestic violence, supervision, collection, and processing.⁶⁹ This important instruction orders the collection of gender statistical data and monitoring and evaluation of indicators of gender equality and violence against women, including domestic violence, to be carried out locally and nationally.

A very important role in defining and collecting the indicators of gender equality and violence against women is played by the Directorate of Equal Opportunities and Family Policies (today the Gender Equality Sector within the General Directorate of Health and Social Protection Policy and Development). This is the structure for advancing gender equality and prevent violence against women, including domestic violence, which evaluates statistical data, as well as drafts reports in the field of gender equality and violence against women. At the request of the MHSP, the Institute of Statistics of Albania (INSTAT)

⁶⁷ Article 1 of the Regulation of the functioning of the national gender equality council.

⁶⁸ Article 5 of the Regulation of the functioning of the national gender equality council.

⁶⁹ This sub-legal act was drafted pursuant to the article 100, point 4 of the Constitution and article 13, letters "d", "dh", and of article 32, point 1 of law no. 9970, dated 24.7.2008 "On gender equality in society"

forwards to the statistical structure of this ministry all the collected data on indicators of gender equality and domestic violence. All the data are gathered based on different forms that are part of the instruction No. 1220, dated 27.5.2010.

Few years after this instruction, clearly definition, indicators and monitoring indicators of gender equality and violence against women, unfortunately the Law no. Nr. 17/2018, on Official Statistics has not considered the LGE and in none of its articles is mentioned the importance of gender disagreed data.⁷⁰

The other bylaw is *the Decision of the Council of Ministers (DCM) No.573, dated 16.6.2011 "On the approval of the National Strategy for Gender Equality and Reduction of Gender-Based Violence and Domestic Violence, 2011-2015, and the Action Plan for its implementation."*⁷¹

Pursuant to Article 100 of the Constitution, Article 10 of Law no. 9970, dated 24.7.2008 "On Gender Equality in Society" and law no. 9669, dated 18.12.2006 "On measures against violence in family relations", as amended, on the proposal of the Minister of Labor, Social Affairs and Equal Opportunities, Council of Ministers.

This DCM (573) is accompanied by an analysis of the crosscutting laws and policies, including some analysis on the LGE implementation. The vision of the strategy: "A society in which gender equality is respected and valued, taught, supported and encouraged, where gender-based violence of any kind is not tolerated, but condemned, where those affected by it are supported and protected and where equal opportunities and equal treatment is a reality for all, regardless of gender."⁷² The purpose of the strategy was to show the ways and institutional mechanisms for the inclusion of gender issues in public policies, for the mitigation of gender differences and prevention and the fight against gender-based violence. The aim is that the actions taken in the context of this strategy to contribute towards achieving four specific long-term consequences, which in turn affect the fulfilment of the strategy vision."⁷³

In July 2012, the Council of Ministers approved the decision no. 465 "on Gender Mainstreaming in the Mid-term Budget Program".⁷⁴ This marked the first ever milestone of mainstreaming gender in the budgeting system, and the first legal basis for the introduction of gender budgeting in Albania. Following the decision, a methodology and guide developed to help government officials apply gender budgeting. As a result, four (4) budget programs piloted gender budgeting in the Mid-Term Budgeting Planning (MTBP) document of 2013-2015. The introduction of gender responsive budgeting back in 2012 was a very important step towards a greater goal that is gender mainstreaming in Albania. For the time, it was considered essential to the efforts to achieve gender equality in Albania not only in policy drafting and implementation, but also budgeting. Therefore, institutionalization of gender budgeting was imperative to guarantee its application and Albania adopted a number of policy and budgetary measures to enrich the legal framework on that purpose.

This decision was amended in 2016 by the Council of Ministers and by the Decision No. 938, dated 28.12.2016, "For the approval of the document of the budget program Medium-term, revised, 2017-2019."⁷⁵ With the technical assistance provided by UNWOMEN, during the second phase of preparation of the MTBP 2016-2018, 5 new programs were identified who have planned goals, objectives, products, activities and costs associated with gender mainstreaming. These new programs

⁷⁰ Institute of Statistics. 2018. Law on official Statistics. Retrieved from, http://www.instat.gov.al/media/3973/liqi-nr-17-dt-542018_per-statistikat-zyrtare.pdf

⁷¹ Ministry of Defense (2011). https://www.mod.gov.al/images/PDF/barazia_gjinore_strategji.pdf

⁷² DCM No.573. Page 37

⁷³ DCM No.573. Page 38

⁷⁴ This decision is taken pursuant to Article 100 of the Constitution, Law No. 9936, dated 26.06.2008 "On the management of the budget system in the Republic of Albania", **Article 2 and Article 13 point 2 letter b of Law no. 9970 "On Gender Equality in Society"**, on the joint proposal of the Minister of Finance and the Minister of Labor, Social Affairs and Equal Opportunities.

⁷⁵ Pursuant to Article 100 of the Constitution and of article 26, of law no. 9936, dated 26.6.2008, "On management of the budget system in the Republic of Albania ", amended, with the proposal of Minister of Finance, Council of Ministers.

add to the 19 long-identified budget programs first phase, bringing to 24 programs the total of programs that include gender budgeting in the MTBP.

Another bylaw is the DCM No. 733, dated 20.10.2016 "On the approval of the National Strategy for Gender Equality and the Action Plan 2016-2020"⁷⁶. This strategy is also built up on an evaluation of the previous one. However, this evaluation does not take into deep consideration the implementation of the LGE during the period of the implementation of the National strategy on gender equality and Reduction of gender-based violence of domestic violence, 2011-2015, and the action plan for its implementation.

The vision of the strategy is "A society which holds gender equality as a prerequisite for sustainable development and aims at zero tolerance towards gender-based violence and domestic violence".

This strategy has four strategic goals:

- **Strategic Goal 1: Economic empowerment of women and men.**
- **Strategic Goal 2: Ensuring equal participation of women in political and public decision-making.** With reference to the Law on Gender Equality ky qëllim strategjik ka përcaktuar Objektivin 2.1: Rritja e vendimmarrjes në proceset publike të grave në nivel drejtues, proceset ligjvënëse, politikëbërëse dhe planifikuese në nivel qendror. *Rezultati i pritshëm: (i) rritja e pranisë dhe kontributit të grave në 40% në jetën publike dhe politike në nivel qendror.* Under this objective are planned the activities: 2.1.2. -Initiative to improve the legislation in order to introduce a quota of at least 40% women represented in the boards of directors – at managerial and supervisory positions in public institutions and entities; 2.1.3. - Legal initiative to ensure a minimum of 40% representation of women in all advisory boards and elected bodies, with significant representation from vulnerable groups (Persons with disabilities, Roma community, etc.); 2.1.4. Initiative for ensuring women participating in all cabinets of Ministries for advice, expertise in all decision-making processes; Nisma për të siguruar gra në të gjithë kabinetet e ministrive për këshillimet, ekspertizat në të gjitha proceset e vendimmarrjes. Objektivi 2.2: Rritja në 40% e grave në proceset publike në nivel vendimmarrës në pushtetin vendor. *Rezultati i pritshëm: (i) rritja e pranisë dhe kontributit të grave në politikëbërjen vendore në 40%, si pasojë e rritjes së numrit të tyre në këshillat bashkiake*
- **Strategic Goal 3: Reduction of gender-based violence and domestic violence.**
- **Strategic goal 4: Strengthening the coordination and monitoring role of National Mechanism of Gender Equality and raising awareness of society regarding advancement of gender equality.** With reference to the Law on Gender Equality this strategic goal at the - **Objective 4.1:** Improving Sector of gender equality, in line with its role according to the legislation in effect, and the recommendations of international conventions and documents – is foreseen the indicator: (i) By end of 2020, empowerment of Gender Equality Sector at MoSWY (consolidated and efficient structure), in line with its coordinating and monitoring role. In order to achieve this indicator following activities are planned: 4.1.2. Launching and coordination of processes for monitoring the law on gender equality and the law on domestic violence etc. Drafted monitoring reports (regarding implementation of law on gender equality); 2016-2017, monitoring of law on gender equality; 4.1.3. Harmonization of Albanian legislation with international legislation and EU Acquis for ensuring gender mainstreaming, in line as well with recommendations from monitoring implementation of law on gender equality or recommendations of CEDAW Committee, etc.
Objective 4.2: Consolidation of the network of Gender officials at the central and self-governance levels, and ensuring their sustainability – are foreseen the indicators: (i) By end of 2020, number of full-time gender officials at the central level on gender equality aspects increased by 100% [i.e. from 0 full time gender officials at 2015 (or 0%),to 18 full time gender officials by end of 2020 (or 100%)]. (ii) By end of 2020, number of full-time gender officials in

⁷⁶ <https://www.un.org.al/sites/default/files/SKGJB-EN-web.pdf>

local self-governance units increased by 28% [i.e. from 44 full time gender officials at self-governance level in the beginning of 2016 (or 72%), to 61 full time gender officials by end of 2020 (or 100%), i.e. an increase by 17 gender officials (or by 28%)].

In order to achieve this indicator under this objective are planned the activities: 4.2.2. Appointment of full-time gender officials (NGJQ) (ensuring sustainability of the network of NGJQ, moving from focal points to gender officials, according to the requirements of the law). The indicator of this activity is Number of full-time NGJQ appointed at the central level; updated job descriptions, in line with the legislation in effect; % of budget reflected in the respective budgets of line ministries, in supporting the sustainability of this network; etc. 4.2.4. Appointment of full time NGJV in 61 municipalities of the country, in line with the law on gender equality. The indicator of this activity is: Network of NGJV is composed of 44 employees who in addition perform the functions of the local coordinator against DV (i.e. 17 more municipalities need to fill in this position); meanwhile, it remains to be seen if the functions of the persons declared as NGJV are consistent with the law on gender equality.

The latest bylaw is the order of the Prime Minister no. 239, dated 13.12.2017 “On the establishment of the National Council for Gender Equality (NCGE)⁷⁷. This decision establishes the NCGE with the participation of 10 deputy ministers from each ministry and 3 representatives of the Civil Society of Albania. Point 6 of the decision order the National Council for Gender Equality to act in compliance with the articles 11 and 12 of the LGE.

Legislation applying Article 15 of the Law on Gender Equality

*Electoral Code*⁷⁸ - The electoral code contains several provisions that relate to gender equality. The most substantial amendments to the Electoral Code took place in 2008, enabling for the first-time application of the 30% gender quota in the parliamentary elections of 2009 and 2013, and subsequently in the eve of the elections of 2015, enabling for the application of the 50% gender quota for candidates participating in the 2015 local government elections.

The Electoral Code of the Republic of Albania, approved through Law no. 10019, dated 29.12.2008, amended by Law no. 74/2012, dated 19.07.2012 and Law no. 31/2015, dated 02.04.2015 includes the first-time gender quotas aimed at an improved level of representation of women in the parliament. From the gender perspective this Code represents a milestone in Albania’s quest to advance gender equality in political representation, even though many issues remain to be addressed in practical terms, calling for further amendments of the Code. Article 67, points 6 and 7 of the Electoral Code on the list of candidates of parties and party coalitions provide, among other, that for each electoral zone, at least thirty percent of the multi-name list and one of the first three names on the multi-name list shall belong to each gender. Article 175 of the Electoral Code on sanctions related to gender equality has been amended several times, by striking several differences with Law no. 74/2012, dated 19.07.2012 and Law no. 31/2015. Kodi zgjedhor i Republikës së Shqipërisë pësoi ndryshime të reja në vitin 2020 me Ligjin Nr. 101/2020. Kodi Zgjedhor i cili hyri në fuqi në muajin tetor 2020, parashikon në nenin 67, pika 6 që “Për çdo zonë zgjedhore në zgjedhjet për Kuvendin jo më pak se një në çdo tre emra të listës shumë emërore duhet t’i përkasë gjinisë së nënpërfaqësuar, kurse në zgjedhjet për këshillat bashkiakë një në çdo dy emra të njëpasnjëshëm në renditje duhet t’i përkasë së njëjtës gjini.” Ky nen fuqizohet edhe më shumë me sanksionet e parashikuara në nenin 175 të këtij Kodi, në lidhje me barazinë gjinore. Në nenin 175 parashikohet që “mospërbushja nga subjekti zgjedhor i detyrimit të

⁷⁷ The decision was taken pursuant to Article 102, point 3 of the Constitution and point 1 of Article 11 of the LGE, article 10 point 1 of the Istanbul Convention

⁷⁸ Republic of Albania. Electoral Code of Republic of Albania. Approved by Law no.10019, date 29.12.2008, adopted with the law no.74/2012, date 19.07.2012 and law no. 31/2015, date 02.04.2015. Retrieved from <http://cec.org.al/wp-content/uploads/2017/06/KODI-ZGJEDHOR-2015-Teksti.pdf>

*parashikuar në pikën 6 të nenit 67 të këtij ligji sjell refuzimin e listës shumë-emërore për tu regjistruar në KQZ ose sipas rastit për zgjedhjet vendore në KZAZ.*⁷⁹

*Law on Local Self-Governance*⁸⁰ - the law expounds principles of human rights and inclusive participation in local decision making by referencing other legislation in place. Article 9 on rights and responsibilities of a local self-governance unit mentions among others the right to “create committees, boards or commissions to exercise special functions whenever there is a need and respecting the law on gender equality.” It is unclear though what the special functions refer to as they are not defined or described further. An important gender aspect is found in measuring the performance of public services. For instance, article 33 stipulates that a special structure could be created to present and monitor performance of public services, including gender aspects. Furthermore, in the duties and competencies of the municipal council it is foreseen that the council shall, in line with the gender equality law, appoint or discharge the head of the municipal council, a binding sentence to the law on gender equality which requires equal gender representation in all levels of governance. The same provision applies to deputy mayors and heads of administrative units.

Evaluation and monitoring of the legislation on gender equality

Albania does not apply a singular policy on Post Legislative Scrutiny. However, it does contain several provisions scattered across different documents and institutional responsibilities the necessity for evaluation and monitoring of law implementation and its effectiveness. **One of the most important by-products of the LGE has been the development of the national strategies on gender equality.** So far Albania has implemented four NSGEs (since 2007). After each NSGE an evaluation has taken place to take stock of achievements and remaining challenges.

Pursuant to the LGE and the Order of the Minister of Labor, Social Affairs and Equal Opportunities No. 2498, dated 16.12.2008, as amended by Order No. 2271 dated 08.12.2009, an Inter-institutional Working Group (IWG) was set up as an advisory group to identify and determine gender statistics in support of the monitoring policies for gender equality in Albania. The inter-institutional group established a set of Gender Indicators necessary for monitoring gender equality and violence against women. That was followed by an instruction, No.1220, dated 27.5.2010 for defining the Indicators of Evaluation and Monitoring of Gender Equality and Violence against Women, including Domestic Violence, and their Supervision, Collection and Processing. Monitoring consists also in the analysis of the impact of gender equality legislation and of the legislation on discrimination, of the discrepancies identified and the way they have been addressed with the view to ensure that the implementation of this legislation results in the effective elimination of discrimination against women.⁸¹

The evaluation of the first NSGE (2007-2010) rightly identified as one of the major challenges strengthening the institutional and legal mechanisms. As the NSGE 2011-2015 identifies for the previous period (2007-2011) “in the legal aspect, the challenge remains the continuous harmonization of legislation with international standards and the enhancement and monitoring of implementation of current legislation on gender equality in Albania through the inspectorates in charge of its oversight...as

⁷⁹ Kodi Zgjedhor i Republikës së Shqipërisë. Neni 67*Ndryshuar me ligj. Nr. 74 dt. 19.7.2012, ligjin 31/2015, Ndryshuar me ligjin nr .101/2020

ndryshuar me

⁸⁰ Republic of Albania. Law 139/2015 “On Local Self-Government”. Retrieved from http://www.erru.al/doc/Liqi_nr.139-2015_date_17.12.2015_Per_vetqeverisjen_vendore.pdf and Law No. 38/2019, for some changes in law no. 139/2015, Retrieved from <http://www.parlament.al/Files/ProjektLigje/20190627102204ligj%20nr.%2038,%20dt.%2020.6.2019.pdf>

⁸¹ National Gender Equality Strategy 2011-2015. Online: https://www.legislationline.org/download/id/6709/file/Albania_National_strategy_gender_equality_gender_based_violence_2011-2015_eng.pdf

well as the establishment of a specialized unit to monitor the progress of the Strategy.”⁸² **Therefore, while there is some monitoring and analysis of the impact of legislation on gender equality, it remains a necessity to establish regular monitoring and evaluation, sufficient budgeting and resources to make this a regular exercises and include it in the post legislative scrutiny procedures.**

In 2014 two 4-year national reports were prepared, along some other assessment reports addressing gender equality issues as well as the situation in relation to gender-based violence and domestic violence. These reports together with an assessment report of the 2011-2015 NSGE informed the development of the third NSGE (2016-2020).

Differently from the assessment of the NSGE 2011-2015 there is no analysis of challenges faced in terms of evaluating the implementation of gender equality legislation.

Achieved objectives of LGE

The LGE explicitly aims to increase women's participation in public life, especially their representation in the political sphere and public administration. An overview of gender equality developments and progress in Albania since 2008 when the law entered into force shows that the LGE has been effective in two areas relevant to articles stipulated in the law:

1. Equal representation in decision-making through gender quotas D
2. Development of gender statistics and sex-disaggregated data.

Gender Quota

Considering how the law was implemented in the aftermath of its adoption one can conclude that it has achieved to a certain extent the introduction of gender quotas for women representation in politics and decision making. There is a general opinion that LGE was created to institute gender quotas in politics, because the political representation of women and girls has been in the attention of women's rights activists, internationals and political parties. But other very important articles of the law have not been detailed and vested with the same commitment as the gender quotas.

The upward trend of women's participation in decision-making is admittedly attributed largely to gender quotas imposed in the Electoral Code by the LGE. **In the part III- Equal gender representation in decision-making process, of the LGE, article 15 envisaged the participation in the decision-making process,** as follows:

Neni 15 - Pjesëmarrja në procesin e vendimmarrjes

1. Equal gender participation and representation in all legislative, executive, judicial power bodies as well as in other public institutions shall be achieved when:
 - a. A representation of above 30% of both sexes is ensured, including their steering bodies is ensured;
 - b. Equal observation of competition procedures and criteria for both genders for the assignments in these bodies is ensured;
 - c. A participation of above 30% of both sexes in the list of candidates for the local government elections is ensured.
 - d. A participation of not less than 30% of each sex in the candidates' list presented by the political parties for the proportional system for the general Assembly elections is ensured.
 - e. A participation of above 30% of each sex in the central and local elections process administration bodies is ensured.

⁸² Ibid. page 14.

2. The political parties shall define methods and measures to comply with the requirements provided in section 1 of this article.
3. The political parties shall pay a fine of up to one tenth of the state funds for the electoral campaign, if they violate the provisions of this article, until they undo the violation.

As clearly stated, the LGE introduced the quota for women's participation in politics and decision making at the level 30% and above. In November 2008, Albania's electoral system was reformed, introducing list proportional representation system. Under the new system, all 140 members of parliament are elected through a proportional representation system in 12 constituencies corresponding to the 12 administrative regions.⁸³ The amended Electoral Code in 2009 established gender quotas for candidate lists and membership in Commissions of Electoral Administrative Zones (CEAZs) for the first time. The new gender quotas increased women's representation in Parliament, but weaknesses in the formulation of the legal provisions undermine their objective.⁸⁴ According to the OSCE ODIHR report this happened for two reasons; 1) Candidate lists of the political parties included 30 per cent women almost all listed at the bottom of the lists and in probably unwinnable positions; 2) The law does not provide a ceiling on the number of candidates that can appear on a list relative to the total number of seats in a constituency. In several instances, parties whose lists did not meet the gender requirements simply added women in positions that exceeded the number of mandates. Central Election Commissions (CEC) decided that such lists satisfied the gender requirement in spite of the fact that none of the women added could possibly be elected.⁸⁵ The report of OSCE/ODIHR recommended the Electoral Code provisions that establish gender quotas for candidate lists should be revisited in order to meet the 30 per cent standard required under the LGE and to close loopholes that allow parties to defy the purpose of the law.⁸⁶

Before the Local Elections of 2011 the Electoral Code was revised and stipulates that the gender of candidates must alternate in every three names in a candidate list for local elections. Parties that do not comply with this rule must pay a fine, although the list is registered. As the fine is low (ALL 30,000 or approximately EUR 213), this requirement was often not respected.⁸⁷ According to CEC, some 30 per cent of candidates for council elections were women, but there were only 14 women among the 872 mayoral candidates (1.6 per cent). Six of the women candidates for mayor were elected.

During the Parliamentary elections in 2013 the gender quota requirement for candidate lists was not met by the DP, SP and the Socialist Movement for Integration (SMI) in a number of electoral districts, which resulted in fines, although non-compliant lists were registered. While political parties fulfilled their legal requirement to nominate at least 30 per cent of each gender in the overall membership of CEAZs, women's representation on Voting Centre Commissions was noted by observers on election day at 14 per cent.⁸⁸ Some revisions to the Electoral Code weakened the legal framework, including less strict enforcement mechanisms for non-compliance with gender quotas for candidate lists and a more lenient provision on the involvement of public servants in campaigning.⁸⁹

Subsequent amendments in April 2015 reflected the new territorial administrative division and addressed a long-standing OSCE/ODIHR recommendation to promote women candidates by increasing the gender quota on candidate lists for local councils to 50 per cent, with the gender alternating every second name. In addition, should a vacancy arise in a council, the replacement should be the next highest placed candidate on the list of the same gender. All parties met the new gender quota requirement, resulting in 49.4 per cent of municipal council candidates being women.⁹⁰

⁸³ <https://www.idea.int/data-tools/data/gender-quotas/country-view/47/35>

⁸⁴ OSCE/ODIHR. (2009). Republic of Albania, Election Observation Mission Final Report, Parliamentary Elections, 28 June 2009, P. 31. Retrieved from <https://www.osce.org/files/f/documents/9/8/38597.pdf>

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ OSCE/ODIHR. (2011). Republic of Albania, Election Observation Mission Final Report, Local Government Elections, 8 May 2011, P.20

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⁸⁹ OSCE/ODIHR. (2013). Republic of Albania, Election Observation Mission Final Report, Parliamentary Elections, 23 June 2013

⁹⁰ OSCE/ODIHR. (2015). Republic of Albania, Election Observation Mission Final Report, Local Elections, 21 June 2015

During the Parliamentary Elections in 2017, the Electoral Code require that a gender quota applies to each candidate list as a means to redress the political underrepresentation of women. It requires at least one woman and one man among the top three positions and at least 30 per cent of candidates of each gender in each district list. The CEC imposed sanctions of ALL 1 million against the SMI and SP for not respecting the gender quota in Tirana and Berat districts respectively. However, the CEC did not sanction the DP for failing to respect the quota in all 12 districts of the country, undermining the value of the measure to promote women candidates and the necessity for parties to compete on an equal basis, at odds with OSCE commitments.⁹¹ The law does not allow to deny registration of a party if the quota is not respected. However, the largest political parties did not always respect the gender quota in their candidate lists and women candidates received little media attention. While some 40 per cent of candidates were women, they received only 26 per cent of seats in the new parliament. Women were also underrepresented in the election administration, including in decision-making positions.

During the Local Elections during 2019 the quota system for candidate registration has created an environment conducive to an increased participation of women in political life. Only those councilor candidate lists that included 50 per cent of each gender were registered, resulting in 44 per cent of local councilors' seats being won by women in these elections. Eleven women ran for mayor and eight (13 per cent) became mayors.

Nevertheless, few women hold leadership roles within political parties.⁹² With some exceptions, women politicians did not feature prominently in the campaign or opposition protests. Two out of five CEC members and 37 per cent of CEAZ members were women. Non-compliance with the gender quota resulted in the rejection of two candidate lists.⁹³

As it is obvious the implementation of the article 15 related to gender quota of the LGE it was taken not seriously at the beginning by political parties and was not respected. The Venice commission and OSCE / ODIHR reports and recommendations created possibilities for the quota revision and strengthen under the special attention from politics as well.

The article 15, points a and b of stipulates the requirement of 30 % and above quota for representation of women in steering bodies. There is very little reporting and evidence on equal representation of both sexes in steering bodies within public authorities and how are the competition procedures vid a vis provisions of the LGE. A study conducted in 2016 informed that there is a total lack of information about the level of participation of women in boards and at the high levels of business management in Albania. According to this study conducted in 2016, 27% of board members were women while 43% of district boards had no female members.⁹⁴ In addition, about 32% of businesses (private companies) had a woman in the position of CEO / administrator, 40% of senior positions in companies are assigned to women.⁹⁵

Furthermore, the same study found that there are 125 publicly owned enterprises under the administration of central government institutions where about one third of the board members are women, while women CEOs are about 13%. The situation seems problematic in enterprises under the administration of municipalities where only 18% of Board members are women and only 4% of the CEO / administrator are women. The situation seems even more problematic mentioning that in 42 companies at the local level out of 76, there are no women on the board. Overall, 26% of companies have only a woman as a member of the Board.⁹⁶

The annual publication of INSTAT, "Men and Women in figures" some data are been developed in relation to the representation of women on boards as in the table below. As a conclusion of this part it

⁹¹ OSCE/ODIHR. (2017). Republic of Albania, Election Observation Mission Final Report, Parliamentary Elections, 25 June 2017

⁹² OSCE/ODIHR. (2019). Republic of Albania, Election Observation Mission Final Report, Local Elections, 30 June 2019

⁹³ Ibid.

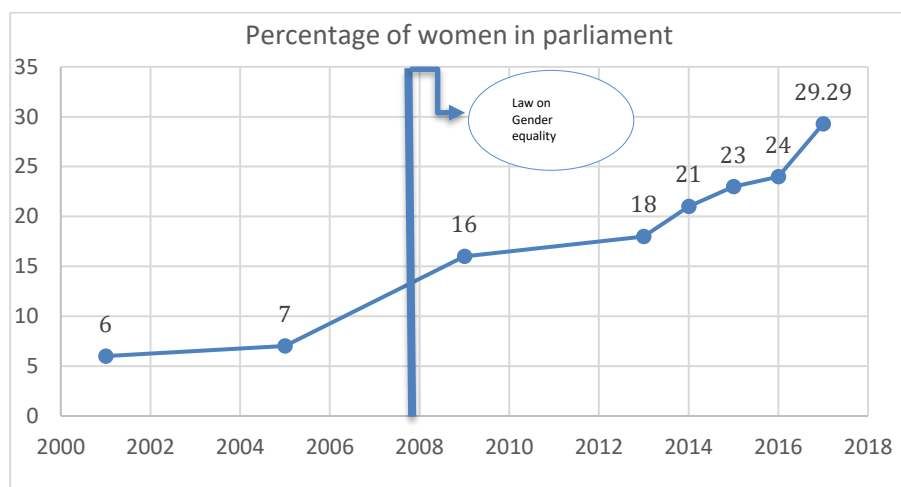
⁹⁴ HDPC 2016. Women in Board and senior positions in Albania companies

⁹⁵ Ibid.

⁹⁶ Ibid.

is obvious that the Article 15 was taken seriously, and efforts were made to implement it. However, it has not been successful in increasing women's participation in all spheres.

Figure 1. Percentage of women in Parliament



In terms of impact, implementation of gender equality law has led to improved gender balance at all gender equality levels, especially in parliament. This is also obvious from percentage in participation statistics in some legislatures as the table above indicates. There is a clear change from before 2008 (when the law on gender equality was adopted and included gender quotas, which the previous law was missing). One can see that in the period before 2008 the percentage of women in parliament stood mostly at below 10%. The introduction of the gender quota led to a significant increase to reach the highest level in the latest legislature. Therefore, the gender quota has served as a mechanism that not only increased the responsibility of political parties to involve more women, but also provided the space for implementation of the legal framework on gender equality.⁹⁷

While the law has contributed to the quantitative representation of women in policy and decision-making structures it is important to note that more needs to be done to ensure their meaningful participation and impact on their constituents' lives. Nje raport i UNDP arrin në përfundimin se that there is not a positive effect of the proportion of councilwomen at the local level on the perceived decision-making power.⁹⁸ As the report concludes "Councilwomen face numerous structural barriers to their decision-making power. These barriers are related to the weak competencies of local councils, the poor fiscal capacities of local governments, the process through which Party leaders select women, and the restrictions that Party leaders set for local decision-makers. If these structural barriers are not addressed, there will be little change in the decision-making power of councilwomen."⁹⁹ The report also showed that women act in unison when they are in larger number, therefore their collaborative efforts go beyond party lines. This means that the challenge is going from small-scale collaborative efforts to well-organized initiatives that can be sustained over time.¹⁰⁰

Overall, one of the major achievements not only of the Law on Gender Equality, but in general of the gender equality agenda in Albania relates to women's political representation. The introduction of the

⁹⁷ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3303499

⁹⁸ Dauti M. and Cepani E. (2015). Forcimi i pushtetit vendimmarrës të grave në Shqipëri, UNDP, Retrieved from, <https://www.al.undp.org/content/albania/en/home/library/poverty/study-strengthening-the-decision-making-power-of-councilWomen-in.html>

⁹⁹ UNDP. 2015. Study: Strengthening the decision-making power of councilwomen in Albania. Online: <https://www.al.undp.org/content/albania/en/home/library/poverty/study-strengthening-the-decision-making-power-of-councilwomen-in.html>

¹⁰⁰ Ibid.

gender quota in the LGE was the needed push to significantly increase women's representation in political processes. The sheer number of women that benefited from this policy as laid out in the LGE is one of the key achievements of the law. While the gender quota has not been exhausted and more needs to be done to ensure that women have a chance to enter politics and decision-making, more efforts are needed to ensure that their voice is strengthened and their impact on decision-making is clear.

Sex-disaggregated data

Article 13/d of the LGE stipulates that the Minister in charge, actually the minister of MHSP, establishes the mechanisms for gathering gender disaggregated statistics in collaboration with the Institute of Statistics and other state institutions as well as supervises their gathering and processing; In addition, according to **the point d of the article 13** the minister must organize the gathering, analysing and disseminate information on gender issues. This stipulation forms also the basis for other sub-legal acts approved later on regarding data collection and indicators. In addition, the **article 14/3** stipulates that the Local government bodies carry out the gathering and processing of local gender disaggregated statistics.

Albania has made significant progress in the data collection area. For 7 consecutive years the Institute of Statistics has collected and published gender disaggregated data. Starting in 2017 it collected the most comprehensive set of data (spanning 34 gender related indicators).¹⁰¹ The publication Men and Women in Albania provides data in the following fields:

- Population
- Health
- Employment and social protection
- Education
- Judicial statistics
- Participation in decision-making

The legislative basis for data collection is the LGE. In fact, the law regulating the work of the Institute of Statistics does not refer specifically to gender disaggregated data. Sidoqoftë, ky institut edhe me ndihmën e donatorëve sic është Sida apo UN Women kanë zhvilluar një modul të pavarur mbi statistikat gjinore. Megjithatë, LBGj nuk parashikon asnjë gjobë ose masë tjetër në ligj nëse institucionet nuk grumbullojnë statistika gjinore.

In 2020, the Albanian government also published the Gender Equality Index, which does not only contain gender-disaggregated data but also conducts in depth analysis of the situation of gender equality in the domain of work, money, knowledge, time, power and health. The Gender Equality Index was originally introduced by the European Institute for Gender Equality (EIGE) with the aim to support more effective policy-making in this area. From 2019, the core Gender Equality Index will be updated annually with a deeper focus on one selected domain per year. The index comes at a right time as the new Gender Equality Strategy is being developed, e ndërkohë duke u vlerësuar ajo e mëparshmeja. Ndaj ky është një moment kyç dhe një mundësi për të përforcuar me ligje mbledhjen e të dhënave gjinore që analiza e tyre të sjellë politika që janë diktuar nga evidencat

Therefore, while improvements are needed in data collection and their use for evidence policy making it is worth noting that the LGE has had a positive impact in regularly collecting and disseminating statistics related to gender equality and/or sex-disaggregated data. These data have served to analyse trends in violence against women, fulfilment of the gender quota, representation of women in politics and other decision-making institutions, participation of women in decision-making and other indicators.

¹⁰¹ <https://eca.unwomen.org/en/news/stories/2017/06/albania-publishes-the-largest-range-of-gender-statistics-to-date>

Findings related to concerns raised by stakeholders during the PLS process

During the PLS process of LGE, important actors were interviewed and a series of documents were consulted. Reviewing the documents, reports and research produced by Albanian CSOs, international organizations and by different independent gender experts it was noticed that LGE is mentioned in the documents for its low level of implementation, however no action was undertaken for improving parts of this law as for example with the Law for measures against domestic violence, which has undergone different amendments since its adoption.

The LGE marked progress for Albania's efforts to bring about gender equality in society, but it did not reach its full potential and has remained largely unused in recent years. Article 15 of the Part III were only point 15.c is fulfilled partially and 15.ç has driven the changes in the Electoral code and due to its implementation, we have now more women in the Albanian Parliament and in the Municipal city councils. Article 11 - The establishment of the National council on Gender Equality and the gender equality employee's appointment at the ministry and municipal level, has also been applied although the latest is a structure which is still weak because it overloads with other tasks unrelated to gender equality and not properly trained. Achieving gender equality and women's empowerment in Albania requires dedicated and sustained national and international attention.

Concerns raised based on the articles of the LGE

Article 13/d on Gender disaggregated data – The collection of sex-disaggregated data is mandatory in Albania since 2008 through the LGE, however the actual utilization of sex-disaggregated data and gender statistics for policy development, budgeting, and monitoring of national development priorities is still far from satisfactory.¹⁰² The current National Statistical Program (2015-2020) does not include routine data collection in a sex-disaggregated manner, posing a challenge to monitoring in compliance with EU and international standards. The current statistical system is characterized by a significant gap between data and information collected by institutions on the one hand, and indicators required at international level for monitoring gender equality on the other. Data are not standardized and are not collected in rigorous and consistent ways, rendering it difficult to monitor the same indicator over time.¹⁰³

Article 14 – Dedicated to ensuring gender equality in local level, as it is pursuant to all the paragraphs of this article. In 2014 Albania went through the process of new territorial and administrative division. A new law on Local Self-Government ("Organic Law") was approved. Pursuant to the LGE articles 54 and 64 of the Organic Law, stipulates that at least 30 per cent of appointed administrators should be women.¹⁰⁴

In addition, increased territory, population, and responsibilities of municipalities clearly have to be matched by respective budget allocations and skilled personnel for managing and overseeing these budgets and also to integrate Albania's international commitments to gender equality (e.g. to CEDAW, the Beijing Platform for Action, and the EU Gender Equality acquis) into local governance obligations.¹⁰⁵ In addition to the need for the LGE to be implemented in local level a clear commitment is needed by LGUs to use their powers, competences, and partnerships to achieve greater equality for their citizens in line with the European Charter for Equality of Women and Men in Local Life.¹⁰⁶ According to the interview with the representatives of the Association of Albanian Municipalities and the Association for Local Autonomy the LGE article 14 it is not in line with the new developments of Albania and should be

¹⁰² UN Women. (2016). *Gender Brief: Albania*. Online: <http://eca.unwomen.org/en/digital-library/publications/2016/10/albania-gender-brief>

¹⁰³ Ibid.

¹⁰⁴ Local Self-Government ("Organic Law"). Articles 54 and 64.

¹⁰⁵ UN Women. (2016). *Gender Brief: Albania*. Online: <http://eca.unwomen.org/en/digital-library/publications/2016/10/albania-gender-brief>

¹⁰⁶ Council of European Municipalities (2006) European Charter for Equality of Women and Men in Local Life, Retrieved from: <http://www.charter-equality.eu/the-charter/observatoire-europeen-en.html>.

revised.¹⁰⁷ Also the LGE does not include any provision for the gender responsive budgeting in local level, although since 2012 Albania has advanced in GRB legal framework and policy development. In addition to that, specific structures and mechanisms need to be operationalized, such as gender-responsive budget analysis, gender assessments, and gender audit exercises, to ensure that services address women's and men's different interests and needs, and are equally accessible to them.¹⁰⁸ For many years the donors have financed and supported the establishment of the gender equality/domestic violence units or employees, to ensure implementation of the gender equality legal framework in Albania addressing gender equality concerns in local planning, however the sustainability of these interventions can be ensured by integrating respective actions within local budgets and the LGE must ensure such provisions.¹⁰⁹

Article 15- As mentioned above the law on Local Self-Government ("Organic Law") articles 54 and 64 of the Organic Law, stipulates that at least 30 per cent of appointed administrators should be women.¹¹⁰ However according to the study of the Commissioner for Protection from Discrimination¹¹¹ only 15 municipalities out of 58 that responded to the survey, have more than 30 % women representation at the level of deputy mayor. In addition, out of 53 Municipalities only 8 of them have 30 % women appointed as administrators. In total, 27 out of 53 municipalities have no women in the position of Administrator, although the municipality should have at least 2 such positions.¹¹²

The LGE shows that it has not provided an authority that will oversee compliance with the obligation imposed by Article 15, letter "a" of this law itself. It is necessary providing for a monitoring and sanctioning mechanism in relation to this provision in order to its effective implementation is guaranteed.¹¹³

Also setting a 30% quota for municipal councils in Article 15 is already lower than the provision of the Electoral Code which is increased to 50% since 2015. In addition, Article 15 of the LGE, imposes sanctions while the Electoral Code imposes sanctions on rejecting the list of the candidates of the political parties if it is not pursuant to the article 67 of the Electoral Code.¹¹⁴

Article 16.7 - Provide equal payment for equal value works. The studies on the labour market, wages, living wages, working condition, health and safety at the workplace barely found in Albanian civil society, GoA or academia. According to the Gender Equality Index¹¹⁵ the gender pay gap is 10.7 % in Albania as calculated from wages declared at the tax office, which as a result of informality, wages are often underreported, especially the higher wages, which pertain to men.¹¹⁶ According to a study¹¹⁷ conducted in 2012, the gender wage gap in Albania is calculated is around 17.4 % percent. Addressing the pay gap between men and women requires the existence and application of the existing legislative and non-legislative instruments, as well as the creation of new ones.¹¹⁸ Factors that influence the gender pay gap are multiple, such as the rate of participation of the labour force in the labour market, the number of women who worked without a contract, the payment of social insurance contributions. The gender pay gap is also related to level of education, with the gap becomes smaller with the increase of education

¹⁰⁷ Interview with the representatives of the Association of Albanian Municipalities and the Association for Local Autonomy

¹⁰⁸ UN Women. (2016). *Gender Brief: Albania*. Online: <http://eca.unwomen.org/en/digital-library/publications/2016/10/albania-gender-brief>

¹⁰⁹ UN Women. (2016). *Gender Brief: Albania*. Online: <http://eca.unwomen.org/en/digital-library/publications/2016/10/albania-gender-brief>

¹¹⁰ Local Self-Government ("Organic Law"). Articles 54 and 64.

¹¹¹ Commissioner for Protection from Discrimination. 2019. Gender Equality and Discrimination at the Local Government Organs. Retrieved from https://www2.unwomen.org/-/media/field%20office%20albania/attachments/publications/2019/05/web_kmd_gender_report_alb.pdf?la=en&vs=3654

¹¹² Ibid

¹¹³ Ibid.

¹¹⁴ Commissioner for Protection from Discrimination. 2019. Gender Equality and Discrimination at the Local Government Organs. Retrieved from <https://portavendore.al/wp-content/uploads/2019/06/Barazia-qjinore-dhe-diskriminimi-ne-organet-e-meruara-te-pushtetit-vendor.pdf>

¹¹⁵ INSTAT, MoHSP and EIGE. 2019. Gender Equality Index for the Republic of Albania, 2019. http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf

¹¹⁶ Ibid.

¹¹⁷ GADC. 2012. Gender Inequalities in Pay – An Albanian case. Retrieved from https://www.gadc.org.al/media/files/upload/Gender_Inequalities_Pay.pdf

¹¹⁸ Ibid.

level. None of these factors is elaborated further to inform any policy or measures to be taken by the GoA or other actors in the Albanian society.

Article 18 – that charge with responsibilities the employer for protecting the employee from discrimination, harassment and sexual harassment, although aligned with the Law no. 136/2015 "On some additions and amendments to Law no. 7961, dated 12.07.1995 "Labor Code of the Republic of Albania" there is no evidence for contribution of this law to encouraging victims and employers to stand up and take measures against this violence.¹¹⁹

Article 28 - provides that the State Labor Inspectorate is responsible for violating the obligations set out in **Article 26** of the law. Article 26 deals with gender equality issues in the media. This article, in the second paragraph, stipulates that the broadcasting, printing and publication of information and material that contains or implies differences that are humiliating or disparaging on the basis of gender, or that display exclusive or offensive attitudes towards either sex shall be prohibited. According to CPD the State Labor Inspectorate cannot be the responsible authority in relation to the obligations deriving from the Article 26 of the LGE.¹²⁰ This example shows that, it is necessary a complete reconsideration of the responsible authorities which should monitor the implementation of obligations provided by in order to guarantee the enforceability of the obligations of this law.¹²¹

The Law on Gender Equality appoints the Ministry responsible for gender equality, currently Ministry of Health and Social Protection as the responsible body for coordinating implementation of the law at all levels. The analysis shows that this burden is placed primarily on a small structure within the ministry, which currently lacks sufficient resources (financial, human and technical) to carry out all the responsibilities placed on it by the LGE. Therefore, in order to bring about the necessary changes to the LGE and its implementation it is necessary to engage a number of stakeholders, from executive branch, legislative branch, civil society organizations and interest groups.

Previous experience, such as amendments to the law on measures against violence in family relations, reveal the need for a comprehensive and thorough approach in the process of law-making. There is significant expertise and experience on gender equality issues in Albania. Therefore, the Ministry of Health and Social Protection could establish a task-force in charge of revising the law and introducing it for approval in parliament. This task force could be charged with collecting inputs and recommendations from non-government stakeholders, such as civil society organizations, human rights groups and international organizations as well as independent human right institutions such as the People's Advocate and the Commissioner on Protection from Discrimination.

In order to make the LGE fit for purpose, respond to actual needs and context, it is essential to ensure that changes are based on data, evidence and assessment of possible impact. This includes analysis of the interplay between the LGE and other laws that should be affected, making the LGE operational rather than declarative, and appointing specific institutions to implement different aspects. As it stands, Siç është hartuar në vitin 2008, LGE contains articles that cannot be implemented in practice because the language used is vague and concrete actions to ensure implementation are missing. Lastly, a transparent and open process for the revision of the LGE is necessary so the adopted version is reflective of different views and needs.

Findings regarding the capacity and operations of the Ministry of Health and Social Protection

As mentioned above currently the agency responsible for gender equality in Albania is the Ministry of Health and Social Protection. It serves as the coordinating body for all policies, initiatives and decisions

¹¹⁹ MHSP and MEFA. (2019). *National review for implementation of the Beijing platform for action - Beijing +25*.

¹²⁰ Commissioner for Protection from Discrimination. 2019. Gender Equality and Discrimination at the Local Government Organs. Retrieved from <https://portavendore.al/wp-content/uploads/2019/06/Barazia-gjinore-dhe-diskriminimi-ne-organet-e-meruara-te-pushtetit-vendor.pdf>

¹²¹ Ibid.

to advance women's rights and promote women empowerment. Within the ministry there is a designated structure/section that deals specifically with gender equality. However, as a general finding, the ministry is not well equipped, either in financial or human resources, to carry out the wide variety of duties and responsibilities assigned to it in the Law on Gender Equality. Below we present an analysis of the duties and powers of the implementing agencies, on paper and in practice.

Duties and powers of the implementing agency

Since September 2017, the Ministry of Health and Social Protection has been the lead ministry in charge of issues related to gender equality, gender-based violence, and domestic violence, and forms an essential part of the national machinery on gender equality. As per the law on gender equality the Ministry of Health and Social Protection has a wide array of duties in implementing the law and monitoring gender equality commitments both against national and international commitments. More specifically, Article 13 of the law stipulates that the ministry responsible for gender equality:

- a- *Implements and checks on this law, the National Strategy and Action Plan on Attaining Gender Equality as well the international obligations of the Republic of Albania in the field of Gender Equality;*

On this responsibility the Ministry of Health and Social Protection has frequently issued analysis of the National Strategy on Gender Equality. However, there is no consistent and regular assessment of the impact of other laws related to gender equality, such as the Law on Gender Equality and the Law on Measures Against Violence in Family Relations. Most changes and amendments to these laws have occurred ad-hoc, whenever a momentary need has arisen.

In terms of international commitments, the ministry responsible for gender equality has frequently reported on these commitments to different international reporting mechanisms, such as periodic reporting for CEDAW, UPR and GREVIO. A systematic follow-up of recommendations received is lacking and capacities could further be built to have a system in place that tracks all international commitments, recommendations received in order to track progress and fulfil obligations.

Human resources of implementing agencies

Miratimi i Ligjit për Barazinë Gjinore sjell detyrimin institucional për të emëruar nëpunës për çështjet gjinore në çdo ministri të linjës dhe në organet e qeverisjes lokale. Neni 13/3 përcakton se "Institucionet shtetërore në nivel qendror dhe lokal kanë detyrimin ligjor për të bashkëpunuar me ministrin përkatës në shkëmbimin e informacionit dhe në lehtësimin e kryerjes së funksioneve të tij." Ligji përcakton detyrimin që personeli përgjegjës për çështje gjinore të jetë të emëruar në çdo ministri dhe organ lokal. Aktualisht, pikat të tilla fokale janë emëruar në shumicën e ministrive të linjës dhe një numër njësisish të qeverisjes vendore. Kjo krijon një kornizë të mirë institucionale për zbatimin e Ligjit për Barazinë Gjinore. Megjithatë, mungesa e përgjegjësive të qarta, kombinimi i gjinisë barazia me detyrat e tjera dhe mungesa e burimeve të dedikuara financiare për të mbështetur punën e tyre, si dhe mungesa e koordinimit në nivelin institucional dëmton aftësinë e nëpunësve të barazisë gjinore për të luajtur një rol të rëndësishëm në zbatimin e Ligjit për Barazinë Gjinore dhe Strategjisë Kombëtare për Barazinë Gjinore. Prandaj, edhe pse emërimi i tyre është një arritje ligjit, është i domosdoshëm një rishikim thelbësor i roleve, përgjegjësive dhe burimeve të tyre për të çuar përpara procesin e zbatimit të Ligjit për Barazinë Gjinore.

Findings regarding the economic situation in the country (and beyond).

In order for the LGE to be further strengthened and properly enforced the economic situation of Albania should be stable and growing. According to the World Bank, Albania has transformed from one of the poorest countries in Europe to an upper-middle-income country.¹²² Albania GDP at current prices at 2018 it was estimated at € 12.8 billion.¹²³ According to EC progress report Albania remained committed to strengthening macroeconomic stability and fiscal consolidation.¹²⁴ However, although the economic recovery improved conditions in the labor market, inactivity and unemployment remain high, particularly for women. The country is implementing important reforms to revitalize growth and job creation, while advancing the European Union integration agenda.¹²⁵ Despite the implementation of macroeconomic and social policies, poverty in Albania is an issue. Until 2012 the Living Standard Measurement Survey (LSMS)¹²⁶ showed that poverty in Albania increased from 2008 to 2012.¹²⁷

In addition, the LSMS (2012) emphasized that poverty is no longer solely a rural issue, since there has been a shift of poverty from rural to urban areas, where the latter had a larger increase in poverty. Since 2016, INSTAT is implementing the EU statistics on income and living conditions (EU-SILC) according to Eurostat recommendations. Based on this methodology in November 2019 INSTAT publishes for the first time the main results of Income and Living Conditions Survey (EU-SILC) that measures living conditions, relative poverty and material deprivation in Albanian households.¹²⁸ According to the latest publication of INSTAT around 671,000 individuals living below the at-risk-of-poverty threshold are estimated in 2018. This figure put Albania into the 27th out of 30 countries for the number of populations at risk of poverty rate. This relative poverty rate does not indicate the number of persons that are in poverty, but how many of them have incomes below the defined poverty line and are at risk of poverty.¹²⁹

The gender equality index score for the domain of money is 59.6 points for Albania and it is lower than EU-28 average for 20.8 points.¹³⁰ This domain is compound by two dimensions economic and of the financial resource. According to the Gender Equality Index (2019) the value for index in subdomain of economic situation (79.6) is much higher than in subdomain of financial resources (44.6%).¹³¹ In addition, the Index for domain of work in Albania is 67.6¹³². In order to judge on the advancement on the gender equality in Albania the macroeconomic panorama is very important to understand how funds are allocated in different sectors such as use education, or health, or women's empowerment. The right political choices can ensure that economic policy promotes gender equality and women's rights.¹³³ But too often, economic policy acts as a barrier to progress or even undermines gender equality. The Macro-level economic policies include decisions on tax, government spending, trade, investment and debt policies. The macroeconomic policies in Albania should be designed within the context of the social goals of equality and wellbeing outlined in the UN's 2030 Agenda for Sustainable Development.

¹²² The World Bank, 2020. <https://www.worldbank.org/en/country/albania>

¹²³ INSTAT, 2019. http://www.instat.gov.al/media/6854/produti-i-brendsh%C3%ABm-bruto-final-2017-qjvsm%C3%AB-final-2018_final.pdf

¹²⁴ European Commission. 2019. Progress Report for Albania.

¹²⁵ <https://www.worldbank.org/en/country/albania/overview>

¹²⁶ Living Standard Measurement Survey (LSMS) was one of the main sources of information to measure living conditions and it was conducted in the context of continuing monitoring of poverty and the creation of a policy evaluation system in the framework of the National Strategy for Economic and Social Development (NSED), now days National Strategy for Development and Integration (NSDI). LSMS is a multi-purpose survey conducted near households and until the year 2012 it, the situation of poverty and to ensure a necessary tool to help policy makers in monitoring and developing social programs. During this period, the level of extreme poverty increased from 1.2% to 2.2%.¹²⁶ The fraction of the population whose real per capita monthly consumption is below Lek 4891 (in 2002 prices) increased from 12.5 % in 2008 to 14.3 % in 2012¹²⁶. This means that around 420000 people were poor in 2012.

¹²⁷ INSTAT. 2012. Albania Trends in Poverty 2002,2005,2008,2012. Living Standard Measurement Survey (LSMS). 2012 (revised).

http://www.instat.gov.al/media/1312/living_standard_measurement_survey_2012_revised.pdf

¹²⁸ Poverty indicators in the Survey of Income and Living Conditions are based on the relative concept of poverty, which considers household disposable income, number of household members (household size) and income distribution among population groups. The main indicator is the at-risk of poverty (relative poverty), which indicates the percentage of individuals with incomes below 60% of the median equivalised income, also defined as the relative poverty line.

¹²⁹ INSTAT, 2019. Income and Living Conditions Survey (EU-SILC) in Albania, 2017-2018. Retrieved from

<http://www.instat.gov.al/media/6544/income-and-living-conditions-in-albania-2017-2018.pdf>

¹³⁰ INSTAT, MoHSP and EIGE. 2019. Gender Equality Index for the Republic of Albania, 2019.

http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf

¹³¹ INSTAT, MoHSP and EIGE. 2019. Gender Equality Index for the Republic of Albania, 2019.

http://www.instat.gov.al/media/6661/gender_equality_index_for_the_republic_of_albania_2020.pdf

¹³²

¹³³ Gender and Development Network. 2019. Gender Equality and macro level economics

Albania has many obligations stemming from the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and numerous binding instruments of International human rights law, including the Sustainable Development Goals (SDGs), and particularly Goal 5 on gender equality and women's empowerment. Women and girls in Albania face multiple and intersecting barriers to enjoying their human rights in the social, political, cultural and economic spheres of life. The Government of Albania (GoA) is principally responsible for removing these obstacles and ensuring substantive equality between women and men. The governments reforms also have a great impact addressing gender inequalities. However, because gender inequality is so multifaceted, there is no single remedy, and the best policy approach will vary across countries, depending on the level of economic development, existing gender gaps, and the speed at which the new technology affects the economy.¹³⁴

The establishment of a monitoring mechanism on the representation of women in public administration, particularly those in decision-making positions, will help track the achievement of several targets of the Sustainable Development Goals.¹³⁵ These targets include the full and effective participation of women at all levels of decision-making in political, economic and public life (SDG 5.5), full and productive employment for all women, men, and youth, from all backgrounds (SDG 8.5) and the establishment of responsive, inclusive, participatory and representative decision-making at all levels (SDG 16.7). Ultimately, better data availability on the representation of women in decision making positions will contribute to the development and enforcement of non-discriminatory laws and policies (SDG 16.b) and effective, accountable and transparent public administration institutions (SDG 16.6).

Recommendations for advancing current status of LGE

Recommendations for the Parliament of Albania

- Consider institutionalizing the conduct of Post Legislative Scrutiny for all passed legislation, including the LGE.
- The law should acknowledge the existence of variations of sex and gender characteristics when it comes to the definition and categorization of gender. The existence of intersex people confirms the fact that sex is a spectrum and that people with variations of sex characteristics other than male and female exist. The law should also acknowledge that gender should be perceived and accepted as one's choice to destine their sex and bodily autonomy into society as they chose and feel.
- Strengthen practical implementation of the first aim of the LGE to ensure effective protection from discrimination, which currently falls primarily under the purview of the Commissioner on Protection from Discrimination and the Anti-Discrimination Law.
- Strengthen the law for institutional mechanism in charge of implementing the LGE:
 - Clear roles for the National Council on Gender Equality and more power to conduct PLS
 - Clear roles, funding, and resources for Gender Equality Employees to apply the LGE on the ground
- Introduce a specific section on PLS in the LGE and connect that to the Rules and Procedures of the Albanian Assembly so the procedures are aligned and roles specified between different institutions.
- Establish an institutional mechanism to enforce the law, similar to the Commissioner on Protection from Discrimination. This independent commissioner could cover both the LGE and the LDV.
- Revise LGE to be more adapted to the current legal framework in Albania and reflect the cross-cutting nature of the gender equality agenda.

¹³⁴ Dabla-Norris and Kochhar, K.2019. Closing the Gender GAP. The economic benefits of bringing more women into the labor force are greater than previously thought. <https://www.imf.org/external/pubs/ft/fandd/2019/03/pdf/closing-the-gender-gap-dabla.pdf>

¹³⁵ For the full list of Sustainable Development Goals, see: <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

- Civil society organizations and Academia should be specifically included and given roles and responsibilities in the revised LGE. They should be an integral part of the PLS process for LGE and its implementation
- Ligji për Barazinë Gjinore duhet të përfshijë një nen ku të parashikohet që barazia gjinore të përmendet në preambulën e çdo ligji dhe strategjie ose në përcaktimin e kontekstit të politikës ose programit, si dhe në kornizën ligjore që i referohet asaj.
- Ligji duhet të sigurojë që barazia gjinore të jetë pjesë në objektivat (et) e të gjitha strategjive të vendit për të vendosur një pikënisje dhe për të inkurajuar angazhimin e të gjithë aktorëve të përfshirë në zhvillimin e nismës për barazi gjinore.
- LBGJ-ja duhet të theksojë rëndësinë e treguesve të barazisë gjinore për të ndjekur se ecuria e barazisë gjinore është e zbatueshme për të gjitha institucionet publike. Përndryshe, mund të jetë e nevojshme të vendosen tregues të rinj bazuar në dhënat përkatëse, të ndara sipas seksit. Ligji për statistikën zyrtare duhet të përfshijë rëndësinë dhe kërkesat për mbledhjen e të dhënave të ndara gjinore.
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Recommendations for the Government of Albania

It is in the mandate of the Government of Albania to implement the Law on Gender Equality and to ensure that the principle of equality not only remains **de jure** but also **de facto**. It is also the duty of the GoA of law enforcement and the elimination of various factors that hinder the implementation of the principle of gender equality in the country and educate about this specific law the whole society. But it is the duty of GoA to ensure that. This law, in its light, has foreseen this legal regulation to create additional mechanisms for equal treatment between the genders in all spheres of social life, among others, in political and public life, employment, education, health, economy, social benefits, sports, culture and other spheres defined by this or any other law, participation in the preparation of legislation, strategic documents, and programs, ensuring the incorporation of gender budgeting and gender mainstreaming.

- Strengthen the structure and defines the specific scope of an Agency/Directory with responsibilities in the framework of the implementation of the LGE and the entire affirmative process of the implementation of the principle of gender equality in Albanian society. Develop a larger professional structure that will also serve as a hub of gender equality where documentation, data, legislation etc must rest for years easy to be reviewed and used by the practitioners of gender equality.
- Strengthen the role of the National Council for Gender Equality and review its duties defined by law, in Article 12 "Duties of the National Council for Gender Equality". GREVIO strongly encourages the Albanian authorities to strengthen the role of the National Council on Gender Equality by conferring upon its clear decision-making powers to enable this body to effectively exercise its functions as a coordinating body. It further invites the authorities to allocate dedicated human and financial resources to the coordinating body to exercise effectively its functions as a coordinating body (paragraph 36).
- Në zbatim të nenit 15 të LBGj-së, MShMS në bashkëpunim me INSTAT të krijojë një instrument për të matur nivelin e përfaqësimit gjinor në zbatimin e kuotës gjinore për bordet, institucionet e pavaruara, organet vendore dhe qendrore.
- MShMS-ja duhet të hapë procesin e rishikimit të plotë të zbatimit të LBGj bazuar në diskutime të gjera. Ky proces duhet t'i paraprijë ndryshimeve ligjore në Ligjin për Barazi Gjinore në Shqipëri në Republikën e Shqipërisë. Krijimi i një nënstrukture të qëndrueshme brenda asaj kryesores për kërkimin dhe zhvillimin e mjeteve për integrimin e barazisë gjinore në Shqipëri në bashkëpunim me Akademinë dhe shoqërinë civile dhe komunitetin e donatorëve.
- Review Article 23 "Evaluation of unpaid work", point 2 of this article on the benefits and to supplement (in addition to the benefits from the community services, work and employment

policies, as well as vocational training) with other forms of benefit, referring also to the best models of other countries.

- Gender Budgeting is been part of the GoA as an instrument to mainstream gender perspective into economic planning and the government budget. It aims at adopting a perspective for improving women's and men's equality based on a gender assessment at each stage of the planning, program, and realization of government budgets. So, it is the duty of the MHSP to propose special article/ sub article or bylaw for this important instrument.
- Të shihet mundësia e organizimit të një séance edukuese lidhur me LBGj-në, në mënyrë të vazhdueshme, përmes ASPA-s, për të gjithë stafin e administratës publike, për rëndësinë dhe zbatimin e tij në administratën publike.
- Inform media, the general public and various communities about the LGE existence and protection that offer to help pave the way for the acceptance of equality as a right, as a normal concept.
- LBGJ-ja duhet të përforcojë kërkesën për analiza sektoriale gjinore dhe integrimin gjinor në sektorë të rëndësishëm, si ujësjellës e kanalizime, infrastruktura, energjetika etj..
- Enable the sector responsible for gender equality to effectively function as a coordinating mechanism, by adding resources, both financial and human.

Qeveria e Shqipërisë duhet të rishikojë Kodin e Qeverisjes së Korporatave të Shqipërisë dhe çdo ligj që rregullon qeverisjen e korporatave për kompanitë që operojnë në Shqipëri. Kodi i Qeverisjes së Korporatave të Shqipërisë duhet të përfshijë parimet e barazisë gjinore dhe kuotat gjinore siç parashikohen në Ligjin për Barazinë Gjinore në Shoqëri në Republikën e Shqipërisë. Kodi duhet të përmbushë standardet më moderne ndërkombëtare dhe evropiane, parimet e OECD-së dhe angazhimin e Shqipërisë për barazinë gjinore.

Annexes

Annex 1: Recommendations for parts of the Law on Gender Equality

Më poshtë janë paraqitur disa rekomandime për ndryshime që mund t'i bëhen neneve të caktuara të LBGj-së:

Article 1 – Object and Article 2 – Aim

Improve the object and the aim (scope) of this law. In its current form this article is limited to addressing gender-based discrimination and does not contain objectives related to achievement of gender equality in society. The scope of the law should therefore widen to include areas currently not in the law, such as equality in health and access to justice.

Article 3 – Fundamental Principles

In Albania, international standards for the protection of human rights are directly applicable. The most important international acts are also included in Constitution of Albania. The LGE is in accordance to the EU *acquis Communautaire*, the Convention “On the Elimination of all Forms of Discrimination Against Women. However, the LGE must include other important international legislation as its fundamental principles such as the UDHR, Covenant on Civil and Political Rights (ICCPR), ILO conventions, ECJ and EctHR.

Article 4 – Definitions

Develop a new set of definitions and try to exhaust the definitions to be used and taken into consideration by the articles of this law. The law should acknowledge the existence of variations of sex characteristics when it comes to the definition and categorization of gender. The existence of intersex people confirms the fact that sex is a spectrum and that people with variations of sex characteristics other than male and female exist. The law should also acknowledge that gender should be perceived and accepted as one's

choice to destine their sex and bodily autonomy into society as they chose and feel. In addition, definitions of the LGE should be aligned with definitions in other pieces of legislation, such as the Law on Measures Against Violence in Family Relations and the Law on Protection from Discrimination.

Article 5 - Law Implementation

Law implementation should bring forward clear articles and paragraphs having into consideration that without effective institutional framework that takes care of law implementation there would be no effective law implementation. Also, at the article Law implementation a paragraph should be dedicated to enforce the gender mainstreaming in other laws and strategies. This article could also include provisions related to PLS.

Article 6 - Prohibition of gender discrimination

Everything that it is discrimination should be foreseen as prohibited actions at the LGE. The right to protection from discrimination is a universal right, sanctioned also at the European Convention on Human Rights, which is applicable in Albania¹³⁶. Article 14th of the ECHR says: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”*. The article 6 should be rewritten taking into consideration the above-mentioned article of the ECHR.

Article 7 - Necessary measures for ensuring gender equality

The LGE should oblige officials in ministries and municipalities to perform their duties and responsibilities under this law and other legal acts deriving from this law and the legislation in force. With this provision, the legislator create basis that the entire state apparatus to be aware of the importance of gender equality as an advanced standard.

Article 8- Temporary special measures

Gender Quota should not be considered as a temporary special measure, but a special measure. Such measures shall not stop existing once the gender equality goals are reached.

Article 9 - Special measures

Revision of the special measures, include more special measures to achieve gender equality such as programs to increase participation of less represented sex in decision making and public life; measures for economic empowerment and women participation in the world of labour; special measures to improve the gender equality in education, health, culture and allocation and/or reallocation of resources including properties etc. Provision of budgeting for gender equality, both at the local and national level should be included as special measure.

Part II - Responsible bodies for achieving gender equality and their duties

Revise this part based on findings and assign appropriate duties and responsibilities to each part of gender equality machinery in Albania. Make obligatory the application for each institution private or public. The current section on responsible bodies is limited to the NCGE and the responsible ministry for gender equality. This leaves the law not fully implementable. Therefore, more institutions should be clearly identified and roles should be assigned to them. These include:

- The Albanian Assembly should be vested with responsibilities to ensure gender equality principles in its own rules and procedures with reference to the LGE.

¹³⁶ European Convention on Human Rights, Article 14. Retrieved from https://www.echr.coe.int/Documents/Convention_ENG.pdf. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- Local Government Units should be specifically mentioned among the responsible institutions for implementing the LGE, both in ensuring gender equality in their structures, as well as budgeting appropriately gender equality issues in their local budgets.
- Civil Society Organizations should also be mentioned in more details considering the important role they play in ensuring gender equality in society. Therefore, they could play an advocacy role, watchdog role as well as closely collaborate with other institutions to ensure principles of gender equality.
- Courts should also be mentioned and vested with responsibilities to address claims and cases brought before it.

Other institutions could be mentioned in specific sections, such as the section of gender equality in the media where the Audiovisual Media Authority could also play an important role in addressing gender discrimination in media outlets. Furthermore, the State Labour Inspectorate should be made a more detailed reference in regards to their role to ensure gender equality in the world of work.

Part III - Equal gender representation in decision-making process

Assign clear roles and responsibilities of each body that ensure gender equality representation in decision – making, such as the Central elections Commission for the implementation articles related to gender quota of Electoral Code; mayors and city council for implementation of quota in local level.

Part IV - Equal gender protection and treatment in labor relations

The entire part IV, should be revised and aligned with the Law for Protection from, discrimination, the European Commission directives such as the Council Directive No. 2000/78/EC of 27 November 2000 on the establishment of a general framework for equal treatment in employment and occupation. This Directive applies to all persons in the public and private sectors regarding the conditions of access to employment, to self-employment or to the profession, including selection criteria and recruitment conditions at any branch and at all levels of the professional hierarchy. Also, this part must be aligned with ILO provisions and the latest and advanced convention C190 - Violence and Harassment Convention, 2019 (No. 190). The Labour Code of Albania has occurred also important changes in 2015 which brings forward the obligation to revise part IV of the LGE and align with the Labour Code and above-mentioned international frameworks for the World of Labour. The practices of ECtHR and ECJ must also be taken into consideration having in mind that Albania does not have still a case law on the discrimination in the Labour Market.

Part V - Equal protection and protection from gender-based discrimination in the field of education and qualification

The part V needs to be reviewed. This part must include education on gender equality and against childhood violence in line with the Istanbul Convention. The new law on GE should give the specific direction that the education sector should follow in relation to gender equality.

Part VI - Equal treatment and protection against gender discrimination in the media

Gender discrimination, hatred speech and sexism in media is a widespread phenomenon in Albanian society. The LGE must strengthen the article related to the above-mentioned issues and also enforce the sanctions and the role of the Audiovisual Media Authority

Part VII - Resolution of disputes and sanctions

The entire part should be revised, and the sanctions should be aligned in the level of other related legislation such as the case of the Electoral Code dhe të vendosen të tjera për moszbatim të LBGj-së sipas rëndësisë.

Annex 2: List of institutions consulted

No	Institutions consulted on the gender quota	Responses
1	Agjensia e Sigurimit të Depozitave	Responded
2	Avokati I Popullit	Responded
3	Autoriteti për Informimin mbi Dokumentet e Ish-Sigurimit të Shtetit	Responded
4	Autoriteti I Komunikimeve Elektronike dhe Postare	
5	Autoriteti I Konkurrencës	Responded
6	Autoriteti I Mbikëqyerjes Financiare	Responded
7	Autoriteti I Mediave Audiovizive	
8	Banka e Shqiperise	Responded
9	Kryeministria	Responded
10	Enti Rregullator I Energjisë	Responded
11	Enti Rregullor I UJit	Responded
12	Instituti i Studimeve për Krimet dhe Pasojat e Komunizmit	
13	Instituti i Lartë të Deklarimit të Kontrollit të Pasurisë dhe Konfliktit të Interesave	
14	Këshilli Kombëtar I Radio -Televizionit	
15	Komisioneri per Mbrojtjen nga Diskriminimi	Responded
16	Komisioneri për Mbikqyrjen e Shërbimit Civil	Responded
17	Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale	Responded
18	Kontrolli I Lartë I Shtetit	Responded
19	Komisioni Qendror I Zgjedhjeve	
20	Ministria e Shëndetësisë	Responded
21	Prokuroria e Përgjithshme	
22	Shkolla Shqiptare e Administratës Publike	
23	Këshilli I lartë I Prokurorisë	

Annex 3: List of individuals consulted / interviewed

NO	Name of the institution	Person to be contacted	Position
1	Parliament of Albania	Vasilika Hysi	Deputy spoke person
2	Subcommittee on gender equality and against DV	Eglantina Gjermeni	Member of Parliament
3	Anti-discrimination Commissioner	Robert Gajda	The commissioner The councilor
4	Anti-discrimination Commissioner Office	Brunilda Menalla	The councilor
5	GREVIO	Iris Luarasi	GREVIO Vice president Director of Counselling Line for Girls and Women and Journalist
6	Ministry of Health and Social Protection	Brunilda Dervishaj	Gender Equality sector
7	Council of Gender Equality	Ines Leskaj	Representatives of CSOs at the council/Director of Albanian Women Empowerment Network

8	Council of Gender Equality	Aurela Bozo	Representatives of CSOs at the council/ Director of Centre for Civic Initiatives
9	Council of Gender Equality	Altin Hazizaj	Representatives of CSOs at the council/ Director of CRCA/EXPAT
10	Ministry of Justice	Besmir Beja	Director General General Directorate of Codification and Harmonization of Legislation
11	Ministry of Justice	Iris Aliaj	Councillor / previous legal expert of the Centre for Civic Initiatives
12	Ministry of Internal affairs	Romina Kuko	Deputy Minister
13	Ministry of Internal Affairs/Directorate of Police	Alma Katragjini	Gender focal point
14	Representatives of Local Authorities	Agron Haxhimal	Association of Albanian Municipalities
	Representatives of Local Authorities	Adelina Farrici	Association for Local Autonomy
15	UNDP	Edlira Papavangjeli	Gender Equality and Access to Justice Programme Manager at UNDP Albania
16	Tirana Legal Aid Society	Anisa Metalla	Legal expert
17	National Democratic Institute	Ana Kadovic Gasper Gjeluçi	Executive director
18	Ombudsperson Office	Etleva Sheshi	The Ombudsperson
19	OSCE	Miranda Veliaj Sihana Nebiu	For the project the project Parliamentary Support and Civic Education Project (PACEP)
20	UN Women	Estela Bulku Megi LLubani Erisa Cela	
21	Faculty of Social Science	Daniela Kalaja	Lecturer at the Department of Gender Equality
22	Faculty of Social Science	Elona Dhembo	Lecturer at the Department of Gender Equality
23	Faculty of Social Science	Merita Pone	Lecturer at the Department of Gender Equality
24	INSTAT	Majlinda Nesturi	Director of Social Statistics
25	INSTAT	Maldi Dema	Drejtori i Koordimit dhe Ceshtjeve Ligjore.
26	Ministry of Health and Social Protection	Merita Xhafaj	Drejtore e Përgjithshme Drejtoria e Politikave dhe e Zhvillimit Të Shëndetësisë dhe Mbrojtjes Sociale/ Shefe e Sektorit të Barazisë Gjinore
27	Directory of Strategies near the Prime ministry	Oriana Arapi	Drejtore e Përgjithshme Drejtoria për Zhvillimin dhe Mirëqeverisjen
28	Central Election Committee	Klement Zguri	Head of CEC
29	Court of Tirana Representative		
30	ASPA director	Kleopatra Maliqi	Director
31	Aleanca LGBT	Xheni Karaj	
32	Gender expert	Ermira Danaj	

33	Gender and statistics expert	Ania Plaku	
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Annex 4. Research questions

1. Does the law-making process in the country (by government and parliament) envisage instances of a legislative cycle approach, meaning a cyclic review of policies, legislation, enactment, implementation, evaluation, and amending legislation?
2. To what extent are ex-ante legislative impact assessments:
 - Ex-ante (The **term ex ante** është fjalë latine që do të thotë “bazuar në hamendësim dhe parashikim”. Gjithashtu përkthehet si paraprakisht ose para një ngjarjeje dhe bazuar në parashikime sesa në rezultate)
 - Vlerësimet e Ndikimit Rregullator (Regulatory Impact Assessments-RIA)
 - A praktikohet një memorandum/manual shpjegues për legjislacionin e ri që praktikohet ose zbatohet?
 - Nëse ka dokumenta ex-ante, në ç'masë përfshihen në to indikatorë dhe informacione bazë? Si është cilësia e tyre dhe niveli i detajimit? Këto dokumenta mund të jenë të dobishme kur vlerësohet ndikimin e legjislacionit vite më vonë?
3. To what extent do government ministries conduct ex-post impact assessments of legislation? Are the findings of these assessments kept within the ministry or communicated to parliament as well?
4. To what extent is there an interest or an awareness in parliament (staff and Members) on the importance of parliamentary Post-Legislative Scrutiny or ex-post legislative impact assessment? Have there been specific occasions (violation of legislation, reported ineffectiveness of legislation, scandals, press inquiries, petitions, etc.) when the need for ex-post legislative impact analysis was raised in Committee meetings, plenary sessions, by individual MPs or parliamentary groups?
5. What is the (potential) legal basis for PLS in the specific parliament? (Constitution, legislation on parliament's powers, Rules of Procedure, specific legislation incorporating review clauses.)
6. What Departments or Sections in the parliament's Secretariat are relevant with a view to strengthening parliament's internal organisation and capacity regarding PLS? To what extent have parliament's Committee Department, Research Department, Legal Department an interest, mandate and capacity to conduct legislative impact research?
7. Does Parliament sometimes request (or commission) legislative evaluations from other official or non-official institutions, organizations, universities or consultants?
8. To the extent that parliament conducts or is interested in conducting PLS, what is its scope? Is the PLS envisaged as primarily looking at the enactment of the legislation and thus the legal dimension of PLS? Does the PLS by parliament also comprise instances of impact assessment? If there is no established practice, what is the preference for MPs?
9. What are the outputs of Committee inquiries and Committee PLS by Parliament? (Outputs can be related to specific reports adopted by Committees or plenary session; and the follow-up in terms of verifying the implementation of the recommendations.)
10. Is the parliamentary Committee work and its reports made publicly available, online or otherwise; and, hence, can the parliamentary PLS work be expected to be transparent in the same way?

Metodologji

Në mbledhjen e informacionit dhe shkrimit të studimit të rastit, mund të merrni parasysh:

- Identifikimi i deklaratave publike nga bashkëbiseduesit kryesorë parlamentarë ose palët e interesuara
- Intervistë me kryetarin dhe anëtarët e komisionit/eve.

- Takimi i stafit kryesor parlamentar, përfshirë. Drejtorët e departamenteve juridike, kërkimore dhe komitetit
- Intervistimi i bashkëbiseduesve në ministri / qeveri
- Kontaktimi i organizatave përkatëse profesionale, qendrave kërkimore, universiteteve

Mbledhja e të dhënave sasiore ose statistikave të rëndësishme për disa nga pyetjet e mësipërme.

Appendix 5 Some additional thoughts on improvements in the legal basis on which LGE should be based

LBGj mbështetet mbi Kushtetutën e Republikës së Shqipërisë, Konventën "Për Eliminimin e të Gjitha Formave të Diskriminimit Kundër Grave", dhe nga të gjitha aktet e tjera ndërkombëtare të ratifikuara nga Republika e Shqipërisë.¹³⁷ Sidoqoftë, LBGj duhet të marrë parasysh edhe angazhime të tjera ndërkombëtare të Shqipërisë siç janë Konventa e Stambollit dhe Direktivat e BE-së në fushën e barazisë gjinore, praktikat e Gjykatës Evropiane të të Drejtave të Njeriut (GJEDNJ) dhe Gjykatës Evropiane të Drejtësisë (GJED), Konventat e ILOs përfshirë konventën C-190. Kështu, LBGj paraqitet si një ligj primar (kornizë) në lidhje me ligjet specifike të cilat duhet të kenë detyrimin të marrin parasysh LBGj-në dhe të aplikojnë kriteret dhe standarde për trajtim të barabartë midis gjinive, duke përfshirë në parimet themelore edhe kornizën ligjore të LBGj-së. LBGj gjithashtu duhet të përdoret në çështjet e mosmarrëveshjeve në gjykata. Nuk ka asnjë të dhënë nëse ligji është përdorur deri më tani.

Objekti, qëllimi, parimet themelore dhe përkufizimet e LBGj-së duhet të rishikohen duke marrë gjithashtu parasysh nenin 7 të UDHR, i cili thotë: "Të gjithë janë të barabartë para ligjit dhe kanë të drejtë pa asnjë diskriminim për mbrojtje të barabartë të ligjit".¹³⁸ Gjithashtu neni 2 i UDHR duhet të merret në konsideratë. Trajtimi i barabartë para ligjit sigurohet dhe garantohet nga Pakti Ndërkombëtar për të Drejtat Civile dhe Politike (ICCPR).¹³⁹ ICCPR detyrimisht përcakton shtetet për të respektuar dhe siguruar të drejtat e të gjithë individëve në territorin e tyre dhe që janë nën autoritetin e tyre pa diskriminim, duke nxjerrë akte edhe më të përshtatshme për mbrojtjen e këtyre të drejtave. Në nivelin evropian, Konventa Evropiane për të Drejtat e Njeriut (GJEDNJ) duhet të konsiderohet si një akt me rëndësi të veçantë për mbrojtjen e të drejtave të njeriut dhe të drejtave të familjes. Gjykata Evropiane e të Drejtave të Njeriut (GJEDNJ), në shumë raste, ka vendosur praktika dhe standarde për mbrojtjen e të drejtave të njeriut, përfshirë ato që kanë të bëjnë me mbrojtjen e barabartë të gjinive. Gjykata e Shqipërisë nuk ka prodhuar ndonjë çështje gjyqësore bazuar në LBGj-në ndaj duhet parë mundësia që çështjet e GJEDNJ të merren në konsideratë. Për më tepër, BE ka nxjerrë një numër të madh direktivash që i referohen trajtimit të barabartë të gjinive, kështu që Shqipëria mund t'i marrë parasysh dhe t'i përfshijë ato në legjislacionin kombëtar dhe në LBGj në mënyrë të qartë.

Megjithëse LBGj përfshin nene të rëndësishme, disa prej të cilëve edhe prej natyrës së tyre thjesht deklarative nuk janë zbatuar siç duhet. Për shembull, referojuni nenit 14 të ligjit (Organet e Qeverisjes Vendore), por edhe nene të tjerë të tillë si neni 23 (Vlerësimi i punës së papaguar). Gjithashtu, për shembull në nenin 14/4 kërkohet nga qeveria shqiptare të caktojë një ose disa punonjës lokalë të barazisë gjinore në strukturat e tyre, por nuk përmend caktimin e burimeve të mjaftueshme për të përmbushur këtë detyrim ligjor. Ligji aktual nuk i detyron zyrtarët në ministri dhe në bashki të kryejnë detyrat dhe përgjegjësitë e tyre sipas këtij ligji dhe akteve të tjera ligjore që rrjedhin nga ky ligj dhe legjislacioni në fuqi.

- Zbaton dhe mbikëqyr zbatimin e këtij ligji, strategjisë kombëtare dhe planit të veprimit për arritjen e barazisë gjinore, si dhe të detyrimeve ndërkombëtare të Republikës së Shqipërisë në fushën e barazisë gjinore si dhe detyrimet ndërkombëtare të Republikës së Shqipërisë në fushën e Barazisë Gjinore;*

¹³⁷ Article 3 of the LGE.

¹³⁸ Deklaratë Universale e të Drejtave të Njeriut. (1948). Nxjerrë nga <https://ëëë.un.org/en/universal-declaration-human-rights/>

¹³⁹ Konventa Ndërkombëtare për të Drejtat Civile dhe Politike (ICCPR). <https://ëëë.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Mbi këtë përgjegjësi, Ministria e Shëndetësisë dhe Mbrojtjes Sociale ka hartuar shpesh analiza të Strategjisë Kombëtare për Barazinë Gjinore. Sidoqoftë, nuk ka vlerësim të qëndrueshëm dhe të rregullt të ndikimit të kuadrit ligjor që lidhet me barazinë gjinore, siç janë Ligji për Barazinë Gjinore dhe Ligji për Masat Kundër Dhunës në Marrëdhëniet Familjare. Shumica e ndryshimeve në këto ligje kanë ndodhur në mënyrë rastësore, sa herë që lind ndonjë nevojë e momentit apo ndodh ndonjë ngjarje.

Sa i përket angazhimeve ndërkombëtare, ministria përgjegjëse për barazinë gjinore shpesh ka raportuar mbi këto angazhime në mekanizma të ndryshëm raportues ndërkombëtarë, siç janë raportimi periodik për CEDAW, UPR dhe GREVIO. Një ndjekje sistematike e rekomandimeve të marra mungon dhe kapacitetet mund të ndërtohen më tej për të pasur një sistem në vend që ndjek të gjitha angazhimet ndërkombëtare, rekomandimet e marra në mënyrë që të ndjekë progresin dhe të përmbushë detyrimet.

- b) Presents to the Council of Ministers proposals on legal and sub-legal changes, the signing of international acts in the field of gender equality and women rights, and also the undertaking of other measures, aiming at eradicating distinctions between genders and enjoying the rights and offering of opportunities, after consultation with the National Council of Gender Equality;*

The National Council on Gender Equality has not fully realized its potential to influence decision-making and strategic direction in efforts to achieve gender equality. The NCGE does not meet regularly, and its role and responsibilities could be better defined to give its mandate strength to induce changes. In addition, the number of sub-legal acts issued on the Law on Gender Equality is very low, being limited to sub-legal acts on developing national strategies on gender equality, establishment of the NCGE and one on gender responsive budgeting. Other aspects of the law are not properly regulated through sub-legal acts, which make its implementation rather difficult.

- c) Collaborates and offers support to non-governmental organizations active in the gender equality area;*

The inclusion and participation of civil society organizations, especially women's organizations is well developed and marked in the work of the ministry responsible for gender equality. There are several mechanisms by which these organizations are part of decision-making and policy-making on issues relating to gender equality. First, the National Council on Gender Equality is composed, in addition to government agencies, by three representatives of civil society working with human rights/gender equality. As the NCGE is one of the most important advisory bodies in setting the agenda for gender equality in the country, the participation of civil society in it marks a recognition of the important role that CSOs play in achieving women empowerment.

Another avenue to engage and support civil society organizations active in gender equality is through consultations and participation in the policy making process. CSOs are more often than not a key stakeholder in discussing and designing policies, laws, strategies and government interventions in the area of gender equality, especially in combating gender-based violence. The latter have played a significant role in establishing the coordinated referral mechanism for cases of violence, adopting the law on gender equality and the three rounds of national gender equality strategies. They are also active in monitoring their implementation and holding different government institutions accountable.

Despite a level of collaboration and mutual recognition between civil society and government institutions, there is little to no financial support from the ministry responsible for gender equality to the work of women's organizations. CSOs rely almost solely on donors to carry out their initiatives and activities. In the area of service provision, a significant portion is ensured by non-governmental organizations and financial support from the government has not become a regular occurrence.

- d) Organizes education and professional training for gender equality employees on gender equality issues;*

The Law on Gender Equality establishes Gender Equality Employees as full-time positions within public administration at the central and local level. However, at present these positions are not fully operational especially in line ministries, where they serve more as gender focal points with additional duties. Their duties do not fully foresee gender mainstreaming into policy, planning, budgeting, and monitoring processes in their respective ministries. The absence of full-time and adequately skilled formal GEEs poses a challenge to coherent gender mainstreaming across all sectors.¹⁴⁰

At central level, all 11 ministries have a Gender Equality Employee (GEE) appointed. The State Police also has a contact point for gender equality issues. However, despite this title, gender equality employee, these persons do not have the adequate education and /or training to deal with gender issues. These employees have other duties and responsibilities in the institution except of dealing with gender issues.

At the local level, all 61 municipalities appointed Gender Equality Employees (GEE). Despite their usual duties and responsibilities, these employees in most cases play the role of Local Coordinator for the management of domestic violence cases. These GEE, many of which recently appointed, do not have the adequate training on gender equality issues.

There is a lack of definition in the job title for the persons dealing with gender issues at local and central level. Some of them are named Gender Equality Employees, and some Local coordinators against Domestic Violence (DV).

Both Gender Equality Employees at central and local level do not have a clear job description. Job descriptions were prepared a few years ago, but they are not properly in use. MHSP is currently revising the job descriptions. Both job titles and job descriptions should be in compliance with the article 13/3 and article 14/4 the Law for Gender Equality in Albania.¹⁴¹

- e) *Establishes the mechanisms for gathering gender disaggregated statistics in collaboration with the Institute of Statistics and other state institutions as well as supervises their gathering and processing;*

Since 2013 and the publication Men and Women in Albania has provided sex-disaggregated data for a variety of areas, including on employment, healthcare, judicial statistics, participation in decision-making, education etc. There are other data gathering mechanisms, including REVALB, the system for collecting data on gender-based and domestic violence, as well as statistics collected by individual agencies, such as the Ministry of Interior and Ministry of Justice. Significant efforts have been made to improve data collection and statistics on gender equality. It should be noted however, that these are largely pushed forward by the international community and financed through donor funds, which puts into question their long-term sustainability and the ownership of local institutions.

- f) *Either alone or in collaboration with other state institutions develops and carries out activities on the education, training, information and awareness of citizens and public administration and justice system employees, and officials on the concept of gender equality, non-discrimination of women, elimination of gender stereotypes, the proper understanding of the role of women and men, of mother and father in the family and in the society.*

Awareness raising is one of the key methods to bring about principles of gender equality in society. This principle is well defined in the National Strategy for Gender Equality (2016-2020), whereby Objective 4.4 is “Awareness raising of the society to accept gender equality as a prerequisite for development.” In

¹⁴⁰ https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?la=en&vs=5235

¹⁴¹ Law on Gender Equality in Society in Albania. Retrieved from <https://www.osce.org/albania/36682?download=true>

order to achieve this objective, it is foreseen that by the end of 2020, the number of individuals in our society believing that gender equality is a necessary condition for the development increases by 30%. The Ministry of Health and Social Protection is charged with monitoring capacity of staff at central and local government level to guarantee fulfillment of human rights. The Gender Equality Sector within the ministry is entrusted to enforce accountability and coordination as well as monitoring functions for the areas covered in the NSGE. It should be noted however that Strategic Objective 4 (to which awareness raising belongs) occupies only 7% of the entire budget allocated to each of the strategic objectives.

In addition, there is a significant funding gap in the Action Plan, which is foreseen to be closed by donor funding. It should be noted that awareness raising activities in the area of gender equality form a large bulk of initiatives of civil society organizations working on human rights, and women's rights more specifically. These include campaigns, information sessions, education and training of the general population on issues pertaining to gender equality, from women's political empowerment to combating violence against women. These awareness raising activities are primarily conducted by civil society organizations and sometimes feature collaboration with government agencies, but they are not always coordinated and agreed upon with them with a view to fulfil the Action Plan accompanying the National Strategy on Gender Equality.

- g) Within the first quarter of each year presents to the National Council on Gender Equality the previous year's report on the activity of the office, the progress made to attain gender equality, problems encountered and the means for overcoming them;*

Since its establishment the NCGE has performed some of its duties and responsibilities, but has not fully taken advantage of the powers vested on it by the Law on Gender Equality to define the strategic direction of the gender equality agenda in the country. The NCGE meets infrequently and lags behind in visibility and effectiveness in order to operate in line with what is written on paper. The NCGE needs to be strengthened, meet regularly, have a more high profile and exercise its role in a way that sets the strategic vision and objectives of the gender equality agenda for all government agencies in the future.

The Law on Gender Equality does not provide the Ministry of Health and Social Protection the authority to impose sanctions. There is a section on dispute resolution and sanctions for violations of specific articles of the law, mostly related to disregard for gender quotas in political parties, and gender discrimination at work, but in this regard the Labor Inspectorate is charged with carrying out the fines and other dispute resolution issues are to be solved in accordance with the Civil Code of the Republic of Albania. Cases of gender-based discrimination at work are regulated also in the Law on Protection from Discrimination and the respective Commissioner for Protection from Discrimination can fine or represent complainants in court. According to data from the CPD, gender-based discrimination at work is not a well-established legal practice with few cases reported to them. On the other hand, fines for not respecting gender quotas initially proved ineffective as many political parties preferred to pay the fines rather than ensure the 30% quota in party lists. The introduction of the zipped system for local councillors and non-acceptance of lists that do not respect the provision of the 50% quota in local elections was highly effective and this was visible in the jump in number of women councillors in the last two local elections.

Burimet njerëzore në agjencinë zbatuese

Brenda Ministrisë së Shëndetësisë dhe Mbrojtjes Sociale ekziston një Sektor për Barazinë Gjinore, i cili është kryesisht i ngarkuar me koordinimin e punës për barazinë gjinore ndërmjet ministrive të linjës përmes punonjësve të tyre të barazisë gjinore, si dhe në nivelin lokal përmes pikave fokale gjinore dhe / ose koordinatorët kundër dhunës në familje. Në organogramin e Ministrisë së Shëndetësisë dhe Mbrojtjes Sociale, Sektori i Barazisë Gjinore përbëhet nga dy specialistë dhe një përgjegjës sektori. Duke marrë parasysh shumëllojshmërinë e gjerë të detyrave të ngarkuara me sektorin përgjegjës dhe spektrin e gjerë të çështjeve të barazisë gjinore, burimet njerëzore nuk janë të mjaftueshme për të kryer sasinë e punës që kërkohet prej tyre.

Punonjësit e sektorit të barazisë gjinore konsiderohen nëpunës civilë dhe procedura për rekrutimin dhe përfundimin e tyre kryhet bazuar në ligjin nr. 152/2003 “Për nëpunësin civil”. Sipas një analize të rolit të drejtorisë, ka disa sfida mënyrën si drejtoria ushtron rolin e saj. Mungesa e burimeve të mjaftueshme financiare, njerëzore dhe teknike janë faktorët më të rëndësishëm që dëmtojnë aftësinë e drejtorisë për të shërbyer si një organ koordinues. Ekziston gjithashtu një mospërputhje midis kornizës ligjore dhe organizative, të cilat nga njëra anë janë rezultat i vendimeve politike dhe rezultat i një papajtueshmërie midis kornizës organizative dhe individuale.

Input functions

The ministry responsible for gender equality has a well-established practice of consultation with different stakeholders, including non-governmental, interest group, international partners and experts. International partners are regularly involved in policymaking through financial and expert support to government agencies. These are done through regular communication and workplans that identify priorities and challenges to be addressed. On the other hand, civil society organizations are consulted, invited to provide inputs or raise issues of concern through different means, meetings, official letters and e-mails and other advocacy tools.

The needs of vulnerable groups are duly considered not only through research, analysis and assessment of the context, but also through inclusion of nongovernmental groups advocating for their rights in the policy-making process.

While the National Strategy on Gender Equality includes a situation analysis and gathers data from different sources, there is no systematic analysis and impact assessment of the implementation of specific provisions of the Law on Gender Equality. Indicators do not always inform law preparation and implementation. The agency in charge of gender equality has produced many reports on gender equality, including reporting to international human rights mechanisms. However, a thorough analysis of the law on gender equality over the years is lacking. Similarly, other legislation related to gender equality is mostly revised based on occurrences that warrant amendments, concerns raised by civil society organizations, challenges arising from the work of different institutions, rather than a thorough analysis of the implementation of the law in its entirety and article by article.

Feedback functions

Part VII of the Law on Gender Equality places the responsibility of imposing fines for violations of specific articles related to workplace discrimination on the State Labour Inspectorate. According to the law, violations of specific articles are punishable by fine from the State Labour Inspectorate with a fine of a maximum 80,000 Albanian lek depending on the subject upon which the fine is placed. Further violations of the law, when constituting a penal act are treated according to provisions of the Criminal Code.

Another mechanism foreseen in the Law on Gender Equality is dispute resolution (Article 30) according to which “Any complaints on violation of gender equality according to this law shall be examined or tried by administrative bodies in compliance with the provisions of the Administrative Procedures Code...The parties, on their free choice, as the case may be, may carry out any mediation procedures or procedures for resolution with reconciliation provided in the legislation in force, for addressing the violations according to this law. Finally, non-for-profit organizations licensed with providing social services may represent or provide support in legal proceedings on behalf of the appellant.

Therefore, the law identified three mechanisms and actors which are involved in addressing complaints and ensure that violations of the law are properly addressed through existing procedures. It should be noted however, that similar provisions of fines and sanctions for gender-based discrimination in the workplace and other areas are also sanctioned in the Law on Protection from Discrimination, which also has an institutional mechanism at its disposal to carry out the provisions of the law.

The agency in charge of gender equality does not therefore has a mechanism in place to receive and address complaints by addressees of the law. While initially the State Labour Inspectorate fell under the ministry responsible for gender equality, currently the Labour Inspectorate falls under the ministry of finance and economy, due to reorganization of the executive branch in recent years. The ministry of health and social protection therefore does not have direct and official mechanisms and processes to address complaints and grievances stemming from violations of the law.

In terms of law implementation and revision based on practical experience, the Ministry of Health and Social Protection either through consultation with civil society organizations or in the framework of the control and oversight functions of the Albanian Assembly does respond to challenges in implementation. One such example has been the functioning and operability of coordinated referral mechanisms on addressing gender-based violence, whereby concerns raised by different stakeholders have led to revision processes and efforts to improve the functionality of the latter.

What is missing is a regular and systematic process of receiving and collecting data from different stakeholders at the local or central level. This process would allow for more information flow, either through the National Council on Gender Equality or through the sector responsible for gender equality at the Ministry of Health and Social Protection. Meetings and consultations should not only stem from the need to make amendments and changes to existing legislation, but also be organized on a regular basis as a tool to monitor the law implementation periodically and make informed decisions throughout the policy-making process.

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- International Covenant on Economic, Social and Cultural Rights, UN, General Assembly, Res. 2200 (XXI), 16 December 1966, UN doc. A/6316 (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination, UN, Res. 2106 A (XX) dated 21 December 1965, and entered into force on 4 January 1969;
- Convention on the Elimination of All Forms of Discrimination against Women, UN, Res. 34/180, December 1979, and entered into force on 3 September 1981;
- International Covenant on Civil and Political Rights, UN, General Assembly, Res. 2200 (XXI), 16 December 1966, UN doc. A/6316 (1966);
- UN Convention on the Rights of Persons with Disabilities, adopted by General Assembly, under Resolution A/RES/61/106;
- International Labour Organization Convention adopted by General Assembly, Convention adopted on 25 June 1958 upon the works of the 42nd session of the General Assembly of the International Labour Organization. Entered into force on 15 June 1960.
- European Convention on Human Rights, signed on 4 November 1950; entered into force on 3 September 1953;
- Protocol 12 to the European Convention on Human Rights, adopted on November 4 in Rome, entered into force on 1 April 2005;

EU Directives

- Treaty on the Functioning of the European Union, Official Gazette, C 326, 26/10/2012 p. 0001 – 0390;

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, Official Gazette, L 303, 02/12/2000 p. 0016 – 0022;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- Council Directive no. 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security;
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
- Directive 2010/41/EU of the European Parliament and of the Council, of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

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Year	Laws and Strategies to be revised
1995	Law no. 7961, 12.7.1995 'The Code of Labour of the Republic of Albania' (as amended) Law no. 7995, 20.09.1995 'For the Promotion of Labour' (as amended)
1998	The Constitution of the Republic of Albania
1999	Law no. 8454, 4.02.1999 'For the Ombudsman' (as amended)
2002	Law no. 8876, 04.04.2002 'For Reproductive Health' (as amended)
2004	Law no. 9188, 12.2.2004 'On Some Additions and Changes in the Penal Code' Law no. 9198, 01.07.2004 'On Gender Equality in the Society' (repealed) National Strategy on HIV/AIDS 2004-2010
2005	Law no. 9398, 12.05.2005 'On Some Additions and Changes in the Law for the Ombudsman'
2006	Law no. 9669, 18.12.2006 'On the Measures for Domestic Violence' (as amended)
2007	First National Strategy for Gender Equality and the Elimination of Domestic Violence (NSGE-DV) 2007-2010.
2008	Law no. 9914, 12.05.2008 'On Some Changes on the Law no. 9669, 18.12.2006 'On the Measures on Domestic Violence' Law no. 9970, 24.07.2008 'On Gender Equality in the Society' Law no. 10019, 29.12.2008 'Electoral Code of the Republic of Albania' (as amended) Law no. 10039, 22.12.2008 'For juridical assistance' (repealed)
2009	Law no. 10192, 03.12.2009 'On the Prevention and Elimination of Organized Crime and Trafficking through Pre-emptive Measures on Personal Wealth' (as amended)
2010	Law no. 10221, 4.2.2010 'On the Protection from Discrimination'. Law no. 10237, 18.2.2010 'On Health and Security at Work' (as amended) Law no. 10295, 01.07.2010 'On Pardons' Law no. 10347, 4.11.2010 'On the Protection of Children's Rights' (repealed)
2011	Law no. 10399, 17.03.2011, 'On assistance and social services' (as amended)
2013	Common Instruction No. 21 dated 21.06.2013, between MoLSAO and the Ministry of Finance 'On defining the procedures that must be followed for gender integration in medium term budget program'
2014	National Action Plan for Women Entrepreneurship 2014-2020

	National Action Plan for the involvement of men and boys as partners of women and girls in actions for gender equality and against gender based and domestic violence. Employment Promotion Program 'For unemployed jobseekers in difficulty' no. 48, 11.01.2012, amended with no. 192, 02.04.2014. Employment Promotion Program through Job Training. nr. 47, dt. 16.01.2008, amended by no. 193, 02.04.2014.
2015	Amendments introduced to the Electoral Code with the Law 74/2012 to ensure 50% women at local councils at the new LGU.
2016	National Strategy on Gender Equality and Action Plan 2016-2020. Law no. 70 / 2016 'On Craftsmanship in the Republic of Albania' - Adopted by the Assembly of Albania on 30.06.2016 Legal Framework (Law No. 44/2016, 21.04.2016 'On some Amendments and addenda to Law no. 9355, 10.3.2005,' On Social Assistance and Services ', as amended)

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Kuvendi i Shqipërisë

Në një shtet demokratik pushteti buron nga populli. Përfaqësuesit e zgjedhur prej tij janë ata të cilët ushtrojnë pushtetin legjislativ. Detyra kryesore e tyre është të vendosin drejtimin politik të shtetit nëpërmjet shqyrtimit dhe miratimit të ligjeve (funksioni legjislativ). Për arsyen se Kuvendi është organi që legjitimizohet nga vullneti popullor, nëpërmjet zgjedhjeve, ai gëzon një pozitë të fortë në sistemin shtetëror dhe kjo shprehet qartë në Kushtetutën e Shqipërisë. Përveç kësaj Kuvendi gëzon një të drejtë kontrolli mbi organe dhe institucione të tjera kushtetuese apo të krijuara me ligj (funksioni kontrollues), duke i ndaluar në këtë mënyrë këto organe të ndërmarrin, në mënyrë të pavarur, vendime në kundërshtim me vullnetin popullor. Të gjithë anëtarët e Parlamentit kanë përgjegjësinë të përfaqësojnë opinionin e zgjedhësve të tyre gjatë debateve të ndryshme parlamentare në mënyrë të tillë që të shprehin, sa të jetë e mundur, çfarë kërkon shumica e zgjedhësve, që përfaqësohet nga mazhoranca parlamentare.

Struktura dhe organizimi i Kuvendit

Kuvendi i Shqipërisë përbëhet nga 140 deputetë. Ai zgjidhet për një periudhë 4 vjeçare. Kuvendi i Shqipërisë është i përbërë nga një dhomë e vetme dhe anëtarët e tij zgjidhen në mënyrë të drejtpërdrejtë. Kuvendi i zhvillon punimet e tij vjetore në dy sesione. Ai e organizon veprimtarinë e tij nëpërmjet një akti normativ, që është Rregullorja e Kuvendit, e cila varet drejtpërdrejt vetëm prej normave kushtetuese dhe miratohet me shumicën e të gjithë anëtarëve të Kuvendit (neni 75/2 i Kushtetutës).

Detyrat e Kuvendit

Funksioni legjislativ

Kuvendi është organi, i cili vë në jetë (e bën reale) një nismë legjislative (e drejta për të propozuar një ligj), duke ushtruar kështu pushtetin që atij i është dhënë me Kushtetutë, pushtetin legjislativ. Të drejtën për të iniciuar një nismë të tillë në më të shumtën e rasteve e ushtron qeveria dhe kjo ndodh sidomos atëherë kur kjo qeveri gëzon shumicën parlamentare dhe si rrjedhojë ekziston probabiliteti më i madh që të arrihet në një rezultat të kënaqshëm të kësaj nisme. Por të drejtën për të iniciuar një nismë

ligjvënëse e ka edhe çdo deputet, si dhe 20 mijë zgjedhës (neni 81 i Kushtetutës). Projektligjet e propozuara i nënshtrohen procedurës përkatëse për miratim dhe me shumicën e votave në prani të më shumë se gjysmës së të gjithë anëtarëve të tij, një projektligj bëhet ligj. Por ka dhe raste kur në Kushtetutë është parashikuar një shumicë e cilësuar për të arritur nga një projekt në një ligj. Kjo parashikohet për ato nisma legjislative siç mund të jenë amendimet kushtetuese dhe ligje të tjera të cilësuar shprehimisht në Kushtetutë.

Funksioni elektoral (për të zgjedhur)

Anëtarët e Kuvendit janë përgjegjës për zgjedhjen e Kryeministrit, kabinetit qeveritar dhe për miratimin e programit të Këshillit të Ministrave. Si rrjedhim i kësaj qeveria është e varur (lidhur ngushtë) nga shumica parlamentare. Gjithashtu, nga Kuvendi zgjidhet dhe Presidenti i Republikës. Por nuk janë vetëm këto organe kushtetuese, që zgjidhen nga Kuvendi. Kuvendi ngarkohet nga Kushtetuta dhe me përgjegjësinë për zgjedhjen e tre anëtarëve të Gjykatës Kushtetuese. Anëtarët përzgjidhen ndërmjet kandidatëve të renditur në tri vendet e para të listës nga Këshilli i Emërimeve në Drejtësi, sipas ligjit. Përsa i përket gjyqësorit Kuvendi gëzon të drejtën të zgjedhë 5 anëtarë të Këshillit të Lartë të Gjyqësorit si dhe Inspektorin e Lartë të Drejtësisë. Çka vlen të theksohet është dhe ajo që parashikon Kushtetuta në lidhje me gjyqësorin (neni 135 i Kushtetutës), ku Kuvendit i parashikohet e drejta të krijojë me ligj gjykata për fusha të veçanta, por jo gjykata të jashtëzakonshme. Nga Kuvendi zgjidhet edhe Avokati i Popullit dhe po me kërkesë të motivuar të deputetëve, Kuvendi vendos për shkarkimin e tij. Kuvendi zgjedh gjithashtu Prokurorin e Përgjithshëm mes 3 kandidatëve të propozuar nga Këshilli i Lartë i Prokurorisë si dhe 5 anëtarë të këtij Këshilli.

Funksioni kontrollues

Ndarja e pushteteve e realizuar në praktikë parashikon që Kuvendi (legjislativi) të monitorojë dhe të kontrollojë mënyrën se si Qeveria (ekzekutivi) vë në zbatim kuadrin ligjor të nxjerrë nga Parlamenti. Që kjo të bëhet efektive Kuvendit i janë dhënë një sërë kompetencash kontrolli. Pra, Kuvendi zotëron një sërë mekanizmash ligjorë kontrolli, të cilat i ushtron mbi pushtetin ekzekutiv dhe institucione të tjera qendrore të rëndësishme kushtetuese ose të krijuara me ligj. Kjo nxjerr në pah pozitën e tij të konsoliduar si një organ qendror kushtetues me pushtet përveçse ligjvënës, ashtu dhe kontrollues, por kjo gjithmonë e parë nën dritën e parimit të ndarjes së pushteteve (neni 7 i Kushtetutës). Në kuadrin e kompetencave të kontrollit vlejnë të theksohet kontrolli që ai ushtron mbi ekzekutivin nëpërmjet instrumenteve të tillë ligjorë siç janë seancat e pyetjeve, mocioneve e debateve parlamentare mbi çështje të implementimit të politikës nga Qeveria, zbatimit të ligjeve dhe qëndrimeve të saj mbi çështje të ndryshme. Një mjet tjetër i rëndësishëm që i jepet Kuvendit është dhe e drejta për ngritjen e komisioneve hetimore për të shqyrtuar një çështje të veçantë. Vlen të theksohet, se përfundimet e nxjerra nga këto komisione nuk janë detyruese për gjykatat, por mund t'i njoftohen Prokurorisë, e cila i vlerëson, sipas procedurës së caktuar ligjore. Pra, arrihet në përfundimin se roli i Kuvendit nuk qëndron vetëm në bërjen e ligjeve, por edhe në kontrollin dhe drejtimin politik të vendit.

Rrjeti i Komiteteve Parlamentare për të Drejtat e Njeriut dhe Barazinë Gjinore në Ballkanin Perëndimor (HUGEN)

Fondacioni Westminster për Demokraci (WFD) është organi publik i Mbretërisë së Bashkuar, i përkushtuar për të mbështetur demokracinë në botë. Duke funksionuar drejtpërdrejt në mbi 40 vende, WFD punon me parlamentet, partitë politike dhe grupet e shoqërisë civile si në zgjedhje për të ndihmuar në sisteme politike më të drejta dhe më gjithëpërfshirëse, të përgjegjshme dhe transparente. Duke qenë

aktiv në Ballkanin Perëndimor që nga viti 1992, WFD është në gjendje të mbështesë përpjekjet për të përmirësuar qeverisjen në rajon, institucionet politike, sundimin e ligjit, barazinë gjinore dhe pajtimin pas konfliktit.

WFD ka nisur një program tridhjetë-mujor (nga prilli 2019 deri në nëntor 2021), i cili synon të krijojë një rrjet të të drejtave të njeriut dhe barazinë gjinore të komisioneve parlamentare (HUGEN) në rajonin e Ballkanit Perëndimor. Programi mbështetet dhe financohet nga Ministria e Punëve të Jashtme Norvegjeze dhe përfshin komisione parlamentare nga tetë parlamente nga rajoni i Ballkanit Perëndimor. Programi zbatohet nga zyra rajonale e WFD në Beograd në bashkëpunim me zyrat e vendit në të gjithë rajonin.

Duke punuar në të gjithë rajonin e Ballkanit Perëndimor, programi do të mbështesë anëtarët e parlamentit dhe stafin parlamentar në forcimin e bashkëpunimit parlamentar në rajon, rritjen e kapaciteteve mbikëqyrëse të parlamenteve dhe përmirësimin e zbatimit të standardeve më të mira të të drejtave të njeriut dhe barazisë gjinore.

Human Rights and the Gender Equality Network of Committees in the Western Balkan (HUGEN)

The Westminster Foundation for Democracy (WFD) is the United Kingdom public body dedicated to supporting democracy around the world. Operating directly in over 40 countries, WFD works with parliaments, political parties and civil society groups as well as on elections to help make countries' political systems fairer and more inclusive, accountable and transparent. By being active in the Western Balkans since 1992, WFD is well placed to support efforts to improve governance in the region, political institutions, the rule of law, gender equality and post-conflict reconciliation.

WFD has launched a thirty-month programme (from April 2019 to November 2021) which aims to establish a human rights and gender equality network of parliamentary committees (HUGEN) in the Western Balkan region. The programme is supported and funded by the Norwegian Ministry of Foreign Affairs and it is including parliamentary committees from eight parliaments from the Western Balkan region. The programme is implemented by the WFD regional office in Belgrade in cooperation with country offices throughout the region.

Working across the Western Balkans region the programme will support members of parliament and parliamentary staff in strengthening parliamentary cooperation in the region, enhancing oversight capacities of the parliaments and improving the implementation of best human rights and gender equality standards.