

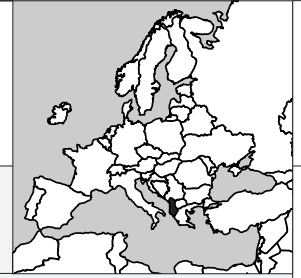


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2. Albania



Statistics

GENERAL

Population

- The total population of Albania is 3.1 million.¹
- The proportion of the population residing in urban areas is estimated to be 37%.²
- Between 1995 and 2000, the annual population growth rate is estimated at -0.4%.³
- In 1997, the gender ratio was estimated to be 96 women to 100 men.⁴

Territory

- The territory of Albania is 11,100 square miles.⁵

Economy

- In 1997, the gross national product (GNP) was USD \$2.5 billion.⁶
- In 1997, the gross domestic product (GDP) was USD \$2,276 million.⁷
- Between 1990 and 1997, the average annual growth was 1.8%.⁸
- From 1990 to 1995, public expenditure on health was 2.7% of GDP.⁹

Employment

- Women comprised 41% of the labor force in 1997, compared to 39% in 1990.¹⁰

WOMEN'S STATUS

- In 1999, the life expectancy for women was 75.9 years, compared with 69.9 years for men.¹¹
- In 1997, among the total population, the illiteracy rate was 7% for both women and men.¹²
- Gross primary school enrollment in 1998 was 97% for girls, and 95% for boys; gross secondary school enrollment was 84% for boys and 72% for girls.¹³

ADOLESCENTS

- 33% of the population is under 15 years of age.¹⁴

MATERNAL HEALTH

- Between 1995 and 2000, the total fertility rate is estimated at 2.5.¹⁵
- As of 1999, there were 34 births per 1,000 women aged 15-19.¹⁶
- In 1998, the maternal mortality ratio was 28:100,000.¹⁷
- Infant mortality was at 30 per 1,000 live births.¹⁸
- 99% of births were attended by trained attendants.¹⁹

CONTRACEPTION AND ABORTION

- The contraceptive prevalence for any method (traditional, medical, barrier, natural) is estimated at 11%, and that for modern methods at 8.3%.²⁰

HIV/AIDS AND STIs

- In 1999, the estimated number of people living with HIV/AIDS was <100.²¹
- In 1999, the estimated number of women aged 15-49 living with HIV/AIDS was 0.²²
- In 1999, the estimated number of children aged 0-14 living with HIV/AIDS was 0.²³
- In 1999, the estimated cumulative number of AIDS deaths among adults and children was <100.²⁴

ENDNOTES

1. UNITED NATIONS POPULATION FUND (UNFPA), THE STATE OF WORLD POPULATION 1999 (visited July 13, 2000) <<http://www.unfpa.org>>.
2. *Id.*
3. *Id.* This figure reports the relative slowing of the population growth rate.
4. THE WORLD'S WOMEN 2000. TRENDS AND STATISTICS, at 20.
5. THE WORLD ALMANAC AND BOOK OF FACTS 1998, at 737 (1998).
6. THE WORLD BANK, WORLD DEVELOPMENT REPORT 1998/9, at 190.
7. *Id.* at 212.
8. *Id.* at 210.
9. *Id.* at 202.
10. *Id.* at 194.
11. THE STATE OF WORLD POPULATION, *supra* note 1.
12. CIA, ALBANIA, WORLD FACTBOOK (visited Sept. 23, 1999) <<http://www.odci.gov/cia/publications/factbook/al.html>>.
13. THE STATE OF WORLD POPULATION, *supra* note 1.
14. WORLD FACTBOOK, *supra* note 12.
15. THE STATE OF WORLD POPULATION, *supra* note 1.
16. *Id.*
17. *Id.*
18. *Id.*
19. *Id.*
20. Dorina Islami et. al, *Reproductive Health in Albania* (1998) (visited Apr. 6, 2000) <<http://matweb.hcuge.ch/matweb/>>; Ministry of Health Estimates 1994, Ken Legins, *Women and Families in Albania: Confronting the Past*, POPULI Vol. 26, No. 2 (June 1999).
21. UNAIDS & WHO, EPIDEMIOLOGICAL FACT SHEET ON HIV/AIDS AND SEXUALLY TRANSMITTED DISEASES-ALBANIA 3 (2000) (visited July 13, 2000) <www.unaids.org>.
22. *Id.*
23. *Id.*
24. *Id.*

Albania is located in Southeastern Europe and borders Serbia, Macedonia, Greece and the Adriatic Sea. The official language is Albanian. Its population in 1999 was 3.4 million and growing. Albania is currently making the transition to an open-market economy after the fall of state socialism and the establishment of a multiparty system in the early 1990s. The transition from state socialism to a more plural form of government came later in Albania than in most other countries of East Central Europe. The resignation of the last state socialist government in June 1992 sent the country into political and economic chaos.¹ Attempts to introduce comprehensive reform programs were interrupted in the early months of 1997 by the collapse of financial pyramid schemes in which much of the population had invested. Criminal activity of all sorts, including the plundering of army gun depots, led many international organizations to leave Albania,² as the political and security situation became extremely unstable.

In June 1997, after the establishment of a transitional government of National Reconciliation, general elections were held that resulted in a new government and the appointment of a new president. The elements of the new government's strategy for political, social and economic reform and recovery were political normalization and democratization, restoration of law and order, institutional reform, addressing poverty caused by the crisis, financial reform and privatization.³ The relative novelty of the Constitution — ratified by a nationwide referendum in November 1997⁴ — and continued social unrest have meant that there has been insufficient time for governmental functions to become fully operational.⁵

The ethnic composition of Albania consists of 95% Albanians and 3% Greeks, plus 2% Vlachs, Roma, Serbs and Bulgarians. About 70% of its citizens are Muslim, 20% Albanian Christian Orthodox, and 10% Catholic.⁶

I. Setting the Stage: The Legal and Political Framework

A. THE STRUCTURE OF NATIONAL GOVERNMENT

Albania is a multiparty,⁷ democratic, parliamentary republic.⁸ The Constitution establishes sovereignty in the people⁹ who exercise it directly or through their representatives.¹⁰ The government is based on the separation and balance of executive, legislative and judicial powers.¹¹

Executive branch

The executive branch consists of the president and the Council of Ministers, which includes the prime minister. The president is the head of state and represents the unity of the

people.¹² A minimum of 20 members of the assembly proposes and a majority of three-fifths of the assembly elects a candidate for president.¹³ The president serves for a term of five years and may be re-elected once.¹⁴ The president's functions are largely those of a figurehead. The president addresses the assembly, gives titles of honor, signs international agreements, requests opinions and information from the directors of state institutions, issues decrees, and sets the date of elections for the assembly, for local governments, and for referenda.¹⁵

The Council of Ministers sets general state policy,¹⁶ issues decisions and instructions,¹⁷ and is generally responsible for all state functions not delegated to other organs of state power or to local government.¹⁸ The prime minister is appointed by the president of the republic on the proposal of the party or coalition of parties that holds the majority of seats in the assembly.¹⁹ His or her appointment must be approved by the assembly.²⁰ The president appoints ministers, proposed by the prime minister, to the Council of Ministers.²¹ Acts of the Council of Ministers are valid when signed by the prime minister and the proposing minister.²² The Ministry of Health is responsible for the implementation of health care policies.

The prime minister is responsible for presenting general state policy, implementing legislation and policies approved by the Council of Ministers, and coordinating and supervising the work of the Council of Ministers and other institutions of central state administration.²³ The prime minister has the power to issue orders to fulfill these responsibilities.²⁴ Ministers also have the authority to issue orders and instructions.²⁵ A prime minister can be removed upon a motion of no confidence, initiated by one-fifth of the members of the assembly and approved by a majority of the assembly.²⁶

Legislative branch

The legislative branch of the government consists of the unicameral People's Assembly. The Assembly is composed of 140 deputies²⁷ who serve four-year terms.²⁸ One hundred deputies are elected directly by the people, with one deputy elected per each electoral zone.²⁹ The remaining deputies are elected from lists provided by parties or party coalitions, with the number of deputies from each party determined by the proportion of total votes received by that party in the first round of national elections.³⁰

Laws can be proposed by any deputy, by the Council of Ministers, or by a petition signed by 20,000 citizens qualified to vote.³¹ The Assembly needs a three-fifths vote of its members to authorize legal codes, constitutional and general legislation — including that relating to referenda, the status of public employees, and administrative divisions of the republic.³² The Albanian people, through the initiative of 50,000 citizens

eligible to vote, can call for a referendum to abrogate a law or to request that the president call a referendum on issues of special importance.³³ Similarly, the assembly, at the request of at least one-fifth of the deputies or the Council of Ministers, can propose a draft law of special importance for adoption by referendum.³⁴

Judicial branch

The judicial branch is composed of 29 district courts, six appellate courts, a military court of appeals, the High Court and the Constitutional Court.³⁵ District courts are courts of first instance, and each appellate court hears issues presented by these lower district courts.³⁶ The High Court, formerly called the Court of Cassation, is the highest appellate court. The High Court is divided into three panels (colleges): criminal, civil and administrative/commercial.³⁷ It also has original jurisdiction over criminal charges against the president, the prime minister, members of the Council of Ministers, deputies and judges of the High and Constitutional Court.³⁸ Members of the High Court are appointed by the president with consent of the assembly for one nine-year term.³⁹

The Constitutional Court is composed of nine judges who are appointed by the president of the republic with the consent of the assembly. Judges serve for one nine-year term; one-third of the court is renewed every three years.⁴⁰ In addition to deciding all constitutional questions, the Constitutional Court determines if national laws are compatible with the Constitution and with international agreements.⁴¹

The Constitution also provides for an Ombudsman (People's Advocate) to defend the rights, freedoms and lawful interests of individuals against unlawful and improper government actions or omissions to act.⁴² The People's Advocate is elected by three-fifths of all members of the Assembly for a renewable five-year period.⁴³ He or she must present an annual report to the Assembly and has the right to make recommendations and propose measures when he or she observes violations of human rights.⁴⁴

B. THE STRUCTURE OF TERRITORIAL DIVISIONS

Regional and local governments

Albania is divided into 36 administrative districts.⁴⁵ Local government is founded on the principle of decentralization of power and is exercised according to the principle of local autonomy.⁴⁶ The basic units of local government are communes and municipalities, which perform all duties of self-government not delegated by law to other units of local government.⁴⁷ General direct elections of the local councils are held every three years;⁴⁸ additionally, referenda on local issues are held as needed.⁴⁹ A local executive, the Chairman of the Council, is elected directly by the people every three years.⁵⁰

Several municipalities or communes combine to form a region.⁵¹ The representative organ of a region is the Regional Council. Its members consist of delegates sent by the composite municipalities and communes in proportion to their population.⁵² Orders and decisions of a Regional Council have general obligatory force in its region.⁵³ The Council of Ministers appoints a prefect in each region as its representative.⁵⁴

C. SOURCES OF LAW

Domestic sources of law

The Constitution, ratified international agreements, national laws and other legal or normative acts of the Council of Ministers are effective in the entire territory of the Republic of Albania. Acts that are issued by local or regional councils are effective only within the territorial jurisdiction of those organs. Normative acts of ministers and of other central governing institutions are effective in all of Albania but limited to their spheres of jurisdiction.⁵⁵

International sources of law

International agreements are ratified by a majority vote of the assembly.⁵⁶ Any international agreement that has been ratified becomes part of Albania's legal system as soon as it is published, unless it requires additional legislative ratification. Once ratified, an international agreement takes precedence over all national laws. Similarly, norms issued by an international organization have superiority over national laws if the agreement of participation ratified by Albania expressly contemplates their direct applicability.⁵⁷ Albania has been a state party to the Convention on the Elimination of All Forms of Discrimination Against Women,⁵⁸ the International Covenant on Economic, Social and Cultural Rights,⁵⁹ the International Covenant on Civil and Political Rights,⁶⁰ the Convention on the Rights of the Child,⁶¹ the International Convention for the Elimination of All Forms of Racial Discrimination,⁶² and the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁶³

II. Examining Health and Reproductive Rights

A. HEALTH LAWS AND POLICIES

Albania is in the process of developing a new national health policy. Current health policy — the Primary Health Care Policy — was adopted in 1997⁶⁴ and aims to offer accessible and financially affordable health care to all Albanians. Improving maternal and child health is the main priority of both the Ministry of Health and the Albanian government.⁶⁵ Specific objectives of the primary curative service include the following:

- To increase the accessibility of health care services by the year 2005 from 95% to 100% of the urban population and from 70% to 90% in rural areas; and
- To improve the quality of health care services through the use of standardized protocols for diagnosis and treatment for 95% of patients by 2005.⁶⁶

The specific objectives related to the health status of the population are to reduce the incidence of disease in children, including lowering the infant mortality rate to less than 25 per 1,000 live births by the year 2000 (infant mortality in 1995 was 30 per 1,000); to reduce the maternal mortality ratio to 25 per 100,000 live births by the year 2000 (the maternal mortality ratio was 28.5 per 100,000 live births in 1995); and to reduce the prevalence of malnutrition in children under five to less than 10%.⁶⁷

Public sector health providers serve almost all of the Albanian population. But the public health care system inherited considerable deficiencies from the former regime and initially relied almost completely on medical supplies from international humanitarian aid. To increase the capacity of its health system, the government has allowed the creation of a parallel private health care system. In some fields, such as dentistry and pharmacy, private services have come to dominate. The cost of most private health care, however, puts it beyond the means of most citizens. Family planning services were only introduced in Albania after 1990. Integrated reproductive health services have been established since the 1994 Cairo International Conference on Population and Development (ICPD).⁶⁸

Infrastructure of health services

There are three levels of health services provided by the public sector. The first is primary health care, which serves all basic medical needs on an ambulatory basis and takes place at primary health care posts (PHC). The next level of care occurs at district hospitals, including maternity hospitals. Advanced medical services are provided in the University hospital clinics located in the capital city, Tirana.⁶⁹

Primary health care services are administered at three levels. Nationally, there is the Primary Health Care Directorate of the Ministry of Health, led by a Director. At regional and district levels, there are District Directorates of PHC.⁷⁰ The District Health Authorities are composed of a District Health Team, headed by the District Health Director.⁷¹ The teams oversee the health centers that provide primary health care in towns (urban health centers) and communes (rural health centers). At the village level, there are ambulances — walk-in clinics — which may be staffed only by a nurse.⁷²

As regulated by a 1997 act, reproductive health care and basic family planning services are provided at the primary

health care level, as well as in maternity hospitals.⁷³ In 1996, there were 11 regional family planning centers, 137 women's consulting centers, and 28 district maternity hospitals located throughout the country.⁷⁴ The overall goals of the reproductive health care services are to offer good quality, reproductive health care services to the Albanian population; to improve the health status of women during their reproductive age, especially during childbearing and delivery; to improve the health status of fetuses, newborns, infants and children up to age five; and to improve the sexual health of adolescents and adults.⁷⁵ The government endorses a human rights approach to the provision of reproductive health services in that they enable individuals and couples to make informed choices concerning the number and spacing of their children, as well as to promote gender equality and a woman's right to health.

In 1996, there was a total of 12,000 medical and non-medical personnel working in the PHC services at various levels — approximately 55% of all physicians and 56% of midwives/nurses. Overall in Albania, there is one medical doctor for every 690 inhabitants and one nurse-midwife for every 230 women, with one general practitioner stationed in PHC posts for every 1,300 inhabitants, and one nurse-midwife for every 400.⁷⁶

Like other countries in the region, Albania is introducing the specialty of the family physician (FP) — a fully licensed medical graduate who has completed two years of postgraduate training in the specialty of family medicine. FPs work at the first level of the health care system and act as gatekeepers providing primary and continuing health care to their populations as well as referring to specialists and advocating for their patients.⁷⁷ On average, a family physician will care for between 1,500 and 2,000 patients.⁷⁸

Cost of health services

The government allocates about 6% of its overall budget to the health sector, which in 1995 amounted to about 4% of the Albanian GDP. In the 1996 budget, the Ministry of Health dedicated about 1.867 million lek (USD \$18.6 million) to PHC. The per capita contribution of the Albanian government for primary health care translates into approximately USD \$7 per year, with multinational and bilateral aid contributing an additional USD \$1 per inhabitant per year.⁷⁹ The estimated cost of running the PHC posts in Albania in 1997 was USD \$64,200.⁸⁰

The Law on Health Insurance, enacted by presidential Decree No. 950 on October 25, 1994, regulates the financing of health care.⁸¹ There are four sources of revenue for the health care system: compulsory medical insurance, state contributions, citizen co-payments, and supplemental health insurance.⁸² Compulsory health insurance covers all citizens

of Albania and permanent or temporary legal residents employed and insured in Albania.⁸³ This insurance is provided by the Health Insurance Institute (HII), an independent entity that reimburses the insured according to a fee schedule determined and approved each year by the Council of Ministers.⁸⁴ All “economically active” citizens contribute 3.4% of their monthly incomes to HII; employers, with some exceptions, and the state make additional contributions.⁸⁵ Self-employed individuals and those who earn regular income from property and investments are also mandatory contributors.⁸⁶ Children, students, pensioners, mentally or physically disabled people, the unemployed, social assistance recipients, mothers on maternity leave or those conscripted in the military do not make contributions, but are covered.⁸⁷ There are penalties for failing to contribute.⁸⁸

The state covers all expenses relating to medical examinations, specialist visits, hospitalizations, and emergency treatments.⁸⁹ National health insurance also covers a percentage of the costs of pharmaceuticals.⁹⁰ For services not covered by national insurance, individuals pay directly or buy supplemental insurance.⁹¹

The organization of HII is specified in Chapter V of the Law on Health Insurance. HII is managed by an Administrative Council of 11 members, nominated from various bodies such as the Council of Ministers, the physicians union, and the pharmaceutical industry. Each member serves four years.⁹² It is headed by a General Director nominated by the Minister of Health. The Minister of Health is responsible for setting policy for HII.⁹³ The HII issues insurance cards and registers all individuals who are unable to pay health insurance contributions.⁹⁴ Individuals may sue HII in a court of law for disputes arising due to reimbursements.⁹⁵

Regulation of health care providers

The law on Health Service Employees lays out the regulatory framework governing health care practitioners. According to this law, all health care providers must be licensed to practice by the Minister of Health with the approval of the Physician's Medical Association. Specific regulations governing reproductive health professionals are found in a draft Law on Reproductive Health, which has not yet been submitted to the assembly.⁹⁶ FPs, gynecologists, pediatricians, nurses and midwives active in the field of reproductive health⁹⁷ must be trained at the Faculty of Medicine and University Clinics in Tirana.⁹⁸ There, they follow a curriculum prepared by the Ministry of University Education in obstetrics and gynecology.⁹⁹ Nurses train in schools for nurses,¹⁰⁰ complying with criteria defined by the Ministry of Health and the Ministry of University Education.¹⁰¹

Patients' rights

The draft Law on Reproductive Health, not yet submitted to the Assembly, would guarantee the right of Albanians to the highest attainable standard of reproductive health care.¹⁰² It requires all reproductive health services be provided only with the informed, free and explicit consent of the patient.¹⁰³ All decisions relating to reproduction must respect the free will of the individual.¹⁰⁴ The draft law would require a pregnant woman, upon court order, to submit to medical procedures, even over her refusal, if such interventions would be indispensable for reasons of her life or health, “or for her fetus.”¹⁰⁵

Currently, the 1995 Criminal Code is the principal source of patients' rights.¹⁰⁶ Physicians, other medical staff, or pharmacists who endanger the life or health of a person as a result of improper professional treatment can be fined or jailed for up to five years.¹⁰⁷ Causing a woman to abort without her consent, unless there are overriding health justifications, carries a monetary fine or a prison term of up to five years.¹⁰⁸ A health care worker who causes serious injury to a patient due to his or her negligence may be sentenced to a fine or imprisonment of up to one year.¹⁰⁹ Non-serious injuries due to negligence can incur monetary fines.¹¹⁰ Negligence leading to death is considered manslaughter and is punishable by a fine or imprisonment of up to five years.¹¹¹ Serious intentional injury that causes a disability, mutilation or any other permanent detriment to the health, or that provokes a miscarriage or in some other way threatens fetal life carries a sentence of three to ten years imprisonment.¹¹² An intentional injury, which results in a temporary disability (no longer than nine days) can bring about a monetary fine or a prison term of up to two years.¹¹³

B. POPULATION POLICY

Under state socialism, the government promoted a strict pronatalist policy that aimed to increase the population by 1 million Albanians by the year 2000.¹¹⁴ Accordingly, contraception was unavailable and abortion illegal. There was a correspondingly high rate of maternal mortality. Official statistics were considered national secrets, but it has been estimated that half of all deaths of women of childbearing age were due to illegal, unsafe abortions.¹¹⁵ Prenatal and perinatal health care were free and accessible, although the quality was generally poor.¹¹⁶

In the postwar period up to 1990, the population of Albania increased at a rate of more than 2% annually, outstripping both the natural and economic resources of the country. Such growth has continued in the last decade. Based on the general population census in 1989, there were 3.18 million people; in 1995 the population had grown to 3.25 million.¹¹⁷ By 1999, Albania's population had reached 3.36 million people.¹¹⁸

Albania continues to be the only European country with a positive population growth rate. At the same time, the population of Albania is relatively young. Almost one-third of the population is under 14.¹¹⁹ The average life expectancy of the population is 69 years.¹²⁰ Half of the female population of the country is of childbearing age (15–49 years). The average number of children Albanian women bear has constantly decreased from six in 1960, to three in 1990, 2.7 in 1995,¹²¹ and 2.5 in 1999.¹²² However, Albania still leads Europe with the number of births per woman. Maternal mortality also continues to be among the highest in Europe: 37 out of 100,000 women die during childbirth. Infant mortality is also quite high: in 1997, 23 out of 1,000 infants died before reaching the first year of life, and 35 out of 1,000 died before five years of age.¹²³ Migration constitutes another element of population policy in Albania. Before 1990, the government allowed no emigration and only limited migration within the country.¹²⁴ In 1990, with the end of travel restrictions, migration abroad became a reality; large-scale emigration to Greece and Italy has particularly affected the population of southern Albania. It has been estimated that in 1992 almost 200,000 people left the country, although many of these people are thought to have returned after short periods. Although accurate data regarding migration within Albania are unavailable, there has been an exodus from the rural areas, particularly the mountainous northern regions of the country.¹²⁵

Since the transition, the government has relented on its pronatalist orientation. In 1990, the grounds for legal abortion were broadened so that by mid-1991, abortion was available upon request. In 1992, the government began to work with the United Nations Population Fund (UNFPA) to train physicians, midwives and nurses in family planning methods. Also in 1992, the government established a family planning service offering all methods of contraception.¹²⁶

C. FAMILY PLANNING

Before the transition, modern family planning methods were outlawed, and a common belief was that attempts to interfere with procreation would cause serious health problems or permanent infertility.¹²⁷ In 1992, a Decision of the Council of Ministers declared that family planning should be seen as a basic human right from which all citizens should be able to benefit of their own free will.¹²⁸ Under the terms of this decision, the Council of Ministers approves activities in family planning, including prophylaxis, the right of couples to decide on the number of their children, spacing of births, treatment of sterility, control and treatment of sexually transmissible infections such as AIDS and syphilis, and dissemination of information on issues relating to sexual health.¹²⁹

Government delivery of family planning services

There are also now government family planning centers in all of Albania's 37 districts.¹³⁰ Family Planning Services of the Ministry of Health, under the direction of a Director, includes a physician responsible for training and education, a physician in charge of statistical tabulation, and an administrative assistant. Gynecologists and midwives provide the family planning services. In each maternity hospital a part-time family planning center is staffed by an OB/GYN and a midwife. Family planning services are supposed to be integrated into the operations of all consulting centers for mothers and children.¹³¹ In Tirana, for example, at least 30 women per day are served.¹³²

The government also provides family planning services in cooperation with UNFPA. The immediate objectives of the first Ministry of Health/UNFPA-funded family planning project, which got under way in 1992, were not quite realized, but they included decreasing maternal mortality by at least 50% by 1995, reducing perinatal mortality by 30%, reducing the number of premature births by 20%, and improving contraceptive coverage to at least 10% of all women of reproductive age.¹³³

Services provided by NGOs/private sector

The government is not the sole provider of family planning services. The Albanian Family Planning Association, an International Family Planning Federation (IPPF) affiliate, also operates in Tirana and some regional cities.¹³⁴ Other national and international NGOs work in the field of reproductive health, such as Marie Stopes International,¹³⁵ Population Service International,¹³⁶ SEATS — Family Planning Service Expansion & Technical Support.¹³⁷ USAID has also contributed to the training of personnel working in family planning.¹³⁸

D. CONTRACEPTION

Prevalence of contraceptives

Data about the use of contraceptives dates from 1996, when it appeared that no more than 5% of women of reproductive age (15–44) used contraception.¹³⁹ The use of contraceptives was estimated to have grown to 10–12% by 1998.¹⁴⁰ An increase was seen in both the popularity of oral contraceptives and of injectable drugs. Women aged 30–34 account for 35% of total contraceptive users, followed by women aged 25–29, at 24.9%. Adolescents (15–19 years old) represent only 2% of contraceptive users.¹⁴¹

Availability of contraceptives

From mid-1992 to 1995, contraceptives (except condoms) were imported nearly exclusively through UNFPA and IPPF, with UNFPA importing nearly 95%.¹⁴² They were then sold through public pharmacies. When pharmacies were privatized in 1995, access to contraceptives became more difficult chiefly

because of increased retail prices.¹⁴³ To counter that, beginning in January 1996, the Minister of Health directed that contraceptives were to be distributed free of charge through approved family planning facilities.¹⁴⁴ The types of modern contraceptives approved for distribution are oral contraceptives (Microgynon, Neogynon, Microlut, Triquilar), injectable contraception (Depo-provera), IUDs (Copper TCU 380A), spermicides (Neoshampoo, Pharmatex), condoms, and emergency contraceptives.¹⁴⁵

Oral and injectable contraceptives are available with a prescription from a general practitioner. IUDs and other implants must be inserted by a gynecologist. Condoms, spermicides, and other “barrier methods” are available in pharmacies without a prescription.¹⁴⁶ Family planning centers must report the activity of their centers every three months to the District Health Section, which in turn reports to the Family Planning unit of the Ministry of Health.¹⁴⁷

As of 1996, there were at least three wholesalers and about 630 private pharmacists that stocked contraceptives. It was estimated that they provided about 10% of the nation’s contraceptives.¹⁴⁸ Prices vary widely with a cycle of oral contraceptives costing from USD \$1.50 to USD \$5 (and up to USD \$10 in some cases). Since contraceptives are distributed free of charge through the public sector, most private pharmacies have only limited stocks and varieties of contraceptives available and often refer clients to the public family planning facilities.

Regulation of information on contraception

Under the 1995 Law on Drugs, the advertisement of drugs in mass-media publications is prohibited. Contraceptives and condoms are expressly not covered by this prohibition.¹⁴⁹

E. ABORTION

As abortion was illegal before 1989, and statistics in Albania not thorough, it is difficult to obtain accurate figures for abortion. General trends can nonetheless be discerned. The number of abortions in Albania increased upon legalization from a baseline of 234,000 in 1989 to 334,000 in 1993. The abortion rate per 100 live births sharply increased, from 296 in 1989 to 494 in 1993, although dropping to 40.6 in 1996.¹⁵⁰ In the first six months of 1998, there was one abortion for every 2.5 live births.¹⁵¹ Abortion therefore remains one of the most important methods of managing fertility in Albania. As of 1996, 28% of abortions were performed on women aged 30–34 and 22.9% for women aged 25–29.¹⁵² Before the legalization of abortion, the most serious consequence was maternal mortality due to abortions. Between 1980 and 1990, 55% of maternal deaths were caused by or followed illegal abortions. In 1995, no such fatality was recorded.¹⁵³

Legal status of abortion

The 1977 Albanian Penal Code punished abortion as both a crime and a misdemeanor. A pregnant woman who performed an unlawful abortion upon herself was also punished.¹⁵⁴ In 1988, abortion became legal, but only for therapeutic reasons; 30 criteria were listed. Because of the high demand for abortion in 1988, the criteria were tightened the next year.¹⁵⁵ The Ministry of Health authorized abortions to be performed when there were medical indications, when the pregnancy had been the result of rape or incest, or when the pregnant woman was under the age of 16.¹⁵⁶ In 1991, however, the grounds for abortion were again broadened¹⁵⁷ to allow abortions to occur if approved by an obstetrics/gynecology commission, when both the wife and the husband consented, or on the pregnant woman’s request because the child was conceived from an extramarital liaison.¹⁵⁸

Requirements for obtaining legal abortion

Along with the new Criminal Code, a new law on abortion was adopted in 1995.¹⁵⁹ The Law on the Interruption of Pregnancy permits abortion upon a woman’s request, or due to mental distress or social problems, up to 12 weeks from the presumed date of conception.¹⁶⁰ It must be performed by a physician, in either a public or private health institution.¹⁶¹ Terminations of pregnancy to save the mother’s life or health or for fetal impairment can be performed anytime during a pregnancy, provided a specially convened commission of three physicians authorize it.¹⁶² Similarly, terminations of pregnancy for social reasons (unspecified in the law) or after a sexual assault (such as rape) are permitted up to 22 weeks from the presumed date of conception, provided three specialists (physician, social worker, and lawyer) authorize the procedure.¹⁶³ There is mandatory counseling. The physician must inform a woman requesting an abortion about its health risks; about state and non-state assistance available to families, mothers, and children; about adoption alternatives; and about clinics and hospitals that perform abortions.¹⁶⁴ After this counseling, if the woman still wishes to obtain an abortion, she must reconfirm her request in writing, and wait seven days before undergoing the procedure. If warranted, the physician may reduce the waiting period to two days.¹⁶⁵ When possible, the physician is encouraged to involve the husband or parent in the decision.¹⁶⁶ All women are entitled to post-abortion counseling regarding family planning services and contraception.¹⁶⁷ Unmarried girls under the age of 16 who seek an abortion must have the consent of a parent or guardian.¹⁶⁸ All physicians who perform an abortion are obliged to report it to the Institute of Statistics; the woman’s identity may not be revealed.¹⁶⁹

Fees for abortion are set by the Council of Ministers.¹⁷⁰ Abortions officially cost USD \$5, but common practice requires that doctors be paid “on the side,” which raises the average amount to about USD \$25.¹⁷¹ Physicians may decline to perform abortions for reasons of conscience.¹⁷² Advertising concerning methods or drugs to interrupt the course of a pregnancy, except those in scientific publications for physicians and pharmacists, is prohibited.¹⁷³ Violations carry a fine.¹⁷⁴

Penalties for abortion

Illegally performing an abortion can be classified as either administrative or penal offense. Administrative fines start at USD \$350.¹⁷⁵ Criminal liability is usually reserved for cases where a physician performs an abortion without the woman’s consent, and criminal penalties consist of fines or imprisonment of up to five years.¹⁷⁶ Abortions performed by unauthorized individuals in unlicensed clinics or after the gestational time period carry a fine or jail term of up to two years.¹⁷⁷ Where such acts result in the death or serious injury of the woman, imprisonment can be up to five years.¹⁷⁸ Anyone who provides the means for a woman to either self-abort, or have someone else do it, risks a fine or imprisonment of up to one year.¹⁷⁹ The law is silent on criminal prosecution of women who seek illegal abortions. The law does state that abortion will in no case be considered a method of family planning.¹⁸⁰

F. STERILIZATION

A regulation issued by the Ministry of Health on July 23, 1992 permits surgical sterilization for women and men as a method of family planning.¹⁸¹ A person seeking to be sterilized must consult with a gynecologist or urologist, and written consent must be jointly signed by the individual and physician.¹⁸² The regulation can be interpreted as requiring both members of a couple to give written consent.¹⁸³

The draft Law on Reproductive Health would also permit voluntary sterilization as a method of family planning: the person wishing to be sterilized must be over 18, consent must be freely given, and it must be shown that sterilization is the only effective method of contraception for this person.¹⁸⁴ Consent may be waived if delaying the sterilization would have “grave health consequences.”¹⁸⁵ Should the procedure fail, for example, in the case of a pregnancy following an attempted sterilization, the doctor may be sued for damages.¹⁸⁶

Proposed methods of sterilization which would be approved include surgery, biochemical or hormonal substances, radiation, or “other new methods approved by competent bodies.”¹⁸⁷ Specific safeguards exist for the sterilization of individuals with mental disabilities.¹⁸⁸ It must be shown that risk of pregnancy would pose a serious danger to the person “or

others”¹⁸⁹ and that other methods of contraception are not feasible.¹⁹⁰ Consent by the person’s legal representative or a court is necessary.¹⁹¹ However, if the person is over 18 and not considered to be legally incompetent, he or she may (or may not) consent.¹⁹² Compulsory sterilization is possible if it is determined that there is no other way to avoid serious harm to that person or others.¹⁹³

G. HIV/AIDS AND SEXUALLY TRANSMISSIBLE INFECTIONS (STIs)

Prevalence of HIV/AIDS and STIs

The system of collecting and reporting data on STIs in Albania is very poor. Before the early 1990s, syphilis had been declared “eradicated,”¹⁹⁴ and laboratories and facilities for diagnosis and treatment of STIs were closed. It was not until the early 1990s that STIs were acknowledged to exist: there were 59 cases of syphilis reported between 1993 and 1998, almost half of them in 1998.¹⁹⁵

HIV/AIDS also became a concern after the opening up of the country in 1990.¹⁹⁶ Serological HIV diagnostic tests are regularly performed at the Institute of Public Health and at the Blood Collection and Preservation Center. The test is confidential and free of charge.¹⁹⁷ It is nevertheless not possible to calculate prevalence in Albania as no surveillance system is in place. UNAIDS has estimated that fewer than 0.01% of adults and children were living with HIV/AIDS in Albania at the end of 1997.¹⁹⁸ In 1994, Albania reported four cases of AIDS, three in 1995, one in 1996, two in 1997, one in 1998 and none by mid-1999.¹⁹⁹ Of these reported cases, seven ended in death.²⁰⁰ Albania reported a total of 38 cases of HIV infection between 1993 and 1998.²⁰¹

Policies on prevention and treatment of HIV/AIDS and STIs

There is no separate legislation governing HIV/AIDS, but the 1992 Decision of the Council of Ministers, which approved family planning, included the control and treatment of sexually transmissible infections and HIV/AIDS.²⁰² Under this law, the Ministry of Health has the authority to direct the district commissions to work to prevent and combat AIDS.²⁰³ All blood donors must be screened for HIV any time they donate blood.²⁰⁴ Additional control measures relate to notification, registration, reporting and mandatory treatment.²⁰⁵ Additionally, a 1993 law established a National AIDS Commission.²⁰⁶

III. Understanding the Exercise of Reproductive Rights: Womens' Legal Status

A. LEGAL GUARANTEES OF GENDER EQUALITY/NON-DISCRIMINATION

Starting in 1990–1991, a series of political reforms have been enacted to recognize and safeguard the basic rights and freedom of the citizens of Albania. That new legislation has preserved and furthered the formal equality between men and women that had been proclaimed in 1946.

In the early 1990s, the Republic of Albania ratified many of the international human rights treaties, and these standards were incorporated into the Constitution of the Republic of Albania. The 1998 Constitution guarantees equality between men and women as well as non-discrimination. It states that all are equal before the law and that no one can be unfairly discriminated against because of gender; race; political, religious or philosophical convictions; economic, educational, or social situation; or parental status.²⁰⁷

The principle of equality between men and women finds expression in all legislation of the Republic of Albania. For example, the Civil Code and the Code of Civil Procedure recognize the equal rights of women in all legal proceedings, such as the right to sue and be sued.²⁰⁸ The Penal Code and the Code of Penal Procedure protect women and men equally regarding life, health, property, and dignity. Women may be charged with the same penalties as men should they commit the same crimes. Previously, women could not be subject to the death penalty while men could,²⁰⁹ however the Council of Europe had conditioned Albania's continued membership in the Council in its ending capital punishment. On December 9, 1999, the Constitutional Court of Albania abolished the death penalty.²¹⁰ The Labor Code recognizes the equal rights of men and women to work, to employment protection, to paid annual holidays, and to equal pay for equal work.²¹¹ The Family Code recognizes the rights of both men and women to freely choose to marry or to divorce. The Code also emphasizes the equal rights and duties of men and women to the family and for the education and raising of children.²¹² The law on social insurance covers situations of unemployment, disability and retirement equally for men and women, but it also recognizes the special needs of women due to childbearing.

In general, the legal framework securing women's equal status is commendable, but it is more an edifice than reality. Most legislation does not take into consideration traditional gender

roles and does little to remedy past discrimination and persistent stereotypes.

B. CIVIL RIGHTS WITHIN MARRIAGE

The Family Code governs marriage, and it is the only important legal instrument which has not yet been revised since the transition to democracy in the early 1990s. The Family Code defines the minimum age for first marriage to be 16 for a girl and 18 for a boy.²¹³ A girl who marries before she turns 18 is no longer considered a minor, even if she is divorced before her 18th birthday.²¹⁴ In order for the marriage to be valid, the following conditions must be met: the marriage requires the free consent of both parties and they must be of legal age, single, not related by blood or affinity, and not suffering from any physical disease or mental disability that keeps them from understanding the rights and obligations of marriage.²¹⁵ After 1990, when the overt practice of religion was allowed, religious marriages began to be held, but religious ceremonies have no legal effect, and they are still not very common. Having a religious ceremony is not an obstacle to obtaining a civil marriage. The marriage must be registered with the state.²¹⁶

Traditionally, marriage has been considered a family affair. The intended parties would chose to marry, but their parents would have to give their approval. This practice still occurs and co-exists with the formal civil character of marriage.²¹⁷ Other traditional practices persist in some regions, particularly in Northern Albania. There, the parents often pledge their infant children in betrothal to secure family alliances. Often, a girl's family provides her with a dowry according to its means. In certain cases, what the girl takes from the family as a dowry is considered to extinguish all further claims to property from the family, including potentially her inheritance.²¹⁸ Another custom has reappeared in some very remote northern areas — the practice of "bride price," where a man buys his bride from her family. According to the "Kanun of Lek Dukagjini,"²¹⁹ should this marriage end in divorce, the two families are then engaged in a blood feud, and must vindicate their respective honors. The Kanun also authorizes a husband to discipline his wife with physical force, including killing her under certain circumstances.²²⁰

Divorce laws

The Family Code recognizes equal rights and obligations of both men and women during marriage as well as in divorce, particularly as those rights relate to raising and educating their children.²²¹ The number of divorces in Albania has been steadily increasing so that in 1991 there was one divorce for every 10 marriages. In larger towns this ratio has been even higher. In 1998 in Durrës, for example, the courts registered two divorces per day. A social stigma still attaches to divorce.

Because of the patriarchal nature of the society, women who seek divorce are commonly blamed for having ruined family unity.²²² Divorced women often find themselves without family support and, therefore, face poverty. Securing suitable and affordable housing — a problem for everyone in Albania — is exacerbated for women seeking a divorce.²²³ Nevertheless, in 1998 women initiated 466 out of 868 divorce filings registered in the court of Tirana.²²⁴ Male emigration in order to find paying work outside of Albania has also led to divorce, as many men do not return.

The Albanian Assembly recently adopted a no-fault divorce law.²²⁵ If one party desires a divorce, a court may dissolve the marriage. Either spouse may institute the divorce action, and then the spouses are supposed to live separate and apart for a number of months, during which time they are to reflect on their decision. A court judgment settles property between the spouses, maintenance, and child support and custody. Marital property is presumed to be the common property of both spouses and divided equally.²²⁶

Regulation of domestic partnership

Recently in Albania, non-marital domestic partnerships have become visible. Formerly, such arrangements were prohibited by law,²²⁷ but the general practice now is to tolerate these domestic partnerships. Laws are silent as to the rights of domestic partners to common property, child custody benefits, and inheritance. Same sex relationships were criminalized in Albania until June 1, 1995 when the new Penal Code came into force.²²⁸ Same sex relationships are no longer illegal.

C. ECONOMIC AND SOCIAL RIGHTS

Property rights

The Constitution guarantees all individuals, regardless of gender, the right to own property. Thus, women may own and enjoy the same tangible and intangible properties as men; they may sell or purchase property without any particular limitation, and can inherit property in the same way as men. The formal equality of women with regard to property rights was first established in Albania in 1928. Nevertheless, these formal guarantees are still not fully realized because the patriarchal mentality which prevails especially in remote rural areas tends to divest women of their rights, particularly in the inheritance of family property.²²⁹

Labor rights

Article 49 of the Constitution guarantees all citizens the right to freely choose a profession, a place of employment as well as preparatory educational training. That constitutional principle is implemented through the Labor Code which prohibits discrimination of any kind in employment.²³⁰

The Decision of the Council of Ministers No. 397, May 20, 1996, “On the Special Protection of Pregnancy and Motherhood,” grants pregnant women or women with children special employment protection. Women are entitled to 365 days of paid leave, which starts 35 days before childbirth.²³¹ A woman who gives birth to a second child may take a leave of 390 days, which begins 60 days before childbirth.²³² During this period, the woman’s salary is paid from the state social insurance fund — at 80% of her monthly wages for the first 185 days and 50% thereafter.²³³ Women are free to return to work as early as 42 days after childbirth. If a woman chooses to return before the end of her right to paid leave, she is paid only her salary; she does not also receive social insurance payments.²³⁴ During her leave, she is guaranteed the right to return to her position without losing her seniority. The law on social insurance also provides a lump sum birth grant to insured parents of 1,500 lek (approximately USD \$10) per new child.²³⁵ Women with children under age 15 are supposed to enjoy preferential treatment in hiring and promotion decisions.²³⁶

The legal framework for workplace equality diverges from the reality in Albania. At the end of 1989, Albanian women’s rate of participation in the work force was one of the highest in Europe — between 85% and 94% of all women work outside the home. At that time, there were no striking differences between the unemployment rate for men and women. During the transition from state socialism, women were the first to lose their jobs and were the most likely to be thwarted in finding new work. Contributing factors included the country’s slow economic development, a lack of sufficient support for women entrepreneurs, employers’ preference for hiring men, the revival of patriarchal mentalities that promote the idea of women staying at home and serving the family, and the paucity of kindergartens and nurseries to care for young children.

Women are also discriminated against in choosing careers. Although women receive the same education as men, they seldom occupy the leading posts in either the public or private sectors. According to the State Committee on Women and Society, 70% of employed women worked in the agriculture sector in 1997, mainly on family farms; 20% worked in the public sector; and 10% were employed in the private sector.²³⁷ Agricultural and public sector work is very poorly paid and low in prestige. Even in the educational sector, where women make up approximately 80% of the employees, most school directors are men.²³⁸ Discrimination against women is also evident when it comes to wages: the average salaries of women, in all sectors and in all levels, are about 80–85% that of men.²³⁹

In terms of retirement, women who have worked for 20 years have the right to a pension, and their pensions vest fully

after 35 years of work and when they reach the age of 55. Men must also work for 35 years, but may not retire before age 60.²⁴⁰

Access to credit

There are no laws which would discriminate against women in obtaining credit. Again, however, in rural areas where traditions prevail, women are often treated as subjects who are not able to make business decisions or transact property. As a consequence, a low percentage of women are engaged in business, or are granted credit in their own names.²⁴¹

Access to education

The Constitution of the Republic of Albania guarantees men and women equal rights to education.²⁴² The Ministry of Education is responsible for policy development, sector program planning, and management capacities in this area, and the Ministry of Labor and Social Protection supports job training and the development of small enterprises.²⁴³ One of the major groups involved is the Pedagogical Institute, which initiates and advises the government on key issues of school governance, curriculum development, and quality assurance. The Institute of Labor and Social Affairs studies the relationships between the labor market and vocational and technical training. Some NGOs, notably the Open Society Foundation and the Italian NGO Don Bosco, provide financial support to reform the educational sector.²⁴⁴ The reforms include improving school facilities by renovating, reconstructing, and re-equipping them; updating the education curriculum at all levels; developing skilled teaching staff; establishing an effective system of education management to ensure quality assessment and control; and ensuring a more efficient utilization of facilities and staff to reduce the demands on the state budget.²⁴⁵

Women figure greatly in the field of education. There are 58,856 teachers throughout the country, of whom 36,252 (61%) are women and 22,604 (38%) are men. The number of students attending school in 1998-1999 was 694,074. At present, the education system is composed of 2,330 pre-schools, 1,815 mandatory schools,²⁴⁶ 394 high schools, and 11 universities and other higher education establishments.²⁴⁷ Higher education is delivered by 1,609 lecturers, of whom 33% are women. Women are even more underrepresented at higher university teaching levels: only 10 out of 146 professors are women (6.8%), and 58 out of 250 assistant professors are women (23.2%).²⁴⁸ Approximately 36,000 students are enrolled in schools of higher education; 57% of them are women.²⁴⁹ The percentage of women enrolled in universities is increasing — 65% of the student body in 1999, compared with 53.1% in 1990-1991.²⁵⁰

National machinery for the promotion of women's equality

A parliamentary women's group was created in 1995 to focus on women's status and rights.²⁵¹ This group played an important role in Albania's preparation for the Fourth World Conference on Women (FWCW) in Beijing. Since the FWCW, approximately 80 women's NGOs and groups have been active in the country.²⁵²

Beginning in 1998, the governmental machinery for women's issues has been the Committee for Women and Family which reports directly to the Office of the Vice-Prime Minister.²⁵³ The Committee's responsibilities include the implementation of governmental policies for women and family, the coordination of programs for the promotion of equality between men and women, the proposal of new legislation or amendments to existing legislation on women and children in compliance with international standards, and the support and coordination of NGOs active in the field of women's and family rights.²⁵⁴ In 1998, the Committee for Women and Family prepared a Platform of the Albanian Government for Women for 1999-2000. The Platform addresses issues of equality of men and women in politics and decision-making processes, the role of women in the economy and society, and issues surrounding the status and health of women and girls.

The involvement of Albanian women in both politics and management is generally low, although since 1995 three women were appointed to high ministerial positions.²⁵⁵ However, the government has done very little to promote women into decision-making positions at the national level. Out of the 580 directors of directorates in ministries and state institutions in 1996, only 80 were women. No women serve as mayors or heads of local governments.²⁵⁶

D. RIGHT TO PHYSICAL INTEGRITY

Rape

Sexual violence is a serious problem in Albania. During the post-socialist transition period, there were increasing numbers of prosecutions for rape, due in part to the 1995 New Penal Code, which clarified the definition and punishment of rape.²⁵⁷ Albanian criminal law defines rape as "nonconsensual sexual intercourse with mature women" and carries a three- to ten-year prison term.²⁵⁸ If the rape causes serious consequences to the health of the woman, imprisonment can be for five to fifteen years.²⁵⁹ If the rape results in death or suicide, the possible prison term is 10 to 20 years.²⁶⁰ There is no law against marital rape.²⁶¹ There is a law that specifically punishes statutory rape. For all sexual violations, judicial action can only begin upon the complaint of the woman. Such crimes are considered to be violations of the individual's, rather than the public's, rights.²⁶²

Domestic violence

While the Criminal Code of Albania has no specific provisions dealing with domestic or sexual violence, the more general provisions on “threat,” “torture” and “seriously immoral acts” can be applied to such crimes.²⁶³ Threats of death or serious injury are punishable by a monetary fine or imprisonment of up to one year.²⁶⁴ Torture or “any other degrading or inhuman treatment” results in a five to ten year prison sentence.²⁶⁵ If the torture seriously injures, mutilates, permanently harms or kills an individual, the sentence can be 10 to 20 years imprisonment.²⁶⁶

Serious intentional injury causing disability, mutilation or any other permanent detriment to health, or causing a miscarriage or any other harm to fetal life carries a sentence of between three and ten years of imprisonment.²⁶⁷ When the same act is committed against a group of people, or causes death, it is punished by five to fifteen years of imprisonment.²⁶⁸ Non-serious intentional injury that causes a temporary work disability (lasting no longer than nine days) is subject to a monetary fine or two-year prison term.²⁶⁹ Assault carries with it anything from a possible monetary fine²⁷⁰ to a prison sentence of up to six months.²⁷¹ Serious injury due to negligence also constitutes a crime and is subject to a fine or a one-year term of imprisonment.²⁷² Non-serious injuries due to negligence bring only a fine.²⁷³

The criminal justice system in Albania provides virtually no assistance to survivors of domestic violence. Police, prosecutors and judges are reluctant to prosecute or punish the men.²⁷⁴ Under the Code of Criminal Procedure, all domestic violence actions must be initiated by a complaint of the survivor. If she withdraws her complaint, the case is closed.²⁷⁵ If a woman does wish to report a domestic assault, she must go to the police where they attempt to reconcile the couple. If the woman does not want to reconcile she must go to a forensic hospital in order to document her injuries. A woman must be referred to the forensic hospital by the police. She may not decide on her own to get a certificate documenting her injuries.²⁷⁶ After a physical examination at a forensic hospital, a doctor will issue a certificate which can be used as evidence in court. The certificate describes and grades the severity of the injuries sustained by the woman

With documented evidence of injuries, the woman may then bring her case to the prosecutor. Prosecutors often attempt to reconcile the woman with her abusive husband or partner. If she still wishes to proceed with the prosecution, the prosecutor opens the court case. This is the extent of the state involvement in the process. The prosecutor does not assist the woman with the preparation of her case or with the actual trial. The woman must gather all the evidence and the witnesses and present her own case in court. Only in cases involving

very serious injury amounting to repeated torture or death, does domestic violence become public matter leading to a state prosecution.²⁷⁷ Because the burden of carrying forth the legal process falls on survivors of domestic violence, virtually all cases of domestic assault are dropped before a trial on the merits can be conducted.²⁷⁸

There are no official statistics for domestic violence, but many NGOs have undertaken investigations. According to their surveys, 64% of Albanian women report to have suffered violence from family members. Women also mentioned the occurrence of violence directed against children and against the elderly.²⁷⁹ Despite the commonplace nature of domestic violence, only 5% of such abuses are reported. Out of those 5%, half do not proceed to judgment either because the woman withdraws her complaint or because of insufficient proof.²⁸⁰ No government-sponsored program exists to assist and defend the rights of domestic violence survivors. An NGO maintains a shelter in Tirana for survivors of domestic violence, but the facility has the capacity to house only a few women at a time. The same NGO also operates a telephone hotline that women and girls can call for advice and counseling.²⁸¹

Sexual harassment

The 1995 Labor Code recognized sexual harassment for the first time in Albania's history. Any conduct that constitutes “sexual molestation on the job” is forbidden. Violations of this law are administrative and are punished with a penalty of up to 30 times the minimum monthly wage.²⁸²

Trafficking in women

There are no laws which specifically outlaw trafficking in women, although anti-kidnapping laws may be used to prosecute such cases. The Criminal Code punishes kidnapping with the intention of enrichment,²⁸³ prostitution,²⁸⁴ soliciting prostitution, mediating or gaining from it,²⁸⁵ and use of premises for prostitution.²⁸⁶

Trafficking in women and girls for the purpose of forced prostitution is a significant problem in Albania. The country is both a major transit and source country for such trafficking. NGOs estimate that there are 30,000 Albanian women currently working abroad as prostitutes. The country is also a major conduit for trafficked women from Bulgaria, Moldova, Romania, Russia, and Ukraine. Criminal gangs recruit or coerce women to work as prostitutes abroad, most often in Italy and Greece. There are also reports of some family members who have sold daughters, sisters, and wives to traffickers against their wills. The government has had only periodic success in arresting the criminal organizers.²⁸⁷ Trafficking of women out of Albania has attracted the concern of women's NGOs in Albania. They are working to amend the penal code

so that taking a woman abroad to work as a prostitute, as well as opening houses for prostitution in the country, would be severely penalized.²⁸⁸

IV. Focusing on the Rights of a Special Group: Adolescents

A. REPRODUCTIVE HEALTH AND ADOLESCENTS

In 1995, 32.9% of Albania's population was under 15 years old. Adolescents aged 13–18 make up 19% of the population. Because of Albania's recent history — including the illegality of family planning methods — the reproductive health of adolescents has been neglected. Contraceptive use is very low, and unintended pregnancies and abortion rates are high. Women between the ages of 13 and 19 account for 36% of all officially reported abortions, but a large number of abortions, despite the expense, are carried out in private clinics which often do not report procedures to the Ministry of Health. At the same time, state clinics often fail to report abortions performed on adolescents.

Regulation of the Ministry of Public Health Care, approved in November 1997, states that health care providers must cooperate with the schools to provide reproductive health education, but it does not elaborate any specific policies.²⁸⁹ There are no reproductive health service centers that specifically serve adolescents.

B. MARRIAGE AND ADOLESCENTS

The legal age of first marriage is 16 for girls, 18 for boys,²⁹⁰ but the average age for marriage is much higher: for women, it is 22.3 years, for men, 27 years.²⁹¹ The average marriage age has been rising for both sexes.

C. SEXUAL OFFENSES AGAINST ADOLESCENTS AND MINORS

Albanian law punishes statutory rape. If a girl is under 13 or has not yet reached sexual maturity, intercourse is punishable by imprisonment of up to 15 years.²⁹² Non-consensual sexual intercourse, or sexual intercourse that leads to injury of the underaged girl, is subject to 10 to 20 years of imprisonment.²⁹³ When the act leads to the death or suicide of the underaged girl, it carries a minimum 20-year sentence.²⁹⁴ “Seriously immoral acts,” undefined by the law, committed upon persons under 14, can bring up to five years in jail.²⁹⁵ Rape of a girl between the ages of 14 and 18 years carries a prison term of up to 10 years.²⁹⁶ If the rape seriously affects the girl's health, it is punished by up to 15 years in prison,²⁹⁷ and if the rape leads to her death or suicide, the prison term is a minimum

of 15 years.²⁹⁸ Soliciting prostitution when a minor girl is involved carries a sentence from five to 10 years of prison.²⁹⁹ Same-sex rape of minors is punished with up to five years of imprisonment.³⁰⁰

D. EDUCATION AND ADOLESCENTS

Albania's Education Law guarantees both girls and boys equal access to education. Based on the law, secondary education is compulsory for all children of both sexes in Albania. No differences exist between the two sexes regarding school attendance. Albanian families have traditionally valued education, regardless of their economic status, but since 1990 there has been a noticeable decrease in the number of children who attend school. In 1998, about 2.7% of the total number of Albanian children abandoned mandatory school. There are at least 11,131 school children under the age of 16 who missed over 50% of classes. This phenomenon has grown dramatically in certain districts.³⁰¹ About 59% of students finishing mandatory education continue their studies in high schools. High schools are attended by students 14 to 18 years old and consist of 4 years of general education or from 3 to 5 years of vocational training. In cities, 52% of girls who finish mandatory school continue their studies in high schools, whereas in rural areas, the figure is 28% of girls and 72% of boys. Thus, out of 14,458 village girls finishing mandatory schooling in 1999, only 4,065 enrolled in their area's high school. Though it is expected that a number of these girls did enroll in high schools in other areas, the disparity among boys and girls is still high, due in part to the difficult economic conditions facing many rural families and stereotypical perceptions that girls will marry and “waste” their education.³⁰² There has been no decline, however, in the number of young people who attend secondary schools and universities. In fact, the number of women in higher education exceeds that of men.³⁰³

E. SEX EDUCATION

A Council of Ministers decision dating from May 1992 directed the Ministry of Health and the Ministry of Education to develop sex education curricula and materials for courses to be taught both inside and outside of schools.³⁰⁴ In 1993, the first sex education classes were held in schools for children 14 years and older. In 1994, the program was extended to the entire country.

Health education consists of nine hours of sex education per school year, and six hours devoted to information about prevention of HIV/AIDS and STIs. Most Albanians seem to accept having sex education taught in school: 83% of parents and 92% of teenagers have called sex education necessary and useful.³⁰⁵

F. TRAFFICKING IN ADOLESCENTS

No specific legislation addresses the problem of trafficking in adolescents. International trafficking in Albanian girls was first noted in 1993, and since then prostitution has been steadily growing in Italy and Greece. Italian authorities officially estimate the number of Albanian prostitutes at between 10,000 and 15,000, accounting for two-thirds of the foreign sex trade in Italy. The great majority of these prostitutes are very young, between the ages of 14 and 18.³⁰⁶

NOTE ON SOURCES

The information in this chapter is primarily drawn from secondary sources in English. Albanian secondary sources, unless otherwise noted, are official translations of the original documents. When available, primary sources of national law were used. The Center for Reproductive Law & Policy holds on file unofficial English translations of some of these primary sources of law. The chapter follows as closely as possible THE BLUE-BOOK (16th ed. 1996). Blue book footnote style may show variations due to production incompatibilities with certain character fonts.

ENDNOTES

1. Dorina Islami et. al, *Reproductive Health in Albania*, at 5 (1998) (visited Apr. 6, 2000) <<http://matweb.hcuge.ch>> [hereinafter *Reproductive Health in Albania*].
2. *Id.*
3. UNDP: *Country Cooperation Frameworks and Related Matters, First Country Cooperation Framework for Albania (1998-2001)*, Executive Board of the United Nations Development Programme and of the United Nations Population Fund, 2nd Sess., Agenda Item 3, at 2, DP/CCF/ALB/1 (Jan. 30, 1998).
4. Albanian Constitution [ALB. CONST.], approved by the Albanian Parliament on 21 October 1998 (Kathleen Imholz et. al trans) (visited Apr. 6, 2000) <<http://www.urich.edu>>; *Constitution Watch: Albania*, E.EUR.CONST.REV., Vol. 7, No. 4, Fall 1998 (visited Apr. 6, 2000) <<http://www.law.nyu.edu/eecr>>.
5. For example, the judiciary was unable to function for much of 1997; 15 out of 36 district courts were destroyed by vandalism or fire, along with an unknown amount of records, papers, books and other legal resources. Even before the civil strife, the judicial system was subject to corruption and executive pressure. The High Council of Justice, which appoints judges, has undergone restructuring which gives some hope to the greater independence of the judicial branch. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE, ALBANIA COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1997, at 1, 2, 5 (released Jan. 30, 1998) (visited Apr. 6, 2000) <<http://www.state.gov>>.
6. CIA, ALBANIA, 1999 WORLD FACTBOOK, at 3 (visited Apr. 6, 2000) <<http://www.odci.gov/cia/publications/factbook/al.html>> [hereinafter WORLD FACTBOOK].
7. ALB. CONST. art. 9(1) ("political parties based on democratic principles are founded freely").
8. *Id.* art. 1(1).
9. *Id.* art. 2(1).
10. *Id.* art. 2(3).
11. *Id.* art. 7.
12. *Id.* art. 86(1).
13. *Id.* art. 87(1), (2).
14. *Id.* art. 88(1).
15. *Id.* art. 92.
16. *Id.* art. 100(1).
17. *Id.* art. 100(5).
18. *Id.* art. 95(2).
19. *Id.* art. 96(1).

20. *Id.* art. 96(2), (3).
21. *Id.* art. 98.
22. *Id.* art. 100(4).
23. *Id.* art. 102(1).
24. *Id.* art. 102(3).
25. *Id.* art. 102(4).
26. *Id.* art. 105(1).
27. WORLD FACTBOOK, *supra* note 6, at 4.
28. ALB. CONST. art. 65(1). According to art. 64(1) of the Constitution, the assembly consists of 140 deputies. The current legislature, elected before the adoption of the new Constitution, has 155 deputies.
29. *Id.* art. 64(1).
30. *Id.* art. 64(1), (2).
31. *Id.* art. 81(1).
32. *Id.* art. 81(2).
33. *Id.* art. 150(1).
34. *Id.* art. 150(2).
35. CHICAGO-KENT COLLEGE OF LAW, REPORT TO THE WORLD BANK, ALBANIAN LEGAL INFORMATION INITIATIVE: INCREASING ACCESS TO LEGAL INFORMATION IN ALBANIA (Dec. 1999) (visited Apr. 7, 2000) <<http://pbosnia.kentlaw.edu/projects/albania/report/2.htm>>.
36. *Id.*
37. *Id.*
38. ALB. CONST. art. 141(1).
39. *Id.* art. 136(1), (3).
40. *Id.* art. 125(1)-(3).
41. *Id.* art. 131.
42. *Id.* art. 60(1).
43. *Id.* art. 61(1).
44. *Id.* art. 63.
45. WORLD FACTBOOK, *supra* note 6, at 4.
46. ALB. CONST. art. 13.
47. *Id.* art. 108(3).
48. *Id.* art. 109(1).
49. *Id.* art. 108(4).
50. *Id.* art. 109(2).
51. *Id.* art. 110(1), (2).
52. *Id.* art. 110(3).
53. *Id.* art. 110(4).
54. *Id.* art. 114.
55. *Id.* art. 116.
56. *Id.* art. 121.
57. *Id.* art. 122.
58. The Convention on the Elimination of All Forms of Discrimination against Women, *opened for signature* Mar. 1, 1980, 1249 U.N.T.S. 13 (*entry into force* Sept. 3, 1981, *for Albania* Oct. 6, 1994).
59. The International Covenant on Economic, Social and Cultural Rights, *adopted* Dec. 16, 1966, 993 U.N.T.S. 3 (*entry into force* Jan. 3, 1976, *for Albania* Jan. 4, 1992).
60. The International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171 (*entry into force* Mar. 23, 1976, *for Albania* Jan. 4, 1992).
61. The Convention on the Rights of the Child, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (*entry into force* Sept. 2, 1990, *for Albania* Mar. 28, 1992).
62. The International Convention for the Elimination of all Forms of Racial Discrimination, *opened for signature* Mar. 7, 1966, 660 U.N.T.S. 195 (*entry into force for Albania* Jun. 10, 1994).
63. Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 5 (*entry into force* Sept. 3, 1953). Last amended by Protocol No. 11, ETS No. 155 (*entry into force* Nov. 1, 1998).
64. DIRECTORATE OF PRIMARY HEALTH CARE, MINISTRY OF HEALTH AND ENVIRONMENTAL PROTECTION, POLICY OF THE SERVICE OF PRIMARY HEALTH CARE (1997); DIRECTORATE OF PRIMARY HEALTH CARE, MINISTRY OF HEALTH AND ENVIRONMENTAL PROTECTION & EUROPEAN COMMISSION, STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY (1997).
65. POLICY OF THE SERVICE OF PRIMARY HEALTH CARE, *supra* note 64, at 9-10, 13.
66. UNITED NATIONS COMMISSION ON SUSTAINABLE DEVELOPMENT, SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA (visited

- Apr. 7, 2000, last update Apr. 1, 1997) <<http://www.un.org/esa/agenda21/natinfo/countr/albania/social.htm>>.
67. *Id.*
68. *Reproductive Health in Albania*, *supra* note 1, at 18 - 19.
69. See LOTHAR SPRINGER, UNFPA, EVALUATION REPORT: STRENGTHENING MCH / FP SERVICES IN ALBANIA (ALB / 91 / PO3), at 10 - 11 (1996) [hereinafter EVALUATION REPORT].
70. STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY, *supra* note 64, at 8.
71. *Id.* at 46.
72. *Id.* at 8.
73. EVALUATION REPORT, *supra* note 69, at 10 - 11.
74. *Id.*
75. POLICY OF THE SERVICE OF PRIMARY HEALTH CARE, *supra* note 64, at 4 - 5, 9 - 13; STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY, *supra* note 64, at 67, 72.
76. STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY, *supra* note 64, at 57 - 58.
77. *Id.* at 95.
78. *Id.* at 92.
79. *Id.* at 58.
80. *Id.* at 52 - 53.
81. Law on Health Insurance No. 7870/Oct. 13, 1994, art. 2 (English translation on file with The Center for Reproductive Law & Policy); see EVALUATION REPORT, *supra* note 69, app. 7.
82. Law on Health Insurance, art. 3.
83. *Id.* art. 4 (1).
84. *Id.* art. 4 (3).
85. *Id.* arts. 10 (2), arts. 4(4), 9 According to article 10(3), the self-employed, employers and unpaid family workers in urban areas pay 7% of the minimum wage, while workers in mountainous areas pay 3% of the minimum wage.
86. *Id.* art. 8 (1).
87. *Id.* art. 8 (2).
88. *Id.* art. 12.
89. *Id.* art. 5.
90. *Id.* art. 4 (2).
91. *Id.* arts. 6, 7.
92. *Id.* art. 20.
93. *Id.* arts. 23, 24.
94. *Id.* art. 27.
95. *Id.* art. 30.
96. Draft Law on Reproductive Health arts. 35-40 (English translation on file with The Center for Reproductive Law & Policy).
97. STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY, *supra* note 64, at 133.
98. Draft Law on Reproductive Health art. 38.
99. *Id.* art. 39.
100. STRATEGY FOR THE IMPLEMENTATION OF THE PRIMARY HEALTH CARE POLICY, *supra* note 64, at 133.
101. Draft Law on Reproductive Health art. 40.
102. *Id.* art. 55.
103. *Id.* art. 51.
104. *Id.* art. 54.
105. *Id.* art. 59.
106. Law No. 7895 from 27 January 1995, Criminal Code of the Republic of Albania [CRIM. CODE] (Agron Alibali trans) (visited Apr. 9, 2000) <http://pbosnia.kentlaw.edu/resources/legal/albania/crim_code.htm>.
107. *Id.* art. 96.
108. *Id.* art. 93.
109. *Id.* art. 91.
110. *Id.* art. 92.
111. *Id.* art. 85.
112. *Id.* art. 88(1).
113. *Id.* art. 89.
114. *Albania: Abortion and Contraception Now Legal*, REPRODUCTIVE HEALTH MATTERS, May 1993, at 106.
115. *Id.*
116. Kirsten D. Senturia, *Maternal and Child Health in Albania*, 43 SOC. SCI. MED. 1097, 1105 (1996).
117. SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 66.
118. WORLD FACTBOOK, *supra* note 6, at 3.
119. *Id.*
120. *Id.*
121. SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 66.
122. WORLD FACTBOOK, *supra* note 6, at 3.
123. SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 66.
124. *Id.*
125. *Id.*
126. *Albania: Abortion and Contraception Now Legal*, *supra* note 114.
127. Enilda Gorishti & Joan Haffey, "We Want to Know Everything about It:" *Albanian Women Speak about Family Planning*, SEATS Working Paper No. 1, at 11-13 (visited Apr. 10, 2000) <<http://www.jsi.com/intl/seats/publications/pub04.html>>.
128. Decision of the Council of Ministers for the Approval of the Activities of Family Planning in Albania No. 226 from May 27, 1992, art. 1.
129. Decision of the Council of Ministers for the Approval of the Activities of Family Planning in Albania No. 226 from May 27, 1992, in 43 INT. DIG. HLTH LEG. 701, 737 (1992).
130. Margalina Sina & Olsian Teta, *Albania: Legalization Reduces Abortions and Maternal Deaths*, INTER PRESS SERVICE, August 15, 1996.
131. Directorate of Public Health, Ministry of Health, Structure of Family Planning Services (July 23, 1992) (English translation on file with The Center for Reproductive Law & Policy).
132. Sina & Teta, *supra* note 130.
133. EVALUATION REPORT, *supra* note 69, at 4.
134. INTERNATIONAL PLANNED PARENTHOOD FEDERATION, COUNTRY PROFILE - ALBANIA (visited Apr. 10, 2000) <<http://www.ippf.org/regions/countries/alb/index.htm>>. The family planning centre in Tirana offers full range of services, including abortion, while the centres in Durres and Lezha do not perform abortions. The Albanian Family Planning Association receives their funds from IPPF and provide services with its own contraceptives. IPPF was asked to extend their activities to Shkodra. There are plans to install, together with the UNFPA-project, a joint youth counselling centre for reproductive and sexual health in Tirana. IPPF requested funding from UNFPA to install a computer based "client management information system" (CMIS). *Reproductive Health in Albania*, *supra* note 1, at 29.
135. As of 1996, Marie Stopes International was planning to implement the social marketing project, financed through a DM 3 million soft loans of the Kreditanstalt für Wiederaufbau (KfW, German Development Bank). The project started at the end of 1996 and included the social marketing of 3 to 5 kinds of contraceptives. This project is executed by the Ministry of Health and is complementary to the UNFPA activities. *Reproductive Health in Albania*, *supra* note 1, at 29.
136. Population Service International has started a social marketing project for their own brand of condoms. They performed focus group discussions and some analysis for the marketing of their product. PSI imported 500,000 condoms in 1996. *Id.* at 30.
137. *Id.* at 29-30.
138. *Id.* at 30.
139. *Id.* at 20-21.
140. UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), ALBANIAN NATIONAL WOMEN REPORT 1999, at 27 (visited Apr. 19, 2000) <<http://www.tirana.al/publications.htm>>.
141. *Reproductive Health in Albania*, *supra* note 1, at 21.
142. *Id.*
143. *Id.* at 20.
144. Order of the Ministry of Health on Guidelines for the Free Distribution of Contraceptives, in EVALUATION REPORT, *supra* note 69, app. 7.
145. EVALUATION REPORT, *supra* note 69, at 22; Ministry of Health Protocol No. 1567 from July 23, 1992 on Regulations on Family Planning - Activities to the Executive Committee of the District Health Section also approves implants, sterilization, and abortion as contraceptive method (English translation on file with The Center for Reproductive Law & Policy); *Reproductive Health in Albania*, *supra* note 1, app. 5.
146. Regulation on Family Planning Activities No. 1567 from July 23, 1992, arts. 2-4.
147. *Id.* art. 7.
148. *Reproductive Health in Albania*, *supra* note 1, at 30.

149. Law on Drugs, promulgated by Decree of the president No. 841 from May 5, 1995, in *Reproductive Health in Albania*, *supra* note 1, app. 5.
150. INTERNATIONAL CHILD DEVELOPMENT CENTRE, UNICEF, WOMEN IN TRANSITION 117-118 (1999) (visited Apr. 10, 2000) <<http://www.unicef-icdc.org>> [hereinafter WOMEN IN TRANSITION].
151. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 27.
152. *Reproductive Health in Albania*, *supra* note 1, at 17.
153. Sina & Teta, *supra* note 130.
154. Penal Code of 15 June 1977, arts. 95, 178, 16 ANNUAL REVIEW OF POPULATION LAW 25 (1989) (visited Apr. 11, 2000) <<http://cyber.law.harvard.edu>>.
155. UNITED NATIONS POPULATION FUND (UNFPA), ALBANIA REPORT 1989-1990, at 17.
156. Order of the Ministry of Health No. 1765 from 17 June 1989 On Permission of Prevention and Eventually Interruption of Pregnancy (visited Apr. 11, 2000) <<http://cyber.law.harvard.edu>>.
157. Sahatci E., *Legal Abortion Improved Women's Health in Albania*, WOMEN'S GLOBAL NETWORK FOR REPRODUCTIVE RIGHTS NEWSLETTER No. 44, July-Sept. 1993, at 10.
158. Ministry of Health, Addition to Order No. 3 of 17 June 1989 On Permission of Prevention and Eventually Interruption of Pregnancy ([8 June 1991]) (visited Apr. 11, 2000) <<http://cyber.law.harvard.edu>>.
159. Law No. 8045 of 7 December 1995 on the Interruption of Pregnancy, 4 RECHT IN OST UND WEST 113 (Apr. 15, 1996).
160. *Id.* art. 3.
161. *Id.* art. 10.
162. *Id.* art. 9.
163. *Id.* art. 11. The specialist committee decides if pregnancy is a result of a rape or other sexual crime.
164. *Id.* art. 4.
165. *Id.* art. 6(1), (3).
166. *Id.* art. 6(2).
167. *Id.* art. 14.
168. *Id.* art. 8.
169. *Id.* art. 12.
170. *Id.* art. 19.
171. Jean Rafferty, *Birth of a Nation*, THE GUARDIAN, July 13, 1996, at TT20.
172. Law No. 8045 of 7 December 1995 on the Interruption of Pregnancy, art. 16.
173. *Id.* art. 15.
174. *Id.* art. 17.
175. *Id.* art. 17(1).
176. CRIM. CODE art. 93.
177. *Id.* art. 94(1).
178. *Id.* art. 94(2).
179. *Id.* art. 95.
180. Law No. 8045 of 7 December 1995 on the Interruption of Pregnancy, art. 2(1).
181. Ministry of Health Protocol No. 1567 from July 23, 1992 on Regulations on Family Planning - Activities to the Executive Committee of the District Health Section also approves implants, sterilization, and abortion as contraceptive method, art. 1 (English translation on file with The Center for Reproductive Law & Policy).
182. *Id.* art. 5.
183. *Id.* ("when the couple become aware, a written paper will be filled, where the couple and the consulting physician will sign.")
184. Draft Law on Reproductive Health arts. 4, 6 (English translation on file with The Center for Reproductive Law & Policy).
185. *Id.* art. 7.
186. *Id.* art. 9.
187. *Id.* art. 5.
188. *Id.* art. 10.
189. *Id.* art. 10(a).
190. *Id.* art. 10(b).
191. *Id.* art. 10(c).
192. *Id.* art. 12.
193. *Id.* art. 11.
194. EVALUATION REPORT, *supra* note 69, at 2.
195. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 29.
196. SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 66.
197. *Id.*
198. UNAIDS & WORLD HEALTH ORGANIZATION, ALBANIA EPIDEMIOLOGICAL FACT SHEET ON HIV/AIDS AND SEXUALLY TRANSMITTED DISEASES 3 (1998) (visited Apr. 12, 2000) <<http://www.unaids.org>>.
199. EUROPEAN CENTRE FOR THE EPIDEMIOLOGICAL MONITORING OF AIDS, HIV/AIDS SURVEILLANCE IN EUROPE: REPORT NO. 61, June 30, 1999, at 8-9.
200. *Id.* at 16.
201. *Id.* at 37.
202. Decision of the Council of Ministers for the Approval of the Activities of Family Planning in Albania No. 226 from May 27, 1992, art. 1(d) (English translation on file with The Center for Reproductive Law & Policy).
203. Law on Prevention and Fight against Infectious Diseases No. 7761 from October 19, 1993, promulgated by presidential Decree No. 672 from Oct. 29, 1993 (on file with The Center for Reproductive Law & Policy).
204. *Id.*
205. *Id.*
206. *Id.* art. 20.
207. ALB. CONST. art. 18.
208. The Civil Code of the Republic of Albania [CIV. CODE], Law No. 7850 from July 29, 1994; the Code of Civil Procedure of Albania, Law No. 8116 from March 29, 1996.
209. CRIM. CODE art. 31(2).
210. *Albania Abolishes Death Penalty*, RFE/RL NEWSLINE, December 13, 1999 (visited Apr. 12, 2000) <<http://www.rferl.org/newsline/1999/12/131299.html>>.
211. The Code of Labor of the Republic of Albania [LAB. CODE], Law No. 7961 from July 12, 1995.
212. The Code of Family of the Republic of Albania [FAM. CODE], Law No. 6599 from June 29, 1982.
213. Valentina Zace, *Albania: Family Law under the Dictatorship of the Proletariat*, 33 U. OF LOUISVILLE J. OF FAM. L. 259, 262 (1995).
214. CIV. CODE art. 6.
215. FAM. CODE arts. 15-16; Zace, *supra* note 213, at 262.
216. Zace, *supra* note 213, at 262.
217. *Id.* at 261.
218. INDEPENDENT FORUM OF WOMEN, INDEPENDENT STUDY (1996) (in Albanian).
219. The Kanun of Lek Dukagjin is a code of unwritten law dating from the medieval period. The code encompasses what would be considered family law matters and gender roles. Although now the Family Code has superceded this "law" since the 1920s, the traditions are enjoying renewed prominence in certain areas. MINNESOTA ADVOCATES FOR HUMAN RIGHTS, DOMESTIC VIOLENCE IN ALBANIA (April 1996) (visited Apr. 12, 2000) <www.mnadvocates.org>.
220. *Id.*
221. FAM. CODE art. 94.
222. DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219, at 8.
223. *Id.*
224. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 13.
225. DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219, at 13.
226. Zace, *supra* note 213, at 263-264.
227. Decree 3161 from 10 December 1960 classified cohabitation as an administrative offence and punished it with a fine. *Id.* at 264.
228. FRED ABRAHAMS, HUMAN RIGHTS WATCH, HUMAN RIGHTS IN POST-COMMUNIST ALBANIA 133 (1996).
229. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 7.
230. LAB. CODE art. 9.
231. Law on Social Insurance in the Republic of Albania No. 7703 from May 11, 1993, art. 27.
232. *Id.* arts. 26-29; WOMEN IN TRANSITION, *supra* note 150, at 53.
233. WOMEN IN TRANSITION, *supra* note 150, at 53.
234. Law on Social Insurance in the Republic of Albania No. 7703 from May 11, 1993, art. 27.
235. *Id.* art. 29.
236. Law on Employment Promotion No. 7995 from 20 September 1995, art. 7.
237. COMMITTEE FOR WOMEN AND FAMILY, PLATFORM OF THE ALBANIAN GOVERNMENT FOR WOMEN FOR THE YEARS 1999 - 2000, at 6 (English translation on file with The Center for Reproductive Law & Policy).
238. In the Assembly (1997), women constituted 7.3% of deputies against 92.7% of men. In

- government, out 19 cabinet members only two are women, (1% of the total). The same applies to the number of women deputy ministers and out of 12 Prefects only one is woman. At other levels of government, women are in a better position but still a minority when compared to men. Thus, in various management positions in the public administration men have 70% of posts against 30% taken by women. Data are no better at local government where men occupy twice the posts held by women. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 24.
239. *Id.* at 16.
240. Law on Social Insurance in the Republic of Albania No. 7703 from May 11, 1993, art. 31.
241. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 6.
242. The Law on Pre-university Education No. 7952 from June 21, 1995.
243. SOCIAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 66.
244. *Id.*
245. *Id.*
246. Eight year schooling in Albania comprises age groups from six to fourteen years old and is divided into two cycles: lower cycle (first to fourth grade) which is similar to elementary school in some Western countries and the upper cycle (fifth to eighth grade). Eight-year schooling represents mandatory education period. According to article 57(5) of the Constitution education in public school is free. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 34.
247. *Id.* at 33.
248. *Id.* at 36-37.
249. *Id.* at 36.
250. *Id.*
251. UNITED NATIONS COMMISSION ON SUSTAINABLE DEVELOPMENT, INSTITUTIONAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA (visited Apr. 7, 2000, last update Apr. 1, 1997) <<http://www.un.org/esa/agenda21/natinfo/countr/albania/inst.htm>>.
252. *Id.*
253. PLATFORM OF THE ALBANIAN GOVERNMENT FOR WOMEN FOR THE YEARS 1999 - 2000, *supra* note 237, at 3.
254. *Id.*; Decision of the Council of Ministers No. 415 from July 1, 1998.
255. INSTITUTIONAL ASPECTS OF SUSTAINABLE DEVELOPMENT IN ALBANIA, *supra* note 251.
256. *Id.*
257. CRIM. CODE arts. 102-105.
258. *Id.* art. 102(1).
259. *Id.* art. 102(2).
260. *Id.* art. 102(3).
261. DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219.
262. The Code of Criminal Procedure [CODE CRIM. PROC.], promulgated by the Decree of the president No. 1059 from 5 April 1995, art. 284(1) (visited Apr. 12, 2000) <http://pbosnia.kentlaw.edu/resources/legal/albania/crim_pro.htm>.
263. CRIM. CODE arts. 84, 86-91, 108.
264. *Id.* art. 84.
265. *Id.* art. 86.
266. *Id.* art. 87.
267. *Id.* art. 88(1).
268. *Id.* art. 88(2).
269. *Id.* art. 89.
270. *Id.* art. 90(1).
271. *Id.* art. 90(2).
272. *Id.* art. 91.
273. *Id.* art. 92.
274. *Id.*
275. DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219.
276. *Id.*
277. *Id.*
278. *Id.*
279. COUNSELING CENTER FOR WOMEN AND GIRLS IN TIRANA, INDEPENDENT STUDY (1998). For similar findings in 1996, see DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219.
280. DOMESTIC VIOLENCE IN ALBANIA, *supra* note 219 (citing studies of the Association Refleksione).
281. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, US DEPARTMENT OF STATE, ALBANIA COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1999, at 12 (visited Apr. 12, 2000) <<http://www.state.gov>>.
282. LAB. CODE art. 32.
283. CRIM. CODE art. 109. The punishment is ten to twenty years in prison.
284. *Id.* art. 113. The punishment is a fine or up to three years in prison.
285. *Id.* art. 114. The punishment is a fine or up to five years in prison.
286. *Id.* art. 115. The punishment is a fine or up to ten years in prison.
287. ALBANIA COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1999, *supra* note 281, at 17.
288. *Id.* at 17-18.
289. Regulations of the Reproductive Health Service No. 394 from November 7, 1997 (unofficial English translation on file with The Center for Reproductive Law & Policy).
290. Zace, *supra* note 213, at 262.
291. WOMEN IN TRANSITION, *supra* note 150, at 127-128.
292. CRIM. CODE art. 100(1).
293. *Id.* art. 100(2).
294. *Id.* art. 100(3).
295. *Id.* art. 108.
296. *Id.* art. 101(1).
297. *Id.* art. 101(2).
298. *Id.* art. 101(3).
299. *Id.* art. 114(2).
300. *Id.* art. 116.
301. ALBANIAN NATIONAL WOMEN REPORT 1999, *supra* note 140, at 34.
302. *Id.* at 35.
303. *Id.*
304. Decision of the Council of Ministers for the Approval of the Activities of Family Planning in Albania No. 226 from May 27, 1992, art. 3.
305. Lothar Springer, *The Role of Sexual Education in the Sexuality of Teenagers*, Presentation for the First International Workshop On Reproductive Health, at 4 (1996) (on file with The Center for Reproductive Law & Policy).
306. SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE, COUNCIL OF EUROPE, SITUATION OF CHILDREN IN ALBANIA, Report Doc. 8284, 18 December 1998 (visited Apr. 12, 2000) <<http://stars.coe.fr>>.