**UN Working Group on discrimination against women and girls**

**Questionnaire on women’s and girls’ human security in the context of poverty and inequality**

**Introduction**

The Working Group on discrimination against women and girls, in preparation for its thematic report to be presented at the 53rd session of the Human Rights Council in June 2023, will be examining the topic of women’s and girls’ human security in the context of poverty and inequality. Human security can be understood as the protection from severe and critical threats encountered by persons and communities, and it encompasses economic security, food security, health security, environmental security, personal security, community security, and political security. The human security approach means creating systems that give people the building blocks of *survival, livelihood and* ***Error! Reference source not found.Error! Reference source not found.Error! Reference source not found.Error! Reference source not found.****dignity*. Human security is comprehensive, multidimensional, context-specific, and prevention-oriented. The common understanding of the concept reached by the UN General Assembly (UNGA) in 2012 (A/Res/66/290) affirms that human security includes the *right* of people to live in freedom and dignity, free from poverty and despair, stressing that all individuals, in particular those living in *situations of vulnerability,* are entitled to an equal opportunity to enjoy all their rights, and it specifically asserts that human security ‘equally considers’ *all* human rights: civil, political, economic, social and cultural. As such, the scope of this questionnaire will cover the various aspects of risks experienced by women and girls living in poverty and inequality in relation to the enjoyment and fulfilment of their human rights.

In this regard, the Working Group would like to seek inputs from National Human Rights Institutions, to inform the preparation of the report in line with its mandate to maintain a constructive approach and dialogue with States and other stakeholders. The Working Group would greatly appreciate it if you could reply by 3 October 2022 in a document of no more than 2,500 words to the following email address: [hrc-wg-discriminationwomen@un.org](mailto:hrc-wg-discriminationwomen@un.org). Responses to the questionnaire will be made publicly available at the time of the report publication, unless indicated otherwise.

The specific objectives of the thematic report are to:

* Identify causes of structural discrimination in the realization of human rights, especially lack of access to economic and social rights, due to cross-cutting risk factors stemming from both gender inequality and socioeconomic inequality;
* Deepen the understanding of the implications for women’s and girls’ multiple human insecurities and vulnerability to experiencing human rights abuses primarily in the socioeconomic dimension of their lives, leading to a series of other violations, including lack of access to justice and undue/disproportionate/excessive criminalization;
* Reveal the opportunities for strengthening women’s and girls’ human security and socioeconomic equality (e.g. obligations of *prevention* of human rights’ violations by identifying risk factors and addressing known risks; norms and policies for countering women’s and girls’ poverty; norms and policies for reducing economic inequality, such as taxation, debt and redistribution measures, gendered perspective in free trade agreements, and gendered budgeting in economic and social policy);
* Identify promising approaches and make recommendations for promoting and protecting women’s and girls’ human security, through addressing their condition of poverty and socioeconomic inequality due to systemic gender-based discrimination.

*Relevant data*

1. What are the general levels of poverty in your country/region and those specifically of women and girls?

The institution of the People's Advocate estimates that poverty clearly continues to remain an acute problem at the national level. Poverty is not only a lack of income, but also a lack of services and participation in society, which are essential for the enjoyment of human rights.

Poverty as a cause, but also because of human rights violations, must be addressed in the context of the state's obligations to respect and guarantee human rights. Therefore, an approach based on human rights means that the standards and principles of human rights are at the core of the planning of state social policies undertaken by the state.

Albania according to the World Bank, (WB, 2021a), has the highest level of poverty in the region, about 33% of the population lives on less than 5.5 dollars a day.

The most vulnerable groups to the risk of poverty belong to the age group up to 17 years old, with the highest level for women at 31.7%. For all age groups, the risk of being poor is higher for women at 23.8%, compared to men at 22.2%. Likewise, the level of individuals at risk of poverty is the highest in families with dependent children, about 27.2% of individuals, against 14.2% that is verified in families without dependent children[[1]](#footnote-1)[[2]](#footnote-2).

1. Which are the levels of economic inequality in your country/region? Could you present disaggregated data concerning women and girls?

In 2020, the Gini Coefficient was estimated at 33.2%, decreasing by 1.1 percentage points from 2019. The ratio of equivalent disposable income quantiles, S80/S20 in 2020 was estimated at 5.9 out of 6.4 that was in 2019, showing a decrease in inequality[[3]](#footnote-3).

The Gender Equality Index in the Republic of Albania marks 60.4 points and is 7 points lower than the EU-28 average. There is still a long way to go to fully achieve gender equality, which requires the commitment of all actors, including government, the private sector, civil society and citizens.

Compared to the EU-28 according to areas, the Gender Equality Index for Albania is better than the EU average in the area of ​​power, very small differences in the area of ​​work and health and larger differences in the area of ​​money and time[[4]](#footnote-4).

1. Also, please present if available, disaggregated data on the specific conditions of such women in poverty (e.g., whether they belong to an ethnic or religious minority, are indigenous, migrants, asylum-seekers, stateless or refugees).

*Risks and structural barriers*

1. In which way are girls and women living in poverty or experiencing a situation of economic and social marginalization/disadvantage exposed to threats or risks in your country/region? In particular, in terms of:

* having difficulty with accessing social security, health care, housing, water, food, education, employment;
* being in a situation of homelessness or experiencing social exclusion and economic ‘unfreedom’;
* facing violence or discrimination, or stigmatization due to living in poverty;
* lacking access to justice and reparations for violations of their rights;
* facing undue/disproportionate or excessive criminalization for different causes.

Women in rural areas continue to suffer the limitation of access to rights, goods and services due to lack of infrastructure, gender discrimination, patriarchal mentality or lack of possible services to reach, especially in remote areas

The informal employment of women in these areas as well as the guarantee of rural women's access to health care services, free legal aid services and the right to education remain an issue. Access to potable water supply is limited for women in rural areas and Roma/Egyptian women. It is necessary to establish health care centers in all administrative units and improve the infrastructure of rural areas in order to increase accessibility and the level of security in these areas.

Vulnerable women, especially those from disadvantaged groups, are hardly informed about the existence of counseling lines.

The increase the efforts of all institutions at the central and local level to raise the awareness of women in rural areas regarding their rights and legal guarantees is recommended.

1. What is the legal and policy framework in your country/region to address such risks and prevent human rights violations affecting women and girls in poverty?

The equal rights of women and men are embodied in the highest legal act of Albania, the Constitution, which promotes the principles of equality and non-discrimination, as well as the protection and respect of human dignity and human rights and freedoms. Its Article 18/2 states: "No one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or parentage”.

**2.** Ratified conventions (CEDAW, Istanbul Convention, ILO Conventions, etc.).

• Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international human rights treaty that aims to eliminate all forms of discrimination against women and promote equal rights between men and women throughout the world.

• Council of Europe Convention on preventing and combating violence against women and domestic violence otherwise known as the Istanbul Convention.

The Istanbul Convention recognizes violence against women as a violation of human rights and a form of discrimination against them. Based on a victim-centred approach, it provides practical tools to ensure women and girls' protection, safety and empowerment. It links these to a wider goal - that of achieving equality between women and men.

**3. Specific Codes and Laws**

• The Electoral Code of the Republic of Albania provides for the first time the obligation of electoral subjects to respect gender equality (Articles 19, 67). This Code provided for the implementation of gender quotas in some of its provisions, such as in the electoral administration, second-level commissions and in the composition of the elected legislative body, the Assembly. The Electoral Code established the obligation that in the multi-name list of candidates for deputies of political parties, for the elections to the Assembly, none of the genders could be represented with less than 30%.

• Family code

• Labor Code

• Criminal Code

• Law no. 9970, dated 24.07.2008 "On gender equality in society", which entered into force in 2008.

The aim of this law is: a) to ensure efficient protection from discrimination due to gender; b) determine measures to guarantee equal opportunities between women and men, to eliminate gender-based discrimination; c) determine the responsibilities of state authorities at all levels, to draft and implement normative acts, as well as policies that support gender equality. The law on gender equality requires that gender integration be the strategy for achieving gender equality in society, through the inclusion of the perspective of each gender in all legislative, policy-making, planning, implementation and monitoring processes.

• Law no. 9669, dated 18.12.2006 "On measures against violence in family relationships" which entered into force on June 1, 2007. The purpose of the law is to "Prevent and reduce domestic violence in all its forms, through measures of appropriate legal measures, as well as guaranteeing the protection by legal measures of family members who are victims of domestic violence, paying special attention to children, the elderly and persons with disabilities"

• Law no. 10221 dated 4.2.2010 "On Protection from Discrimination". The purpose of this Law is to implement and respect the principle of equality in relation to gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status, pregnancy, parental affiliation, parental responsibility, age, family or marital status, marital status, residence, health status, genetic predispositions, disability, belonging to a special group, or for any other reason.

• Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania" provides for the first time the obligation of electoral subjects to respect gender equality.

• Law No. 57/2016 "On some changes and additions to Law No. 9936, dated 26.06.2008 "On the management of the budget system in the Republic of Albania" as amended, includes for the first time the concept of gender responsive budgeting in the management of the budget system, adding as a principle of its operation the respect of gender equality, where men and women enjoy equal opportunities and access to rights and benefits of the same nature.

1. Are there any particular groups of women and girls most at risk or conditions that especially determine barriers for women and girls to access such rights and why (such as by living in poverty, working in the informal labor market, unpaid care work or domestic work, migrant, asylum-seeker, refugee or stateless status, race, ethnicity, religion, age, gender identity, sexual orientation).

### Compared to other groups of women, women belonging to vulnerable groups enjoy a more limited status in their rights and access to services, due to the non-effective implementation of the legal framework in force.

### Despite the legal changes, for most of them the barriers regarding access to employment, education, housing or social protection are great.

### In rural areas, the restrictions for these categories are even greater.

### Elderly women in the absence of a legal framework for the protection of the rights of the elderly in Albania, brings obstacles regarding the provision of legal guarantees for the protection of the rights of this category. The situation is also problematic for convicted women or those with mental health problems. Increasing the access of women with disabilities, Roma, Egyptians, limited elderly women to health care centers is very necessary.

### It is also necessary to increase the level of education of Roma/Egyptian women, their economic empowerment through inclusion in employment promotion schemes and taking measures to reduce the number of Roma/Egyptian women as victims of sexual harassment or gender-based violence. .

1. Are there laws and/or practices in your country/region which differentiate between persons on the basis of sex or gender, i.e., between girls and boys to access education, ability for men and women, both inside and outside marriage, to enter into contracts, own/administer property, purchase land and/or housing, own/administer business, and gain access to credit? If so, what are they?

There is no discrimination based on gender in Albanian legislation. Women have the right to fully and equally enjoy all their human rights, as well as to be free from all forms of discrimination.

1. How would you say that structural obstacles, and ongoing phenomena or threats in your country/region (such as the Covid-19 pandemic, climate change, ongoing conflict, etc.) impact on risks for women and girls, particularly in the way women and girls access economic and social rights?

The pandemic period due to covid-19 had extraordinary impacts of all forms for the entire society.

But in a particular way it affected women, both in the increase and appearance of the most different forms of violence suffered, as in the direction of the loss of jobs (especially women's informal work as household helpers, etc.) , but also in terms of worsening their economic and social conditions in general.

1. Are there any specific actors, such as business corporations, or macroeconomic norms or policies in your country/region -such as trade agreements, taxation, debt and redistribution measures- that create particular or disproportionate risks or concrete human rights violations for women and girls?

Clothing and footwear manufacturing companies are considered one of the main sources of employment for women in Albania. Women who work in fashion industry face low wages, forced to work in difficult conditions, in the absence of proper social protection and unrepresented in trade unions, they are often unregistered.

The institution of the People's Advocate has undertaken and handled several cases with initiative regarding the rights of women workers in fashion factories.

The cases dealt with were related to working conditions, compliance with established protocols regarding distance, hygiene, use and distribution of disinfectants or masks, etc.

Through the State Labor Inspectorate and the State Health Inspectorate, we requested that measures be taken to ensure the right conditions for the continuation of work in this difficult sector.

1. Is there any legal framework or policy, program or part of your work, that focuses on the role of men in preventing economic risks or vulnerabilities of women and girls and/or ensuring the human rights of women in the context of poverty and inequality? Is there any that makes visible or emphasizes the benefits for the whole of society of a gender-equal and inclusive economy?

The "National Strategy for Gender Equality 2021-2030" (NSGE) approved with the Decision of Council of Ministers No. 400, dated 30.6.2021, foresees activities that include men and boys in efforts to achieve gender equality in society as well as the prevention and fight against gender-based violence.

The "NSGE 2021-2030" constitutes a guide towards a society where all individuals women, men, young women, young men, girls and boys, regardless of age, gender, place of birth and residence, ethnic or social group, disabilities, belonging to religious belief, expression of gender identity and sexual orientation, as well as other individual characteristics, are given equal opportunities to develop their potential; to participate equally in political and public decision-making; to choose and be chosen; to be educated and trained throughout life; to be employed and employed by advancing towards new professions and challenging stereotypes and the gender division of labor; to influence the socio-economic development of the country and be supported to develop socially and economically; to create healthy families, where parents share responsibilities equally and where communication is the key to solving problems; to live free from harmful practices and violence; and where vulnerable groups are prioritized and supported until they are empowered and enjoy equal rights and opportunities in all areas of life - that is, a society where equality is not confused with uniformity and where no one should be left behind.

*Promising practices*

1. What are the concrete ways in which the State –at the executive, legislative or judicial branch- addresses the situation of women and girls’ structural disadvantage in relation to economic and social rights? Are there any particular issues and platforms in which the State protects them from the systemic threats they face due to poverty and inequality?
2. How does your institution/Government/organisation contribute to ensuring girls’ and women’s access to their basic economic and social rights in your national context? Are there particular issues, platforms or levels in which the State/your institution encourage their participation, inclusion and engagement and what role does it play?

The institution of the People's Advocate values ​​that the respect and protection of women's rights within the framework of human rights as very important.

In exercising its constitutional mandate, for the promotion, protection and prevention of violation of the legal rights and freedoms of the individual, the institution of the People's Advocate holds direct meetings with representatives from the groups of disadvantaged women and girls, providing information on local legislation for the protection of their rights as well as for the promotion of their protection mechanisms. Addressing violations of human rights and other legitimate interests of women and girls, as well as providing equal opportunities for all vulnerable groups, is part of the strategic priorities of the Ombudsman.

1. Could you refer to legal norms and policies for eliminating poverty, as well as for reducing economic inequality, such as taxation, debt and redistribution measures, or specific economic or social policies, and could you specify if they adopt a gendered perspective and/or if there are any specifically directed to women and girls?

• The People's Advocate institution recommends to calculate the living minimum in Albania and also to use the living minimum as a foundation for drafting social policies for the needy.

• The vital minimum should be used as a reference to determine the minimum urban and rural pension, the minimum wage, economic assistance and unemployment benefits.

• To provide information on the rights and support opportunities offered for each category and especially for women from the vulnerable and poorest groups of society, so that they know and demand these rights.

• Changes in the benefit scheme must ensure coherence with the approach and programs of social protection and international standards accepted by conventions from Albania and constitutional rights and standards.

1. Could you refer to any good practice or innovative measure or initiative that has helped advance women’s and girls’ socioeconomic human security?

The People's Advocate appreciates the efforts of the Albanian government in the framework of the system of reforming economic services and social protection.

Law No. 59/2019 "On social assistance in the Republic of Albania" defines as categories that benefit from economic assistance, in addition to others, victims of violence in family relationships, for the period of validity of the protection order or immediate protection order, who are not treated in social care institutions as well as victims of trafficking after leaving social care institutions, until the moment of their employment.

Law no. 22/2018 "On social housing" defines as priority subjects to benefit from housing services victims of domestic violence, victims of trafficking, mother girls.

1. How can women and girls participate in decision-making in this area?

The equal participation of women in political life and public decision-making has continued to improve, and the electoral code requires that women make up 30 percent of the candidates on the electoral lists of political parties participating in the elections. It also requires that each gender be included in the first three names on the list. The Albanian parliament has the largest representation of women in the last thirty years. There is also a large increase in the representation of women in government. The current government is gender balanced.

Equal participation is also one of the strategic goals of the National Strategy for Gender Equality and the Action Plan. Achieving this goal involves two specific objectives. The first objective is to increase the public decision-making of women in leadership positions, both in law-making and policy-making at the central level. This objective envisages a 40 percent increase in women's participation in political and public life. The second objective defines a 40 percent increase in women's participation in policy-making processes and at the level of leadership in planning at the local level through increased participation in municipal councils.

Measures to achieve these objectives include increasing the participation of women at management levels in central government bodies, especially in planning, monitoring and evaluation processes. It also includes the appointment of women to leadership and administrative positions in local government units to achieve the 30 percent target provided by law. In this aspect, special attention should be given to the appointment of women from marginalized groups and women with disabilities, elderly women, as well as women from the Roma community[[5]](#footnote-5).

*Recommendations/ the way forward*

1. What concrete measures should States adopt and implement to eradicate poverty and tackle in particular the situation of women and girls living in poverty and the disproportionate impact poverty has on them?

Employment is the most sensitive field towards gender equality, but for the empowerment of women, we estimate that non-discriminatory social policies, programs and support services also have a significant impact.

The economic empowerment of women is closely related to the guarantee of the right to work, the right to equal remuneration, social security, safety at work and protection from gender discrimination in labor relations.

1. What concrete measures should States adopt to address systemic gender-based/age-based/socioeconomic-based discrimination and challenges affecting women and girls living in situation of poverty?
2. What would be your main recommendation to advance women’s and girls’ socioeconomic human security?

1. <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Vler%C3%ABsim%20mbi%20qasjen%20dhe%20perdorimin%20familjar%20te%20transfertave%20te%20MS.pdf> [↑](#footnote-ref-1)
2. <https://www.undp.org/albania/publications/evaluation-approach-and-household-use-social-protection-transfers-0> [↑](#footnote-ref-2)
3. <http://www.instat.gov.al/media/10320/shqiperia-ne-shifra-2021.pdf> [↑](#footnote-ref-3)
4. <http://www.instat.gov.al/media/6657/gender_equality_index_for_the_republic_of_albania_2020_alb.pdf> [↑](#footnote-ref-4)
5. <http://www.instat.gov.al/media/6657/gender_equality_index_for_the_republic_of_albania_2020_alb.pdf> [↑](#footnote-ref-5)