

# The 2008 Law “On Gender Equality in Society” and Some of its Effects on Equal Representation.

Dr. Juliana Marko Gjinko, PhD  
Department of History, Faculty of History and Philology  
University of Tirana, Albania

## **Abstract**

Since the fall of their socialist centralized systems, the countries of Central and Eastern Europe have experienced considerable changes to their socioeconomic policies. The Republic of Albania has encountered several noteworthy challenges since 1992, and initially, eradicating gender inequality was not given much emphasis. Gender equality is an essential element that needs to be incorporated into the legal frameworks of all candidate countries aspiring to join the EU, in addition to being a fundamental right and a shared vision of EU institutions. In developing nations, social exclusion can be either active or passive. Because females are excluded from many facets of society, such as the workforce, education, access to the legal system, the realization of their property rights, and so forth, women’s demands and interests are frequently disregarded. Following the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Republic of Albania has developed a number of laws, policies, and action plans pertaining to gender equality, in addition to measures addressing issues such as human trafficking, domestic abuse, closing the representational gap in politics and the economy, and other matters. This essay looks at Albania’s methodology for evaluating European standards and, where necessary, adapts them to regional political and cultural norms. Ensuring that the body of legislation is in accord with the culture in which it functions is a better strategy to enforce laws than merely making models, rules, and regulations. This is a comprehensive effort to assess and contrast specific in pursuing full EU integration. This is an overall attempt to evaluate and compare some of the strategies and actions Albanian representatives and society have taken to address the gender factor in the democratization process and institution-building while pursuing full EU integration.

**Keywords:** Albanian transition; gender equality; legal approximation; EU conditionality.

## **Introduction**

One of the fundamental principles of a democratic society is gender equality. A community that invests in attaining gender equality benefits girls’ and women’s lives and the positive transformation of boys’ and men’s lifestyles. Consequently, by advancing equality for some marginalized groups—like women—we can strengthen and enrich society and the community in the short term, which benefits everyone

in the long run. The Republic of Albania has been on a path of drastic changes since the early 1990s to establish the framework and meet the requirements of a liberal democratic society. During this transition, Albania has created institutions and a legal framework to support gender equality. To safeguard human rights, build institutions, and advance along the route of European integration, it has also adopted strategies and policies to address the gender factor.

In recent years, a broad framework for assessing these tactics and legislation has centered on:

- Inclusive legislation: An assessment has been conducted on the existence and efficacy of laws pertaining to gender. Are there any laws in the workplace or in society at large that support gender equality? Are these laws being applied correctly?
- Political Representation: Trends in the percentage of women in politics who occupy prominent and commanding roles should be assessed and contrasted. Are there any strategies aimed at raising the proportion of women in positions of leadership in the government and political parties?

The Convention on the Elimination of All Forms of Discrimination Against Women<sup>1</sup> (CEDAW), enacted in 1979 by the UN General Assembly, and the Constitution of the Republic of Albania, which was ratified by the Albanian Parliament in 1998, serves as the primary pillars of this legislation. Albania is required to take action and establish all necessary frameworks for the implementation of this 1993 Convention. Albania has drafted several laws, policies, and action plans about gender equality in addition to the CEDAW and the Constitution. It has also developed a National Strategy Against Trafficking in Human Beings (including Women and Girls), against Domestic Violence, and the execution of the corresponding measures<sup>2</sup>.

2020 saw Albania become a candidate for EU membership and begin the process of opening accession talks. Since the early '90ties, the European Union has been encouraging and supporting reforms and transformations to bring about the desired advancements in Albania's respect for freedoms and human rights as well as the strengthening of democratic institutions through its enlargement policies and the application of political conditionality. A fundamental right and a shared ideal among EU nations is gender equality. One of the core responsibilities of the EU, according to the Treaty of Amsterdam, is to promote gender equality<sup>3</sup>. The European Union's

<sup>1</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>. (03.08.2023)

<sup>2</sup> Council of Ministers of Albania, *National Strategy Against Trafficking in Human Beings against Domestic Violence 2021-2023*, Tirana 2021, <https://www.tdh-albania.org/sites/default/files/2023-02/NATIONAL%20ACTION%20PLAN%20%28eng%29%20web.pdf> (03.08.2023)

<sup>3</sup> European Communities, *Treaty of Amsterdam amending the Treaty of European Union, the Treaties establishing the European Communities and Certain Related Acts*, Luxembourg 1997, <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> (28.08.2023)

Charter of Fundamental Rights declares that gender equality must be upheld in all spheres, including employment, work, and compensation<sup>4</sup>.

The prohibition against discrimination for various reasons, including sex, is likewise reiterated in the Charter. The social dimension is a fundamental component of the Community, and gender equality and equal opportunity are intrinsic aspects of the social dimension, as stated explicitly in Section 5, "Gender Equality and EU Enlargement" of the 1998 Report of the European Commission. This document states there can be "no membership without equal opportunities for women and men"<sup>5</sup>. When determining whether there is a gender imbalance in important spheres of the political, social, and economic spheres in EU member states and prospective member nations, this text is used as a starting point. Articles 2 and 3 of the Treaty of Amsterdam state that gender integration is required by law in all domains and that gender equality is one of the Community's most important initiatives<sup>6</sup>. Through the joint memorandum strategy for social engagement, the European Commission has gathered suggestions and pertinent topics into a helpful handbook on gender integration for the candidate countries<sup>7</sup>. After ratifying the international treaties on human rights, the governments of these nations are required to provide periodic reports on their legal frameworks and practices in the relevant areas.

Restructuring the labor market is still the primary issue facing the Central and Eastern European countries, according to Anita Seibert, a representative of NGOs in the area. This is because women's participation in the economy typically declines during the shift from a centralized, planned economy to a free market<sup>8</sup>. Social exclusion in emerging or developing nations can take two forms: active or passive. Women's demands and interests are typically overlooked since they are shut out of numerous aspects of society, including work, education, access to the legal system, the realization of their property rights, and so on<sup>9</sup>.

---

<sup>4</sup> Article 23, *Charter of the Fundamental Rights of the European Union, 2000/C 364/01*, [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf) (03.08.2023)

<sup>5</sup> Commission of the European Communities, *Progress report from the Commission on the follow-up of the Communication: "Incorporating equal opportunities for women and men into all Community policies and activities,"* Brussels, 04.03.1998 COM (1998) 122 final, p. 19

<sup>6</sup> European Communities, *Treaty of Amsterdam amending the Treaty of European Union, the Treaties establishing the European Communities and Certain Related Acts*, Luxembourg 1997, p.125, <https://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> (28.08.2023)

<sup>7</sup> Council of Europe, *Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)*, 1998, p. 13

<sup>8</sup> Aleanca gjinore për zhvillim, *Barazia gjinore kusht për integrimin europian*, Tiranë 2008, p. 34

<sup>9</sup> Amartya Sen in Rogers, Jalal, Boyd, *An Introduction to Sustainable Development*, Glen Education Foundation, New York 2008

## Core Legal Framework 1998 – 2008

“All citizens are equal in front of the law, and nobody can be discriminated against based on gender, race, religious affiliation, political, religious, or philosophical beliefs, and economic, social, formative status,” according to Article 18 of the Republic of Albania’s 1998 Constitution<sup>10</sup>. The Penal Code of 1995 ensures that men and women are treated equally in all aspects of life, including healthcare, property, and dignity<sup>11</sup>. Women are granted equal rights in all legal proceedings, including the ability to file charges against or stand trial, according to the 2001 Civil Code<sup>12</sup>. The Labor Code recognizes the right of men and women to equal employment. They also have equal rights to paid time off, equal compensation, and protection at work. Employers are materially encouraged to hire women and girls<sup>13</sup>. The Labor Code’s provisions are predicated on global norms. In addition to equal rights and obligations toward family and children’s education, the Family Code of 2003 recognizes the freedom of husband and wife to choose whether or not to enter into a marriage and to file for divorce<sup>14</sup>. Women’s reproductive rights are upheld and guaranteed by the Law on Reproductive Health<sup>15</sup>. The Law completes the legal framework of equal opportunities for men and women for Gender Equality in Society. Equal opportunities for men and women are established by law in the areas of education, work, and decision-making. It also forbids discrimination and sexual harassment<sup>16</sup>.

One of the most effective efforts to bring Albanian legislation in the area of domestic violence legislation closer to international standards is the Law On Measures Against Domestic Violence<sup>17</sup>. This law, which was drafted in the process of implementing legally binding international acts like CEDAW or other acts adopted by the European Union, is a crucial component of the anti-discrimination framework of Albanian legislation. On the initiative of twenty thousand Albanians, the law was brought before the Albanian Parliament. This law aims to prevent and reduce domestic violence in all its forms by providing appropriate legal defense; it also ensures legal measures for family

<sup>10</sup> Qendra e Botimeve Zyrtare, *Kushtetuta e Republikës së Shqipërisë*, Tiranë 2008, p. 9, <https://qzb.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd> (23.07.2023)

<sup>11</sup> Qendra e Botimeve Zyrtare, *Kodi Penal i Republikës së Shqipërisë*, Tiranë 1995, p.2, [https://www.idp.al/wp-content/uploads/2020/11/Ligj\\_nr\\_7895\\_Kodi\\_penal\\_i\\_ndryshuar\\_2020.pdf](https://www.idp.al/wp-content/uploads/2020/11/Ligj_nr_7895_Kodi_penal_i_ndryshuar_2020.pdf) (03.08.2023)

<sup>12</sup> Qendra e Botimeve Zyrtare, *Kodi Civil i Republikës së Shqipërisë*, Tiranë 2001, <https://qzb.gov.al/preview/f010097e-d6c8-402f-8f10-d9b60af94744> (03.08.2023)

<sup>13</sup> Qendra e Botimeve Zyrtare, *Kodi i Punës i Republikës së Shqipërisë*, Tiranë 2003, p.52, <https://qzb.gov.al/preview/c1c18a6c-5f3e-457d-b931-de505b3c7ed0> (03.08.2023)

<sup>14</sup> Qendra e Botimeve Zyrtare, *Kodi i Familjes së Republikës së Shqipërisë*, Tiranë 2003, p.8, [https://www.drejtesia.gov.al/wp-content/uploads/2019/02/Kodi-i-familjes-Ligj\\_9062\\_08.05.2003-1.pdf](https://www.drejtesia.gov.al/wp-content/uploads/2019/02/Kodi-i-familjes-Ligj_9062_08.05.2003-1.pdf) (03.08.2023)

<sup>15</sup> Qendra e Botimeve Zyrtare, *Ligji për Shëndetin Riprodhues*, Tiranë 2002, <https://qzb.gov.al/eli/ligj/2002/04/04/8876> (03.08.2023)

<sup>16</sup> Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjinore në Shoqëri*, Tiranë 2008, <https://qzb.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

<sup>17</sup> Qendra e Botimeve Zyrtare, *Ligji për masa ndaj dhunës në marrëdhëniet familjare*, Tiranë 2006, <https://qzb.gov.al/eli/ligj/2006/12/18/9669/3257bc3f-964e-4d84-aca0-57122d81f986> (23.07.2023)

members who become victims of domestic abuse, with a focus on children, older people, and those with disabilities. The Law on Gender Equality in Contemporary Society aims to prevent gender-based discrimination by defining measures to ensure equal opportunities for men and women, as well as outlining the duties of state authorities, including central and local government, in putting policies that advance gender equality into practice. This law envisions the creation of the National Council for Gender Equality, an advisory body that addresses gender equality issues and is chaired by the Minister, in addition to giving special attention to the role of the institutions tasked with implementing it<sup>18</sup>.

Ten members of the government and three members of the civil society make up the council. This body's primary responsibility is to advise the government on gender equality policy. It also evaluates the current state of gender equality in the nation, guarantees gender integration in all spheres, etc. This law also covers the media, education, labor relations, protection and equal treatment, and participation in the decision-making process<sup>19</sup>. According to the Law on Prevention of Violence in the Family, efforts for its proper recognition and execution must be coordinated by the Ministry of Labor, Social Affairs, and Equal Opportunities.

Positive changes have occurred, most notably with the development of the 2007–2010 Strategy for Gender Equality and Against Domestic Violence<sup>20</sup>. This law required social services, legal offices, health care facilities, and police commissariats to gather and publish data on violence, even though information on the scope of the problem is still scarce. One of the few nations in Europe to formally register, disseminate, and regularly display data regarding the scope and distribution of this phenomenon is Albania.

### **Law "On Gender Equality in Society" and its effects on political representation**

Prakash Anggun has investigated how the legal framework surrounding elections is sensitive to women's rights to influence their empowerment, establishing that a variety of factors, including sociocultural, religious, and economic ones, have an impact on how many women are represented in politics and elections<sup>21</sup>. Hanna Beate Schöpp-Schilling is another author who has highlighted how crucial it is to place the use of quota systems within the context of human rights in order to achieve and

---

<sup>18</sup> *Ibid*, p.3

<sup>19</sup> Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjinore në Shoqëri*, Tiranë 2008, pp. 5-12, <https://qbz.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

<sup>20</sup> Ministria e Punës, Ceshetjeve Sociale dhe Shanseve të Barabarta, *Strategjia Kombëtare për Barazinë Gjinore dhe Eleminimin e Dhunës në Familje*, Pegi Tiranë 2008

<sup>21</sup> Prakash Anggun, *Gender Specificity in Democratic Elections: International Implementability as an Exemplary for Indonesian Political Landscape* in Academic Journal for Interdisciplinary Studies, Vol. 9 No. 3 (2020): May 2020, pp. 194-198

preserve gender parity in public and political life<sup>22</sup>. According to several authors, minority groups need to be represented at least 30% in order to advance in status and significantly impact the dominant culture. This value is commonly referred to as reaching “critical mass”<sup>23</sup>. The critical mass theory has received backing from the global women’s movement. It is mentioned, for instance, in the Beijing Platform for Action of 1995, which states that women ought to hold 30% of all positions of decision-making<sup>24</sup>. At the same time, the number of nations implementing election quotas has been rising over time<sup>25,26</sup>.

“Electoral systems are not neutral to gender,” as the UN has stated. The electoral system could significantly impact the proportion of women chosen to run. “Some electoral system elements, such as candidate lists, district sizes, and threshold levels, also considerably impact women’s chances of winning office”<sup>27</sup>. As a result, there are significant differences in how quotas are created, implemented, and enforced across nations.

In Albania, the proportion of women in politics hasn’t changed much between the 1990s and 2009, as there have only been ten percent of female lawmakers in the legislature in this timeframe. The proportion of women in politics has significantly increased since the 2009 parliamentary elections. This was mainly brought about by the 2008 changes made to the Election Code<sup>28</sup>.

Taking into consideration this situation assessment, Law No.9970/2008 “On Gender Equality in Society” led to these modifications. In order to achieve “Equal treatment of women and men and equal opportunities in exercising their rights in all fields of social life,” this law regulates the fundamental issues surrounding gender equality. The law addresses the following: “...equal treatment in the media, impartial treatment in education and qualification, non-discriminatory treatment in labor relations, and

---

<sup>22</sup> Schöpp-Schilling, Hanna Beate, *Aufgaben und Arbeitsmethoden der UN-Menschenrechtsausschüsse am Beispiel des CEDAW-Ausschusses: Relevanz für CEDAW-Vertragsstaaten und Zivilgesellschaft in Europa*, in “Gleiches Recht – gleiche Realität? Welches Instrument bieten Völkerrecht, Europarecht und nationales Recht für die Gleichstellung von Frauen? Loccum Protokolle 71/03”, Rehburg-Loccum 2004, pp. 37-64

<sup>23</sup> Sarah Childs, Mona Lena Krook, *Critical Mass Theory and Women’s Political Representation* in “Political Studies” \vol. 56, 2008, pp.725–736

<sup>24</sup> Beijing Action Plan, *Beijing: Sixth International Conference UN Women 1995*, <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm> (03.08.2023)

<sup>25</sup> Pamela Paxton, Sheri Kunovich, Melanie M.Hughes, *Gender in Politics* in “Annual Review of Sociology”, Vol. 33, Issue 1, 263-284, 2007, p. 271

<sup>26</sup> Adriana P. Crocker, *Review: Jumping on the Bandwagon: Origins and Effects of Gender Quotas Worldwide*, “International Studies Review”, Vol.12, No.4, 686-689, 2010, p. 688

<sup>27</sup> Zyra e OKB Këshilltari i Posacëm i Cështjeve Gjimore, *Gratë dhe Zgjedhjet: Një guidë për të Promovuar Pjesëmarrjen e Grave në Zgjedhje, Kapitulli V – Votuesi dhe Edukimi Qytetar*, p.12, accessed 03.08.2023 at <https://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm>

<sup>28</sup> Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë 2008*, <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)



equal participation in governance and decision-making processes"<sup>29</sup>. The Albanian Parliament passed this law with 74 votes in favor and six abstentions<sup>30</sup>.

The discussion and consultation phases are especially interesting as they shed light on the political environment and social behaviors that Albanian MPs use to engage with the legal system, especially about gender equality and progressive changes.

Albania's progress in gender equality and human rights has been monitored by EU structures, which also provide the country with annual progress reports. EU representatives have also exercised political conditionality interventions and played a significant role in advancing the approval of the 2008 law<sup>31</sup>.

The Ombudsman formally submitted his opinions on the draft "On Gender Equality in Society" to the Parliament on March 13, 2008. The majority of his comments were technical and concerned the appropriate designation of the bodies in charge of overseeing or reporting on the progress of the process of gender integration in Albanian institutions and society<sup>32</sup>.

Non-governmental organizations have been leading the charge to adopt this draft law, and it is noteworthy that until 2008, there were more than 100 registered subjects in Albania solely dedicated to promoting gender equality<sup>33</sup>.

In order to support the approval of the draft law On Gender Equality in Society, a coalition of NGOs planned to organize in April 2008 a public request addressing government and parliament representatives. Additionally, the coalition would finalize a two-week awareness campaign throughout Albania. Following this initiative, the laws committee of the Albanian Parliament held a public hearing wherein key topics related to gender equality were discussed, and best practices for achieving it were adopted<sup>34</sup>.

There were major improvements brought about by the new Electoral Code, which was based on the Law on Gender Equality. A regional proportional representation system took the place of the prior one, which combined a majoritarian and proportional

<sup>29</sup> Qendra e Botimeve Zyrtare, *Ligji për Barazinë Gjinore në Shoqëri*, Tiranë 2008, p.6 <https://qzb.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)

<sup>30</sup> The World Bank. *Indeksi i Barazisë Gjinore për Republikën e Shqipërisë 2020*, [https://eige.europa.eu/sites/default/files/gender\\_equality\\_index\\_for\\_the\\_republic\\_of\\_albania\\_2020\\_alb.pdf](https://eige.europa.eu/sites/default/files/gender_equality_index_for_the_republic_of_albania_2020_alb.pdf) (03.08.2023)

<sup>31</sup> ETF, Mapping Policies and Practices for the Preparation of the Teachers for Inclusive Education in Contexts of Social and Cultural Diversity – Albania Country report 2010, p.31 [https://www.etf.europa.eu/sites/default/files/m/C12578310056925BC125772E0029DDCE\\_NOTE85SAXQ.pdf](https://www.etf.europa.eu/sites/default/files/m/C12578310056925BC125772E0029DDCE_NOTE85SAXQ.pdf) (03.08.2023)

<sup>32</sup> INSTAT, *Barazia gjinore Metadata Referenciale* (ESMS), Tirane 2008, [https://www.instat.gov.al/media/10366/38barazia\\_gjinore\\_esms\\_final\\_al.pdf](https://www.instat.gov.al/media/10366/38barazia_gjinore_esms_final_al.pdf) (27.07.2023)

<sup>33</sup> Qendra për Nisma Ligjore Qytetare, *Manual: Pjesëmarrja e Organizatave Jofitimprurese në Procesin e Monitorimit të Zbatimit të Konventes CEDAW dhe Konventes së Stambollit dhe Raportimi para Komitetit të CEDAW, UPR dhe Greivio*, 2018, p.42

<sup>34</sup> OSCE Presence encourages approval of Albanian draft law on gender equality, Tirana 7 March 2008, <https://www.osce.org/albania/49539> (03.08.2023)

representation system. Additionally, it reduced the possibility of manipulations by developing an electronic national population register that served as a resource for voter lists. Generally speaking, the new legislative framework offered a thorough technical foundation for holding democratic elections<sup>35</sup>. The Electoral Code established a threshold of at least 30 percent for the minority gender in the lists of candidates that political parties must submit for both local and national elections in order to implement the gender-neutral quota. In addition to the 30 percent quota for national elections, this law from 2008 provided special quotas for municipal councils with a higher percentage of 50 percent, in accordance with the implementation of a chain system<sup>36</sup>. The law was based on changes made to the Electoral Code. The Convention on the Elimination of Discrimination Against Women's articles 4 and 7 provided for the positive obligation that states take special, temporary measures to ensure equality between the sexes in political life, which served as the foundation for the implementation of these new reforms. Due to the electoral system's favoritism of large parties and the requirement that smaller parties form coalitions in order to win mandates and seats, minor political parties and those who did not cut to enter parliament opposed the new Electoral Code<sup>37</sup>.

There was a twofold increase in the mandates of female candidates in the 2009 parliamentary elections, with 23 female MPs (i.e., 16 percent of the total) as opposed to 7 percent in the 2005 parliamentary elections. Considering the average representation of women in Albanian politics, which is 15 percent according to the European Communities Act, this was hailed as a positive development<sup>38</sup>. This was in line with the 2008 adoption of the new Gender Equality Law and the 2008 adoption of the new Electoral Code, which implemented changes to the electoral process and gender quotas, respectively<sup>39</sup>.

However, the increase in the number of female candidates was not what was anticipated, even with the reforms made regarding the establishment of mandatory gender quotas. The reports pointed out that flaws in their drafting had compromised the goals of the laws. In compliance with the Electoral Code, the parties included women on their lists while adhering to the 30 percent quota. The women candidates

---

<sup>35</sup> Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë* 2008, <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)

<sup>36</sup> Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë* 2008, p.4, <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (03.08.2023)

<sup>37</sup> Mirela Bogdani, *Reflections while choosing an electoral system. The case of Albania* in "AGORA International Journal of Juridical Sciences" No. 2 (2013), pp. 22-28

<sup>38</sup> OSCE/ODIHR, *Zgjedhjet Parlamentare: Misioni i OSBE/ODIHR-it për Vëzhgimin e Zgjedhjeve 28 qershor 2009-Raporti Përfundimtar*. p.13, <https://www.osce.org/files/f/documents/e/f/38598.pdf> (23.07.2023)

<sup>39</sup> Qendra e Botimeve Zyrtare, *Kodi Zgjedhor i Republikës së Shqipërisë* 2008, p.1, <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836> (23.08.2023)



were positioned at the bottom of the list, making it nearly impossible for them to win<sup>40</sup>.

The public discussion was represented in media outlets, with particular reference to the four most-read newspapers, with extensive coverage during the March–July 2008 period. However, there are some logical anomalies in the way the discussion unfolded. Considering that this was a draft law that had the backing of cross-party parliamentary political forces, the motivation for comprehensible press coverage ought to have been twofold: educating the public about the implications of the law and building broad public support for its implementation. The mediating process has not succeeded in achieving either of these goals. The main focus of the draft was to improve the state of gender equality in the labor market. It was based on specific recommendations and studies carried out by interested parties. First of all, this has been one of the most significant shortcomings of Albanian reality. Secondly, it is thought that the best way to achieve gender parity in a society is to ensure that all members of the population enjoy a balanced economic status.

The article addressing equal representation (as a tendency) in decision-making political bodies was the focus of all public debate despite the draft law's emphasis on gender equality in the labor market. Instead, a temporary policy establishing quotas at 30% as the minimum percentage of each gender on party lists in general elections was chosen. Regarding the legal definition of quotas for the presence of women in the legislative, executive, and judicial branches, as well as other public institutions, there has been far too much misinformation in the great majority of cases<sup>41</sup>. Additionally, there needs to be better communication between legal affirmative action and meeting requirements for EU integration. Although they are absent from the majority of Union member states, quotas were regarded as a European standard<sup>42</sup>. The Albanian population consistently scores highly in favor of EU integration in every survey taken over the past few decades. Generally dissatisfied with the social and economic accomplishments of their elected representatives, they view the external pressure from EU institutions as a good thing that might force Albanian institutions and politicians to take greater accountability and focus on outcomes.

Effective, transparent, and uncontested results have always been a challenge for the Albanian parties' political candidate selection processes. This has been particularly evident when it comes to the procedures for equal gender representation. Voters in Albania select closed-party lists, which are the exclusive purview of political elites.

---

<sup>40</sup> OSCE/ODIHR, *Zgjedhjet Parlamentare: Misioni i OSBE/ODIHR për Vëzhgimin e Zgjedhjeve 28 qershor 2009-Raporti Përfundimtar*, p.27, <https://www.osce.org/files/f/documents/e/f/38598.pdf> (23.07.2023)

<sup>41</sup> Aleanca Gjinore per Zhvillim, *Barazia gjinore në procesin e integritimit europian: Shifra dhe fakte*, 2008, p.62, [https://www.gadc.org.al/media/files/upload/Barazia\\_gjinore\\_ne\\_procesin\\_e\\_integritimit\\_europian.pdf](https://www.gadc.org.al/media/files/upload/Barazia_gjinore_ne_procesin_e_integritimit_europian.pdf) (04.08.2013)

<sup>42</sup> Elife Luzha, *Kuotat dhe fuqizimi i grave në politikë*, <https://www.epokaere.com/kuotat-dhe-fuqizimi-grave-ne-politike/> (03.08.2023)

It wasn't until the Electoral Code went into effect that it was evident how the Law on Gender Equality could be read to invalidate any actual quota representation, going against the original intent of that legislative measure. With very few exceptions, the quota rule has been broken. Parties have made arrangements to add more female candidates to the bottom of their lists despite the Central Electoral Commission's legal rejection of lists that do not comply with the requirements. In Albania, a party can theoretically follow the quotas even if there are no women in the winning positions on the list of candidates, according to ACER (Albanian Center for Economic Research) and ASET (Albanian Socio-Economic Think Tank)<sup>43</sup>. Political parties have only specified a percentage of women's representation in local government bodies and party governing assemblies in their statutes or regulations. Thus, women's participation in decision-making positions and bodies has only been fulfilled to the extent required by the UN's Millennium Goals, the EU's standards, the OSCE (the Organization for Security and Co-operation in Europe), and the ODIHR (Office for Democratic Institutions and Human Rights)<sup>44</sup>.

The way the Albanian public has been informed and has thought about the legislative process, particularly when faced with the approval and implementation of this law, is another pattern of interest. The study report "Monitoring Albania's steps toward gender equality" from 2011 divides the key elements influencing the implementation of gender quotas into two categories: political and cultural. The traditional social attitudes regarding women's participation in politics, such as the belief that politics is a domain exclusively for men and the lack of confidence in women's ability to be trustworthy and influential politicians, are categorized as cultural factors<sup>45</sup>.

The affirmation of human rights and the integration of gender are integral components of the processes involved in the shift to liberal democracy. The Central Election Commission imposed penalties on the main political parties that ignored gender quotas in the general elections of 2009 and 2013<sup>46</sup>. The removal of female candidates from party lists to make room for men to assume vacant seats and become MPs has also been noted. Human rights still include women's rights, and both sexes' political representatives publicly state that they do not see a connection between democracy and equal representation in the political process. The features of Albania's electoral laws, the procedures and guidelines followed by political parties when making decisions, and the lack of influence and cooperation among women in positions of authority can be listed as political factors.

---

<sup>43</sup> ACER, ASET, *Studim mbi Situatën në Shqipëri të Grave Lider në Nivel Vendor: Një Analizë Bazë*, Tirane 2009, p.87

<sup>44</sup> UNDP Albania, *Fuqizimi i grave për parti politike më të forta. Udhëzues për promovimin e grave në politikë*, Tiranë 2012, p. 59

<sup>45</sup> Dragoti, Tahsini, Dhemblo, Ajdini, *Monitoring Albania's steps toward gender equality*, Department of Social Sciences Tirana 2011, p. 4

<sup>46</sup> Ora News, *KQZ: PD, PS dhe LSI gjobiten për mos respektimin e kuotave gjinore*, May 12th 2013, <https://www.oranews.tv/kqz-ps-nuk-respektoi-kriterin-gjinor> (27.07.2023)

## Conclusions

Promoting gender equality is not just a matter of recognizing it as a human right; it is also essential for achieving sustainable development, fostering social progress, and creating a more just and equitable world. Gender equality involves ensuring that individuals of all genders have equal access to opportunities, resources, and rights, free from discrimination and bias. Efforts to promote gender equality encompass various aspects, such as education, employment, healthcare, and political participation. The goal is to create a society where individuals, regardless of their gender, can fully participate and contribute to the social, economic, and political life of their communities. Gender equality has been explicitly addressed in several subsequent international agreements and conventions, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Adopted in 1979, CEDAW is sometimes referred to as an international bill of rights for women. Its goal is to end discrimination against women in the social, political, legal, and economic domains, among others.

Since the shrinking of their role in the 1990s, Albanian women have begun to regain ground, politically and economically. The 2005 general election brought an increase in the number of women candidates, but at that time, Albania continued to remain in last place in Southeast Europe in terms of the political representation of women.

The quota system and the 2009 general elections are considered a turning point for the political participation of women in Albania.

The debate over the actual effectiveness of gender quotas continues because the placement of female candidates in positions of power within party lists is always subject to the judgment of the party's leaders, who are currently exclusively men. Further thought should be given to the necessity of reforming decision-making processes at all levels, possibly with an emphasis on changing party internal practices and raising public awareness of gender equality and equal representation as human rights.

We suggest two methods by which gender and politics scholars might reconsider the connections between women's descriptive and substantive representation and thus conduct empirical research in place of "critical mass theory." First, we make the case that "how the substantive representation of women occurs" should become the primary research question instead of "when women make a difference." Secondly, we propose shifting the analytical focus from the macro to the micro level, researching "what specific actors do" instead of attempting to determine "what women do." When combined, these reformulations create several new avenues for investigating legislative behavior, not the least of which is the easing of unduly restrictive analytical frameworks pertaining to the participants, structure, and substance of progressive changes. This will make it possible to examine "critical actors" in women's substantive

representation with greater care. Regardless of the number of female representatives in a given institution, these legislators, whether they are male or female, can be recognized as those who take the initiative to propose policies on their own and frequently, though not always, inspire others to follow suit. Focusing on these players presents fresh chances to investigate the legislative actions of women and men who organize on behalf of women collectively and, consequently, to pinpoint different avenues that could lead to better substantive representation of women's issues.

Albanian institutions and the society at large are urged to enact and put into effect laws and procedures that advance gender equality and do away with gender-based discrimination. This entails dispelling myths, altering societal mores, and fostering an atmosphere in which all people—gender included—can fully exercise their human rights and make contributions to society on an equal basis.

The qualified Albanian majority's continued desire to support the EU integration process, which is still the highest among candidate countries, is a positive attribute, being that the European Union can act as a stimulating agent of reforms and transformations to achieve the desired progress regarding the respect of freedoms and human rights and the strengthening of democratic institutions in Albania. However, this wish is not mirrored in the willingness to fully acknowledge and comprehend the integration process and all of its implications. Comparably, there needs to be more critical thinking in politics and society to assess and, when appropriate, modify European standards to suit regional political customs and cultural norms. The best approach to enforcing laws rather than just drafting rules, conventions, and regulations is to ensure that the body of law is in harmony with the culture in which it operates. Progressive policies like gender quotas have demonstrated that they are effective, necessary, and can spur broader social progress—even though they are insufficient for a society devoid of democratic traditions.

## Bibliography

### Books

1. Aleanca gjinore për zhvillim, *Barazia gjinore kusht për integrimin europian*, AGZ Tiranë 2008
2. Amartya Sen in Rogers, Jalal, Boyd, *An Introduction to Sustainable Development*, Glen Education Foundation, New York 2008
3. Dragoti, Tahsini, Dhembo, Ajdini, *Monitoring Albania's steps toward gender equality*, Tirana 2011

## Studies and Articles

1. ACER, ASET, *Studim mbi Situatën në Shqipëri të Grave Lider në Nivel Vendor: Një Analizë Bazë*, Tirane 2009
2. Adriana P. Crocker, *Review: Jumping on the Bandwagon: Origins and Effects of Gender Quotas Worldwide*, *International Studies Review*, Volume 12, No. 4, 686-689, 2010
3. Hanna Beate Schöpp-Schilling, *The Role of the Convention on the Elimination of All Forms of Discrimination Against Women and its Monitoring Procedures for Achieving Gender Equality in Political Representation*, Schriftliche Fassung eines Vortrags vor einer Tagung des *International Institute for Democracy and Electoral Assistance* in Budapest, 22-23. Oktober 2004
4. Hoxha, Elona. "Gender Equality, Albanian National Mechanism Within the Framework of EU Legislation." *Academicus International Scientific Journal*, vol. 19, 2019, pp. 156-164., <https://doi.org/10.7336/academicus.2019.19.11>.
5. Mirela Bogdani. *The Intersections of Law with Issues of Choosing an Electoral System*, „Albanian Journal for Legal Studies,” IV Annual Meeting, 2009
6. Pamela Paxton, Sheri Kunovich, Melanie M. Hughes, *Gender in Politics. Annual Review of Sociology*, Volume 33, Issue 1, 263-284, 2007
7. Prakash Anggun, *Gender Specificity in Democratic Elections: International Implementability as an Exemplary for Indonesian Political Landscape in Academic Journal for Interdisciplinary Studies*, Vol. 9 No. 3 (2020): May 2020
8. Qendra per Nisma Ligjore Qytetare, *Manual: Pjesemarrja e Organizatave Jofitimpruese ne Procesin e Monitorimit te Zbatimit te Konventes CEDAW dhe Konventes se Stambollit dhe Raportimi para Komitetit te CEDAW, UPR dhe Grevio*, 2018
9. Sarah Childs, Mona Lena Krook, *Critical Mass Theory and Women's Political Representation in "Political Studies" VOL 56*, 2008
10. Schöpp-Schilling, Hanna Beate, *Aufgaben und Arbeitsmethoden der UN-Menschenrechtsausschüsse am Beispiel des CEDAW-Ausschusses: Relevanz für CEDAW-Vertragsstaaten und Zivilgesellschaft in Europa*, in "Gleiches Recht – gleiche Realität? Welches Instrument bieten Völkerrecht, Europarecht und nationales Recht für die Gleichstellung von Frauen? Loccumer Protokolle 71/03", Rehburg-Loccum 2004
11. UNDP Albania, *Fuqizimi i grave për parti politike më të forta. Udhëzues për promovimin e grave në politikë*, Tiranë 2012

## Documents

1. Beijing Action Plan, *Sixth International Conference UN Women*, Beijing 1995
2. Charter of the Fundamental Rights of the European Union, 2000/C 364/01, [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)
3. Commission of the European Communities, *Progress report from the Commission on the follow-up of the Communication: "Incorporating equal opportunities for women and men into all Community policies and activities,"* Brussels, 04.03.1998 COM (1998)122 final
4. Council of Europe, *Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)*, 1998
5. Council of Ministers of Albania, *National Strategy Against Trafficking in Human Beings against Domestic Violence 2021-2023, Tirana 2021*, <https://www.tdh-albania.org/sites/default/files/2023-02/NATIONAL%20ACTION%20PLAN%20%28eng%29%20web.pdf> (03.08.2023)
6. INSTAT, *Barazia gjinore Metadata Referenciale (ESMS)*, Tirane 2008
7. Ministria e Punës, Ceshtjeve Sociale dhe Shanseve të Barabarta, *Strategjia Kombëtare për Barazinë Gjinore dhe Eliminimin e Dhunës në Familje*, Pegi Tiranë 2008
8. OSCE/ODIHR, *Zgjedhjet Parlamentare: Misioni i OSBE/ODIHR-it për Vëzhgimin e Zgjedhjeve 28 qershor 2009-Raporti Përfundimtar*. <https://www.osce.org/files/f/documents/e/f/38598.pdf> (23.07.2023)
9. Qendra e Botimeve Zyrtare, Kodi Civil i Republikës së Shqipërisë, Tiranë 2001, <https://qbz.gov.al/preview/f010097e-d6c8-402f-8f10-d9b60af94744> (03.08.2023)
10. Qendra e Botimeve Zyrtare, Kodi i Familjes së Republikës së Shqipërisë, Tiranë 2003, [https://www.drejtesia.gov.al/wp-content/uploads/2019/02/Kodi-i-familjes-Ligj\\_9062\\_08.05.2003-1.pdf](https://www.drejtesia.gov.al/wp-content/uploads/2019/02/Kodi-i-familjes-Ligj_9062_08.05.2003-1.pdf) (03.08.2023)
11. Qendra e Botimeve Zyrtare, Kodi i Punës i Republikës së Shqipërisë, Tiranë 2003, <https://qbz.gov.al/preview/c1c18a6c-5f3e-457d-b931-de505b3c7ed0> (03.08.2023)
12. Qendra e Botimeve Zyrtare, Kodi Penal i Republikës së Shqipërisë, Tiranë 1995, [https://www.idp.al/wp-content/uploads/2020/11/Ligj\\_nr\\_7895\\_Kodi\\_penal\\_i\\_ndryshuar\\_2020.pdf](https://www.idp.al/wp-content/uploads/2020/11/Ligj_nr_7895_Kodi_penal_i_ndryshuar_2020.pdf) (03.08.2023)
13. Qendra e Botimeve Zyrtare, Kushtetuta e Republikës së Shqipërisë, Tiranë 2008, <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd> (23.07.2023)



14. Qendra e Botimeve Zyrtare, Ligji për Barazinë Gjinore në Shoqëri, Tiranë 2008, <https://qbz.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)
15. Qendra e Botimeve Zyrtare, Ligji për Barazinë Gjinore në Shoqëri, Tiranë 2008, <https://qbz.gov.al/eli/fz/2008/125/38d37ac3-b250-40f0-bc61-0fe49024533e;q=ligji%20per%20barazine%20gjinor> (23.07.2023)
16. Qendra e Botimeve Zyrtare, Ligji për masa ndaj dhunës në marrëdhëniet familjare, Tiranë 2006, <https://qbz.gov.al/eli/ligji/2006/12/18/9669/3257bc3f-964e-4d84-aca0-57122d81f986> (23.07.2023)
17. Qendra e Botimeve Zyrtare, Ligji për Shëndetin Riprodhues, Tiranë 2002, <https://qbz.gov.al/eli/ligj/2002/04/04/8876> (03.08.2023)
18. Treaty of Amsterdam, 1997, <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf>
19. UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249 <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> (23.07.2023)
20. Westminster Foundation for Democracy, *Kontrulli post-legjislativ i ligjit "Për barazinë gjinore në shoqëri-Raporti. Nxjerrë nga: Raport i Rrjetit të Komisioneve për të Drejtat e Njeriut dhe Barazinë Gjinore në Ballkanin Perëndimor*, Tirane 2010
21. Zyra e OKB Këshilltari i Posacëm i Cështjeve Gjinore, *Gratë dhe Zgjedhjet: Një guide për të Promovuar Pjesëmarrjen e Grave në Zgjedhje*, Tirane 2008