



Gender Alliance for Development Center
Qendra Aleanca Gjimore për Zhvillim



Convention on the Elimination
of All Forms of Discrimination against Women

*Committee on the Elimination of Discrimination
against Women
Sixty-fourth session*

SHADOW REPORT

With a special focus to the

Applications and Implications of the Article 11 in shoes and textile industry in Albania

Albanian NGO's Shadow Report

**Complementing the Albanian Government Reports
CEDAW/C/ALB/4 and CEDAW/ALB/Q/4/Add.1
to the CEDAW committee**

**Gender Alliance for Development Centre
Albania June 2016**



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This report was prepared combining desk and field research throughout 2015 and the first half of 2016. The report gives information on some articles of the convention in Albania and more detailed information is given on wage and labour conditions of shoe and garment workers in the Albania.

The preparation of this report is supported by Olof Palme International Centre

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Executive Summary

This report is prepared for CEDAW committee complementing the report submitted by the Albanian State, to be presented during the 64th session of CEDAW. *The first part* of the report is dedicated to *gender statistics* and contains important data about women vs. men answering a variety of questions from CEDAW's list of issues about data sent to Albanian Government. *The second part* of the report is dedicated to domestic violence which compose almost half of all crimes committed in Albania. Based GADC works for years against domestic violence in the country the report brings findings and recommendations on gender based violence. A real story happened during these days is included. *The third part* of the report tackles women's rights in the labour market with a special focus to women workers in shoes and garment industry. This sector is being researched through desk and field research. The results show the severe conditions of women in these sectors and the low payment for their hard and long hours of daily work. The main violations of the Labour Code noted during the field interviews are being presented. This part is followed by recommendations for improvement of the working conditions in the sector. *Two real stories* from the worker's life and the bitter reality in their everyday work are presented at the end.

Highlights of the report:

- In 2014 according to Albanian Institute of Statistics only 19.04 % women from the rural areas receive maternity leave vs. 58.78 % of women in urban areas, because the women in rural areas do not enjoy maternity leave, albeit these women are working day and night in their small family gardens.. People living in rural areas automatically are called self-employed. Based on the International Labour Organization definitions, contributing family workers are classified as being in informal employment, or said differently these people do not pay for social and health insurance and they do not enjoy other rights and benefits as humans in the labour market. Classifying people leaving in the rural areas as self-employed is a mistake with serious consequences for the country.
- 53 % in 2014 and 47 % in 2015 of all crimes in Albania are caused due to domestic violence. Men and women are involved in these figures. Only women compound 40 % (2014) and 32 % (2015) of victims from domestic violence. According to INSTAT in 2015 37% of all deaths or 20 persons out of 54 are related to domestic violence cases. Albania is in an emergency take immediate measures against this phenomena.
- Women workers, which comprise 95 % of the workforce in textile and shoes industry are suffering from multiple violations including alleged sexual harassment. The implementation of the Labour Code is not monitored properly by the state institutions in charge. Moreover there is a huge gap between state and sector data about the number of workers in the sector. The governmental data reports 28000 workers in the sector, while the sector itself reports approximately 70000 workers. This inconsistent data shows the high informality in labour market in the country. The sector is suffering as well from the non-payment of the legal minimum wage in Albania.



Introduction

Albania is a small European country with a total population of 2.893.000 inhabitants consisting of 49 % women and 51 % men¹. 42.8 % of the population lives in rural areas. 29.37 % of women live in urban areas versus 20.09 % of women who live in rural areas². Albania's economy has benefited substantially from increased openness and flexibility over the past decade³. Although the state continues to control key enterprises, particularly in the energy sector, the economy is mostly in private hands.

In 2014 Albania became a European Union (EU) candidate country on condition that it makes further progress in reforming the judiciary and law enforcement to combat deeply rooted corruption and organized crime, especially human trafficking, fraudulent documents, and money laundering. The EU is demanding reforms in the judiciary and law enforcement agencies to combat deeply rooted corruption and organized crime.

In Albania nearly a third of the employed are unpaid family workers (mainly in agriculture) and informal employment remains widespread; this affects job security and social security entitlements and hinders company development⁴. The Government of Albania strengthened the labour market policies in line with the national employment and skills strategy for 2014-2020, adopted in November 2014. However, more needs to be done to improve the functioning of the national employment service, strengthen employment promotion programmes, modernize training services and develop a coherent labour market information system⁵. On the other hand as of September 1, 2015, the Government officially initiated an extensive campaign against informality in the country.⁶

1. Gender Statistics in Albania

1.1 Women vs. men in Albania and the lack of Gender Statistics

Proper and exhaustive gender statistics are missing in Albania. Below are some gender statistics for Albania retrieved from the publication of INSTAT "Women and Men in Albania" published in 2015 and 2016. There are some figures as well from international or National Institutions regarding data about women and men in Albania.

The 2014 Global Gender Gap Index ranked Albania 83rd with a score of 0.687 out of 142 countries making progress from the position no 108 in 2013 (Global Gender Gap Index, 2014). The report for the Global Gender Gap Index takes into consideration the relative gaps between women and men across four key areas: health, education, economy and politics.

¹ Institute of Statistics. Women and Men in Albania 2016

² idem

³ Economic Freedom Index, 2015.

⁴ European Commission. 2015. Albania Progress Report.

⁵ European Commission. 2015. Albania Progress Report.

⁶ Albanian Investment Council. 2015. Informality, a common government-business challenge.



The World Bank (2015) classify Albania as an upper middle income country with a GDP \$13.37 billion in 2014. Gross National Income (GNI) per capita is 4460 (World Bank, 2014) compared to Montenegro 7240, Serbia 5820, Macedonia 5150 or Turkey 10840.

The Inter- Parliamentary Union (IPU, 2015) on the basis of information provided by National Parliaments by 1st September 2015 ranked Albania 68th out of 190 countries for the women's participation in Parliament (IPU, 2015).

1.2 Population

Albania total population of 2.893.000 inhabitants consists from 49 % women and 51 % men (INSTAT, 2016). 42.8 % of the population lives in rural areas and 57.2 % lives in urban areas.. In urban areas lives more women (54.4%) than men (INSTAT 2016), while in rural areas lives more males (53.1 %) than women (INSTAT 2016). In percentage 29.37 % of women live in urban areas versus 20.09 % of women who lives in rural areas (INSTAT, 2015).

1.3 Birth and maternity leaves

1606 girls less than men were born in 2014, *counting sex ratio at birth between male/female equal to 1.09 for the year 2014 (INSTAT, 2015)*. During the year 2014 35760 babies born, out of them 36.18 % born in urban areas vs. 63.87 % in rural areas. Only 19.04 % women from the rural areas receive maternity leave vs. 58.78 % of women in urban areas. Mean age at birth for women is 27.2 years old (INSTAT, 2015).

1.4 Deaths and life expectancy

Year 2014 noted 20656 deaths (46 % women vs. 54 % men). Life expectancy in Albania according to figures of the year 2014 is 80.3 for women vs. 76.4 years old for men (INSTAT, 2015).

1.5 Marriages and divorces

23769 marriages were recorded in 2014 vs.4240 divorces, marking the divorce ratio at 17.4 % (INSTAT, 2015).

1.6 Head of household

About the head of household the figures dated in 2012 with 12.5 % women vs. 87.5 % men (INSTAT, 2015).

1.7 Education

29137 students graduated in public schools during the year 2014. Out of them 65.8 % were girls and women vs. 34.2 % boys and men (Ministry of Education and Science, [MES], 2014).

According to INSTAT (2015) girls are reported to count 48.2 % of those who completed the elementary education (nine year school) vs. 51.8 % boys. Moreover girls and women constituted 53.5 % of the secondary school graduates vs. 46.5 % boys and men. 64 % of teachers are women in the basic and upper secondary education. Moreover in Albania there are 31 % women with the title Professor vs. 69% men, 51 % PhDs vs. 49 % men, and 62 % docents and pedagogues vs. 38 % men. Although that we have more women than men with the title PhDs or pedagogues men are ruling the system of education with 12 rectors men vs. 1 woman, 14 deputy rectors men vs. 9 women, 183 men as members of senate vs. 90 women and 44 men vs. 15 women as deans, chiefs of department 170 men vs. 102 women (MES, 2014).



Referred to the population 25 – 64 years old, 1.4 % women toward 1 % men never attended any school. 2 % men vs. 3.6 % women attended the elementary school, followed by 40.9 % men vs. 48 % women in lower secondary school and 9.7 % women vs. 15.5 % men in upper secondary professional's school and 22.4 % women vs. 25.8 % men in general upper secondary schools (MES, 2014).

There are 400 students with disabilities enrolled in bachelor and master degrees in public universities in 2014 out of them 43 % are girls and women vs. 57 % boys and men (MES, 2014).

1.8 Convicted persons

According to the data of the GDSP (2014), 393 women vs. 12452 men adults convicted and 8 girls vs. 765 boys juvenile convicted. Moreover we have 41 women vs. 2797 men in prisons (GDSP, 2014).

1.9 Trafficking in human being

The data from GDSP (2014) shows that there are 11.8 % girls and women vs. 88.2 % boys and men who are forced to begging during 2014. There are 98.8 % girls and women sexually exploited vs. 1.2 % of boys and men. While perpetrators are separated in equal percentage when it comes to forced begging and 20.7 % women vs. 79.3 % men when it comes to sexual exploitation.

1.10 Wages and gender gap

In 2014 in Albania the gross average monthly wage per employee is 45,539 Lek. For men employees the gross average monthly wage is 47,664 Lek and for women employees is 42,852 Lek. The gender pay gap is 10 % (INSTAT, 2014).

That means that men employees have a gross average monthly wage 10 % higher than women employees. Gender pay gap varies depending on the type of enterprise ownership. The gross average monthly wage per employee in foreigner enterprises is more than two times higher for men compared to women. For employees in public enterprises the gender pay gap is almost insignificant (-1 %). In Albanian private enterprises the gender pay gap is 8 %, whereas in Joint venture enterprises this indicator is 37 %.

1.11 Women in decision making

Albanian women appraise the presence of 8 women or 35 % as ministers in the cabinet, as a steppingstone in Albania's efforts to empower women in the political sphere. However, according to the European Commission (EC) Progress Report (2014) political parties failed to respect the 30 % gender quota requirement in candidate lists. Overall, women remain underrepresented in public office (EC, 2014). In April 1, 2015, on the brink of Local Elections 2015 a significative change proposed by the Women's Alliance in Parliament is approved in Albanian Parliament. The Electoral Code (2015) stipulates that for Municipal Council candidates "...one in every two consecutive names in ranking shall belong to the same gender". Despite this effort this is not a guarantee that elected members of the Municipal Council will equally represent each gender. Indeed, the 2015 local elections proved that despite the candidate list obligation the representation of women in municipal councils varied from municipality to municipality with an average of 35% of women in total. Only Tirana has slightly more than 50% women in the municipal council. Other smaller and/or rural municipalities feature more often 1 to 2 women (from approximately 15+ municipal council members). The representation of women becomes even more concerning when



moving higher up in the hierarchy of local government units. For example, out of 61 new mayors emerging from the 2015 local elections, only 9 are women (approximately 15%), which is only a slight improvement from the 2011 local elections from which 5 women mayors were elected and 2 heads of commune (out of 65 municipalities and 384 communes). Similarly, today's Albanian Parliament (constituted from the 2013 Elections) contains 21.4% women (30 out of 140) with major political parties failing to reach the 30% gender quota in their candidate list, albeit being fined for not reaching it.

Introducing gender quota has been a priority of the Albanian government in its efforts to quantitatively increase the number of women participating in political processes and decision making. Gender provisions in the Electoral Code need to be strengthened further and a more enabling environment created for women to advance in political and public positions (EC, 2014). Two mechanisms are used at the national and local level. The first referring to the 30% gender quota in the list of candidates for MPs and the second refers to the recently introduced 50% quota in the municipal council candidate list for local elections, first tested during this year's local elections. Beyond tackling women representation from a quantitative point of view it is important to substantiate political involvement of women and the quality of the policies introduced to provide incentives for those who want to be elected and be part of the decision-making process. Perceptions and perspectives of the society in general play a fundamental role in the political landscape of a country. Similarly, in Albania, how women in leading political position are viewed and the real or imagined obstacles to political representation constitute a policy challenge that needs to be tackled at the systemic level, not only sporadically. As of 2014 Albania has not achieved any of the targeted quotas for women participation in Parliament (OSCE average 24.8%, Beijing Platform target 30% and CoE recommendation 40%). In the OSCE region however less than half of the countries have reached any of the set targets and recommendations (with only four countries that have exceeded the 40% recommendation of the CoE).

1.12 Women entrepreneurs

According to INSTAT (2015) in 2014, the percentage of women owners/administrators of enterprises is 28.5 percent. The percentage of women owners/administrators in small enterprises (1-4 employees) is significantly higher than in other categories. From 2005 to 2014 the percentage of women owners/administrators has increased in all categories, with the highest increase for enterprises with 1-4 employees, approximately 6 percent. During this period, for big enterprises with more than 50 employees, the increase is 3.7 percent.

During the year 2014 from 17,377 newly created enterprises, 31 percent of them owned/managed by women and 69 percent by men (INSTAT, 2014).

1.13 Women in the justice system

Women in the justice system represent 17 % at the General Procurator, 15 % as prosecutors at the Court's of Appeal, 18 % as prosecutors at the Court of Serious Crimes and 31% as Prosecutors at the Court of First Instance (INSTAT, 2015). There are 2 women out of 6th Members of Supreme Court. In general women in the justice system represent 37 %. While from the other hand 58 % women are students in the Magistrate school (INSTAT, 2015).

1.14 Other categories

Women in diplomatic mission represent 24 % ambassadors and 59 % first secretary (INSTAT, 2015). We have no women in the upper position in the Police of State. In general we have only 13 % women in leadership positions in this sector (INSTAT, 2015).

1.15 Employment vs. Unemployment in Albania

The employability in Albania is measured through the yearly Labour Force Survey (LFS) organized by the Institute of Statistics (INSTAT), whose main objective is to collect quantitative and qualitative information for estimating labour market indicators for all individuals 15 years and above in Albania. The studied population is divided in three main categories: employed, unemployed and outside the labour force. Below we present the Labour force participation rate; employment rate and unemployment rate only for Albanian women from the year 2011 until 2015 based on LFS.

Labor Force Participation Rate

Female	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015
Years old 15-29	47.0	37.7	30.1	32.0	35.4
Years old 30-64	68.6	64.4	60.7	61.2	64.6
Years old 15-64	60.8	56.4	50.1	51.3	55.1
Years old 15+	52.9	49.2	44.0	44.4	47.2

Source: Institute of Statistics (INSTAT 2015)

Employment Rate

Female	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015
Years old 15-29	37.3	29.4	23.0	23.3	23.1
Years old 30-64	60.1	58.3	53.9	53.6	56.3
Years old 15-64	51.8	49.6	43.1	43.4	45.5
Years old 15+	45.3	43.5	38.0	37.6	39.2

Source: Institute of Statistics (INSTAT 2015)

Unemployment Rate

Female	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015
Years old 15-29	20.6	22.0	23.6	27.4	34.7
Years old 30-64	12.4	9.5	11.2	12.3	12.9
Years old 15-64	14.7	12.0	13.8	15.5	17.4
Years old 15+	14.4	11.7	13.5	15.2	17.1

Source: Institute of Statistics (INSTAT 2015)

From figures below one can conclude that women unemployment is not a major concern, although in 2015 there was an increase in unemployment. Analyzing the methodology used by INSTAT to calculate unemployment, it is obvious that the rates are higher than those presented in official statistics. . More concretely, according to the 2014 survey estimates, it results that 41.6 % of employed are employees, 26 % are self-employed (with employees or without employees) and



32.4 % are contributing family workers. Analyzing the labour market in a gender perspective, females are 1.7 times more likely than males to be contributing family workers.

LFS data shows that 42 % of employed females and 25.1 % of employed males are contributing family workers (INSTAT, 2014). If we analyse the activity by sex and economic activity it is obvious that the 53% in 2013 and 50 % in 2014 are working in the agriculture sector, meaning that people included in this figure are all contributing family workers. ***Based on the International Labour Organization definitions, contributing family workers are classified as being in informal employment, or said differently these people do not pay for social and health insurance and they do not enjoy other rights and benefits as humans in the labour market.***

As a conclusion these classifications bear a wrong perception on employment in the country. The figure is hiding the bitter reality that women in rural families are not employed but in contrary are overloaded with double and triple burden by working in the small family garden, taking care of children and the elderly in the family, do not enjoy social and health insurance consequently are not entitled to pension in the future, their health conditions are always in danger. The above mentioned reality on women “employed” in rural economy is worsened when gender stereotypes and discriminations are added. These women are more likely to be sexually abused and violated in the family as well as transfer a low level of self-esteem to their daughters. Unfortunately this reality is not taken into consideration in Albanian State report, while in contrary this should be an alarming situation for urgent measures from the government of Albania.

Moreover the methodology of the most important publication in the country, which should lead the policies and strategies explain that employed are considered all individuals who have worked even for one hour with a respective salary or profit during the reference week of the study. Employed are also considered all persons temporarily not at work during the reference week for some reasons: 1) maternity leave, illness, injury or temporary disability and expect to return to work, education / training directly related to the actual work; 2) salaried employees absent from work for some reasons other than the above that (a)lack of the duration is three months or less, and the person is not a seasonal worker or (b)the person takes 50% or more salary; 3) the self-employed who intend to return to the business/ farm / or professional practice; 4) workers not being paid who expect to return to work in three months or less; 5) People who work on their small farm, who do not sell their products, but produce only for self-consumption, are considered as employed.

This methodology used for the calculations bring unrealistic data about employment vs. unemployment in the country and the conclusion is that there are more unemployed people in reality than the data shows.

Recommendations for gender Statistics

Considering that statistical information is absolutely necessary in order to understand the real situation of women, GADC urges Albanian state:

- To find a statistical method to proper calculate the unemployment situation of women in Albania.
- To prepare adequate and tailor-made policies according to different stratification of unemployment in the country.
- Addressing the recognition of unpaid work/contribution of women to household income through policies that promote joint ownership.
- To ensure that Albanian Institute of Statistics responsible for planning social and economic surveys formulate their questionnaires in such a way that data can be disaggregated



according to gender and according to different stratified social and economic problems, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.

For CEDAW committee

In order to properly understand and keep track of people's economic and social situation it is important to design methodologies that gather real statistical data, based on social and economic stratification as methods of calculations. These important data should lead the policies and actions of government and civil society organizations. Therefore CEDAW Committee could and should ask from state institutions to find adequate methods to measure important variables such as unemployment, domestic violence, women's in politics and decision making etc.

2. Domestic violence

2.1 Data on DV cases during the last 2 years 2014 & 2015

According to the data from the general directorate of state police, during 2014, 3090 women vs. 1031 men are victims of domestic violence during the year 2014 (General Directorate of State Police, [GDSP], 2014). Domestic violence is the leading cause with the larger number of victims. So out of 7709 crimes⁷ reported in 2014 the domestic violence causes 4121 victims. This means that all the other crimes together cause victims less than domestic violence. Moreover women victims from domestic violence count for 3090 while from the other crimes altogether only 771 women are victims according to the same source (GDSP, 2014). In 2015 out of 7476 criminal cases 3542 or 47 % are because of domestic violence. 2725 women vs. 817 men are involved in domestic violence reported cases (INSTAT, 2016).

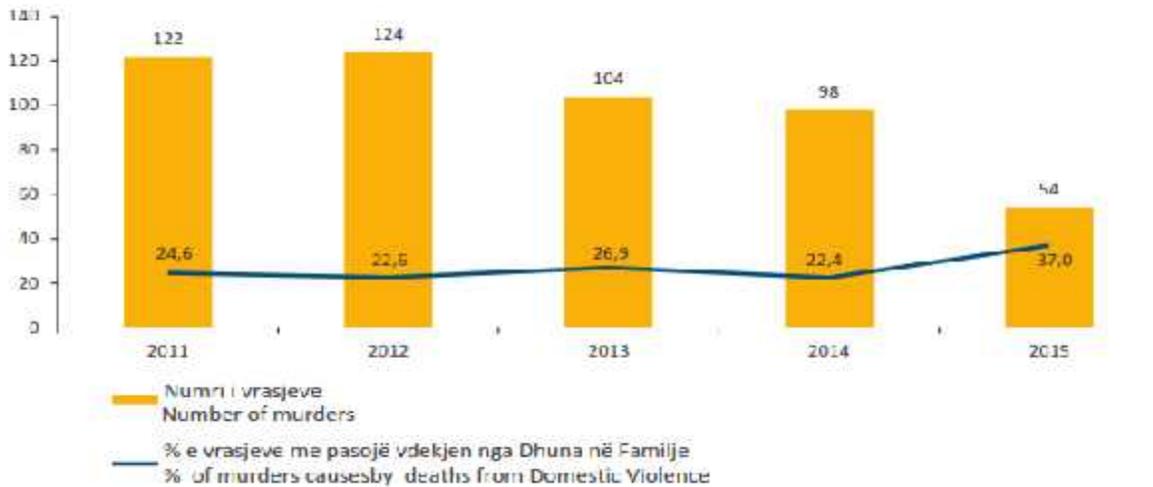
According to official statistics domestic violence reports have considerably increased since 2010, or at least cases denounced has seen a spike in recent years. Although civil society, GADC included, conduct training with police officers and other official's part of the referral system on how to deal with domestic violence there are several problems that influence sustainability and efficiency of such trainings such as frequent dismissals and changes in police forces and other actors in the public institutions. Law enforcement remain also a problematic area.

More over the latest publication of INSTAT (2016) brings the following figures for the percentage of murders causes by death from domestic violence in Albania. In 2015 37% of all deaths or 20 persons out of 54 are related to DV cases. Unfortunately INSTAT do not give a data about how many women and how many men are within this percentage.

⁷Crimes against the person, against the property, acts for the terrorist purposes, crime in the area of illegal trafficking, the violation of road traffic rules and the domestic violence



Përqindja e vrasjeve me pasojë vdekjen nga Dhuna në Familje Percentage of murders causes by deaths from Domestic Violence



Burimi: Drejtoria e Përgjithshme e Policisë së Shtetit
Source: General Directorate of State Police

Source: INSTAT 2016

2.2 A recent domestic violence case⁸

A recent case brought to the public's attention was the beating of a woman from her husband in front of by passers in the street. The incident was recorded on camera and sent to the police forces. However, what stood out in this case, which is present in many other stories of abused women, is that restraining orders against abusers do not function. In the last 3 years since their divorce the woman had attained three restraining orders against her ex husband. Yet the violence continued. According to media reports the woman is appealing for protection as she fears for her life once her husband gets out of prison.⁹ This recent case is a reflection of the struggle of many women and their abusers, which leads to fear of reporting domestic violence and lack of proper protection. In light of this, it is of paramount importance improving law enforcement and tackling frequent changes in police administration. While the legal framework provides space for respecting women's rights and fighting domestic violence, its implementation in practice lags behind, including the work of courts in providing protection for abused women.

Findings and Recommendations on Domestic Violence

Due to the extensive work done alone as GADC or with other organizations and donors organized in many areas of Albania on the Law for Measures against Domestic Violence with training and

⁸ <http://www.panorama.com.al/video-burri-rreh-gruan-ne-sy-te-femijeve-arrestohet-nga-policia/>

⁹ The woman's interview for the media: <http://www.balkanweb.com/site/shkelma-e-grushte-nga-burri-rrefimi-i-gruas-me-qelloi-se-do-filloja-pune-policia-ta-mbaje-ne-burg-ose-do-me-vrase/>



other capacity building and awareness rising activities, for the representatives of the institutions of referral mechanism, or organizing rallies, GADC brings in front of you a number of findings and recommendations.

Findings

- Lack of structures for the referral of domestic violence cases.
- Lack of coordination between the different participant groups to follow-up on cases of domestic violence.
- Lack of residential centers for difficult cases (we have actually a public shelter with only 35 places and 4-5 private ones with unstable funds and possibilities).
- Major economic difficulties and the inability of the local government to administer a special fund for domestic violence.
- The State Social Services Structure has no financial means to support domestic violence cases.
- There is a great need to work within the community, which tends to conceal and even support domestic violence as a pattern of behavior inherited and cultivated by traditional structures of the past. The community is not aware yet how to treat and accept that violence as a social problem for the family and for the entire society.
- Lack of support for women who are consistently abused.
- Minimum amount of money are allocated to women with protection orders less than 30 USD.
- No special arrangements for women and children when they are dealing with health problems.
- The issue of housing of the victim after the issuance of the order of protection is not solved.
- Treatment of child victims and witnesses of domestic violence cases by a psychologist or social worker is not functioning.
- In rare cases governmental institutions provide support for the employment of the victims of domestic violence.

Recommendations

- The Albanian Government should develop action plans in each 61 municipalities of Albania against domestic violence
- Civil society actors who work with women victims of domestic violence should be included in the implementation of action plans and monitoring and evaluation schemes that can ensure that women who are victims of domestic violence and other members of a family, also victims of domestic violence, be given proper services that are timely and of high quality.
- The Albanian Government policies in employment, education, information technology, and communications should address the impact of domestic violence, especially against women, in their respective fields. This should be reflected and integrated in policy intervention and action plans.
- The Albanian Government should provide mechanisms for the following: sustainability of programs, the promotion and implementation of systems of coordinated response against domestic violence, other programs that protect children, young people, and the elderly in cases of domestic violence, and research and services provided by the civilian societal sector that address the issue of domestic violence should be supported and promoted.



- Particular funds are needed to support the work of the centers that provide direct services to victims of domestic violence. A dual approach of pro victim of domestic violence (and pro women in general) should prevail in specific programs and policies on this issue.
- The Albanian government should encourage and continue collecting data on domestic violence on a regular basis. These records will serve as evidence to clarify the actions that will be taken against this phenomenon.
- A special fund must be set up for Social Services specifically intended for the operation of shelters for battered mothers and their children, until obtaining the order of protection.
- Creating 24-hour units in all Albanian cities, which can be based out of the Municipal offices or the State Social Service facilities, in order to manage cases related to domestic violence.
- Each police station should have a work group in which a psychologist should always be available to deal with cases where children and women are victims and witnesses of violence. The work group may consist of: police officers, psychologists, social workers, zone inspectors, etc.
- The Court must implement the procedure to take under consideration all the evidence before attempting to reconcile the parties in order to close the case as soon as possible. Experience has shown that closing the cases too quickly has brought violence and repeated denunciations at the police stations.
- Strengthening the role of the local coordinator during the process of solving a case of domestic violence. The local coordinator should also participate in the preliminary analysis of the case alongside the police.
- Improvement of access for victims of domestic violence at health care institutions. Oftentimes the victims, the majority of which are women, have financial difficulties or are simply unable to go to the doctor immediately after an act of domestic violence. When they are forced to go to see a medical doctor a few days after the domestic violence event, in order to obtain the order of protection, the expertise is often unnecessary because the physical markings have already vanished.



3. Women Workers in Garment and Shoes Sector

3.1 Overall View of the Sector

Europe's most rapidly growing economy and a 46.2 % poverty rate at \$ 5/day PPP (percent of population) in 2015¹⁰.

The Albanian clothing and shoe industry is characterized by a dominating position in the economy in terms of exports (ca34%) and employment, and at the same time considerable concerns related to working and remuneration conditions. Violations of the labour law are the rule. There is widespread impunity concerning law and human rights violations. Despite an extremely low monthly net legal minimum wage of 140 EUR, every other interviewee did not earn this minimum within regular working hours. The state labour inspection are not efficient functioning in the sector. Moreover, there are corrupt relations between factory owners and government officials as well as between factory owners and trade unionists The Ombudsman's office while performing a wide array of duties in protecting human rights in Albania is provided with insufficient public funds to support its operational activity, which means it has to rely in part on foreign donations.

Albania ranks among European countries with the highest poverty rates¹¹. Clothing and shoe industry workers did not profit from the boom of their industry, they earn wages that do not contribute to alleviating poverty or preventing dependency.

3.2 Albania's textile, clothing and footwear industry

Footwear and clothing industries have been the main export sectors for Albania for more than 15 years and they continue to grow with a fast pace. Shoe and footwear exports have doubled during the previous 5 years and the apparel exports doubled during the last 10 years.

The Albanian clothing and shoe sector works under the **OPT system** (outward processing trade and production scheme created by Germany and the EU in the 70's to protect their own textile industries). In Albania this way of export-oriented cut-make-trim subcontracting is called **Façon**. More than 80% are exported to Italy, followed by Germany and Greece with just 7% and 8% respectively. Italian owners also dominate foreign investment in the sector. In 2015 **Albania exported 11.2 million pairs of shoes to Italy** (World-Footwear Book 2015).

In one shoe factory, workers said they have to finish 550-600 pairs of shoes every day.

Clothing and shoe manufacturing under OPT is a low wage and low value-added industry and thus doesn't stage high in GDP or exports statistics. However, the sector is Albania's most important employer. 45 % of the workforce in manufacturing industries is employed there¹². The country's centres of clothing and footwear production are Tiranë and Durrës regions. The workforce in the industry is comparably young (31 years in average according to the Chamber of Façon of Albania), whereas in other low-wage countries of Europe seamstresses are usually 40 to 55 years old.

The state investment board AIDA quotes this as the competitive edge of the sector: flexibility and reliability in production, short delivery times into EU countries, "competitive labour costs" due to lower wages than in other countries of the region and excellent language skills of most employees, "supportive" government policy for the sector. Indeed, the sector enjoys a great package of

¹⁰World Bank Group (2015). Regular Economic Report no.9, South East Europe. Rebalancing for Stronger Growth.

¹¹Filloreta Kodra: Albania: Urgent need for wage reforms 27, in:Schmidt, Verena, Vaughan-Whitehead, Daniel (2011): The Impact of the Crisis on Wages in South-East Europe. ILO Geneva, page 40

¹²Albanian Investment Development Agency, AIDA retrieved in March 15, 2016 from <http://aida.gov.al/pages/clothing-and-shoes>



incentives and subsidies. Export-oriented investors are highly promoted and incentivized¹³. The Albanian Chamber of Façon (C.F.A.) as well as the Albanian Investment Development Agencies (AIDA) have successfully lobbied for free economic zones and incentive schemes. Among them are: For the first time a symbolic €1 leasing contract for government properties; fast VAT-refunds; VAT-exemption on machinery and equipment; simplification of procedures for customs, investments and employment and social security; subsidies for social security and health insurance for new employees for a certain period, privileged representation of sector reps in the National Economic Council (national tripartite body – t.a.). The Chamber of Façon of Albania (C.F.A.) “achieved to avoid custom taxes for the materials used by our sector in the production of orders from abroad, a VAT free sector in regard to the import of machinery for the Façon sector” and a “reform of the employment referential comparative system in relations to labour wages for the industry”¹⁴.

According to the OECD DAC list of official development aid recipients, Albania is an upper middle income “developing country”. Since 2014 Albania has been candidate for accession to the European Union.

Do workers profit from favourable conditions for clothing and footwear employers?

The above mentioned incentives and subsidies indicate a policy whereby investors’ rights are privileged over workers’ rights, and that AIDA and C.F.A. use their influence to restrict progress in labour rights and wages. The incentives and subsidies have been granted to the employers in the industry without consulting any other stakeholders such as the ombudsperson¹⁵, unions or human rights organisations.¹⁶

Desk and field research took place in the 2nd half of 2015.

3 shoe factories and 1 clothing factory were researched with 57 workers interviewed off-site aged 16 to 58, among them 1 man. Main brands / buyers according to workers and websites of the factories: **Benetton, Sisley, Zara, Liu Jo**. It was almost impossible to find out brands and buyers, because the actual brand label would not be attached to the manufactured shoes in Albania.

One in three of interviewees did not receive the legal minimum wage – even with overtime and bonuses. Due to the prevalence of overtime, one can safely conclude that at least **50% of the workforce in the sector does not receive the legal minimum wage during regular working hours**. Compared to all other researched European countries, Albania stands out as a country where work on Saturdays is the rule rather than the exception. Workers do not consider this overtime. That means that normal **working hours** exceed the 40 legally permitted hours per week, that overtime is not paid with the legally required premium rate (25% and 50% respectively), and salaries are not transparent to workers.

¹³Albanian Business and Development Investment Strategy 2014-2020

¹⁴[http://www.albania-](http://www.albania-textile.com/Materiale/Nentor2012/Presentation%20Gjergji%20Gjika_Prodho%20dhe%20vishu%20shqip.pdf)

[textile.com/Materiale/Nentor2012/Presentation%20Gjergji%20Gjika_Prodho%20dhe%20vishu%20shqip.pdf](http://www.albania-textile.com/Materiale/Nentor2012/Presentation%20Gjergji%20Gjika_Prodho%20dhe%20vishu%20shqip.pdf)The Chamber of Façon aims to encourage improvements in laws and legislation for the façon sector.

¹⁵The People’s Advocate (Ombudsman) Institution is provided for the first time in the Albanian Constitution adopted in November 1998, while the Law No. 8454 "On the People’s Advocate Institution" (amended later on) was firstly adopted by the Albanian Parliament in February, 4. 1999. This law is designed to take into consideration the legislation of other countries of Europe, which have previously created such an institution. The direction of the People’s Advocate is a monocratic one. The Ombudsman is elected by a three-fifths majority of all members of the Assembly for a period of 5 years with the right of reelection. The Ombudsman protects the rights, freedoms and lawful interests of any person from unlawful or improper public administration. Any individual or group of individuals including minor children can turn to this person. The ombudsperson in charge received grants from the Danish government.



If workers earn the legal minimum wage, they receive 24% of an estimated minimum living wage. Because of high unemployment, most workers, mostly women, are the sole breadwinners of the family. That means that women have to sustain their families with extremely low wages.

The Albanian gross minimum wage in euros is far below the one in China or Indonesia and about 10% of the German minimum. While an Albanian worker has to work one hour in order to afford one litre of milk, a German worker has earned it in 6 min.

3.3 The Legal Minimum Wage vs. Minimum Living Standards

The Living Standards Measurement Study (LSMS) data for 2012 indicate that the poverty rate has increased to 14.3 percent since 2008. The extremely poor population, defined as those with difficulty meeting basic nutritional needs, increased from 1.2 percent in 2008 to 2.2 percent in 2012. The **legal minimum wage** has remained the same since 2013 (22.000 ALL gross – 158 EUR). No adjustments have been made. The National Labour Council – theoretically the tripartite advisory body to the Ministry of Labour – used to be very weak¹⁷ and has just been revitalized in 2015 after interventions by the ILO. Until this year Albania is the only country in the region, where there have not been any tripartite negotiations for national level labour and social dialogues particularly on minimum wages. Before, the government had unilaterally decided about the legal minimum wage. However, tripartite negotiations don't work as intended, if the labour voice is not aired in favour of workers. In contrary, desk research could not find any recommendations of unions on minimum wage or calculations of unions on costs of living. Interviewed workers associate unions with management. Another barrier to adjustments of the legal minimum wage to real expenditures is the absence of any official statistics on costs of living or socio-cultural minimum for basic needs. Since there were a lot of complaints from citizens to the people's Ombudsperson and also criticism from the ILO on adjusting the legal minimum wage in Albania to actual expenditures, there is a starting public discussion on such calculation in Albania¹⁸. Finally, the European Commission hinders minimum wage hikes: Particularly after the financial crises of 2008/2009 just like most other countries of the region Albania had to take loans from the International Monetary Fund IMF, the World Bank and the European Commission ("Troika"). A condition of these loans was that wages and pensions in the public sector had to be frozen or reduced – despite the fact that public employees, like teachers, were already low income earners and forced to hold down multiple jobs or migrate in order to sustain their families. These measures concerning public sector wages also put pressure on the setting of private sector wages and the fixing of the minimum wage.¹⁹

3.4 Violations on the Labour Law in the Garment and Shoes Industry

Among the regularly found violations of the labour law and human rights are:

- Not to pay the legal min wage within the regular 40 weekly working hours (in one factory only 10% of the workers reported to receive the Living Minimum Wage (LMW), all others below, in another factory no interviewed worker received the LMW);

¹⁷Filloreta Kodra: Albania: Urgent need for wage reforms 27, in: Schmidt, Verena, Vaughan-Whitehead, Daniel (2011): The Impact of the Crisis on Wages in South-East Europe. ILO Geneva, page 36

¹⁸http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_250834.pdf

¹⁹Schmidt, Verena, Vaughan-Whitehead, Daniel (2011): The Impact of the Crisis on Wages in South-East Europe. ILO Geneva: http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_172434.pdf



- Men are paid more than women for the same work and performance – justifying it with the argument “they are stronger”;
- Penalizing wage deductions of hours or a day when products are damaged or the worker is 5 min late;
- Unpaid mandatory social contributions’
- Not to pay overtime nor at the premium rate;
- All workers reported hardly to do overtime and at the same time to regularly work on Saturdays – so working on Saturdays is not seen as overtime and not paid as overtime;
- Take 3-15 days of annual leave, but never the legally prescribed 20 days;
- Annual leave is in many cases determined by management and not paid;
- Working on public holidays – paid like normal working days;
- Leave on public holidays unpaid;
- No explanation of how the wage is calculated particularly for overtime;
- Forced leave without pay when there are no orders;
- Workers do not have a copy of their labour contract and are sometimes not even allowed to read it;
- Complaints are punished with dismissal;
- Taking sick leave or leave for family matters is extremely difficult;
- Extreme temperatures (sometimes existing air conditioning/heating is not switched on);
- Polluted air from toxic substances;
- No drinking water provided nor any running water,

Many cases of sickness, fainting, poisoning and allergies as well as different accidents are reported from shoe factories. One shoe worker, who uses glue in the shoemaking process said that wearing gloves reduces the precision and speed of her work and decreases the quality of the shoes, which is why she could not afford to use them if she wanted to meet the quantity and quality quota. Thus the piece-rate payment and high expectations regarding productivity pose crucial hurdles to the use of protective equipment.

There is ethnic and gender **discrimination** in one shoe factory 65% of employees were from the Roma and Egyptian minorities; men are paid more than women for the same work and performance; it is predominantly men who work as “machinists” and are paid on hourly basis and consequently are paid higher wages. Their wages were reported to be 35.000 ALL, while women’s wages was reported to be around 20.000 ALL including overtime and bonus. Women sometimes even ask employers not to pay mandatory social contributions, because they perceive it as “more cash”. We are convinced that gender violence occurs regularly, but it is hard to detect because workers would not speak out about it.

According to the national accounts discrepancies method, the informal sector of the economy accounted on average for about 36.2% of GDP over the period 1996-2012²⁰ with increase during the previous years. This share usually is higher for the clothing/shoe industry than for the whole economy; the authors estimate that 50-70% of the total number of workplaces in the clothing and footwear industry are informal, **without legal rights and protection through a labour contract and mandatory social contributions**. Unregistered workers (especially younger ones and those who have just started working) receive between 14 000 lek/month and 18 000 lek/month. Desk and field research provides indications that lower tiers of the supply chains include home-based

²⁰ INSTAT 2013



work and child labourers However, since September 2015 the Albanian government has increased its efforts to reduce unregistered employment. Still, work without contract and mandatory contributions is perceived as something “normal”. Due to the very low wages, workers sometimes choose to work without a contract, and they relinquish mandatory contributions in their desperation to get more cash for their daily expenses. These informal workers without social insurance coverage remain in an extremely vulnerable situation with no state security to protect them against all basic life risks (sickness, old age, unemployment). The social insurance system is eroded, which in turn results in an increased burden of unpaid care work for women. In addition to the pressure to stay in paid jobs, even if extremely underpaid as in footwear and clothing factories, women find themselves confronted with an increasing need to make up for the state’s lack of investment in “social infrastructure”. Combined with the tendency of the young and, in particular, better educated to emigrate, the care deficit will doubtlessly increase and pose huge challenges. The non-payment of social insurances means draining an already eroded state structure and putting the burden of more unpaid work and responsibility onto the shoulders of women.

Can trade unions change this situation and use the boom for better working conditions?

Workers from several factories reported that trade unions have good relations with management and might receive “gifts” to not create any problem; none of the workers interviewed was part of any trade union, or even knew how to approach unions; researchers learned about practices of corrupt financial relations between owners of factories and unionists. Interviewees also indicated that workers do not even talk among each other because they fear that co-workers could pass on information to the management. In Albania workers do not organise because they are afraid of each other.

No information could be obtained on **labour inspections**’ visits made within the shoe industry or their results. None of the interviewed workers had been involved in a labour inspection. The interviewees from one factory had attended a training session on fire safety. The interviewees from the shoes factory had not been involved in any training on occupation health and safety issues. Labour inspectors are seen to be bribed in order not to check on the real situation; unregistered workers are hidden in a separate room. Given the multiple occupational health risks in the shoe industry, the labour inspection process is thus not working.

Quote from workers: There were Albanian workers who even agreed to reveal their real names because they felt their situation was so dire, they had nothing to lose. “Please help us,” one Albanian worker entreated the researchers.

3.5 Real stories from the interviewed women working in the textile and shoes industry in Albania

Ana(name changed): “All we ask for is a little dignity in our work”

There are four people in Ana’s family: Her husband and her two children, a 10 year old boy and another boy still in kindergarten. In this family of four Ana is the only one who works at a shoes factory, for a meager salary of less than 150 Euros per month, being thus the only source of revenues for the family. She has been working in the factory for the last eight months. Before it was her husband who provided for the family, by working in construction. When his employment started fluctuating from one company to the other and short-term contracts, she had no choice left but to start looking for employment herself. Ana operates a heavy machine that stitches the front part of the shoe. 8 hours a day, 6 days a week she has to stand in order to complete her assignments.



Even though she is not paid extra, they ask her to perform other duties as well. Two are the most dreadful aspects of the work according to her:

She regrets that managers do not treat their employees as human beings. They are often abusing them verbally and psychologically (by calling the women names: whore, stupid, I hope you get cancer to name just a few). This demeans their status to less than humans and makes them work uncomfortably, enduring harsh criticism and cursing throughout the day. Secondly the salary is not enough for one person to get by, imagine a family of four, with children that have needs and often desires as they grow up. She would never chose voluntarily to work in an environment that is filled with hostility; lack of respect and that pays ridiculous salaries. But this is her only chance of survival. She feels compelled to hate the job she does and at the same time walk for more than an hour and stand for an additional eight hours to later not have any energy left.

Although minimum wage in Albania is 22 000 lek/month she never receives more than 20 000 lek/month. At the same time she is full of debts she cannot repay. Her oldest son needed a heart operation, which she paid for with borrowed money that they have not been able to repay. Due to inability to pay electricity bills she has signed an 8-year contract with the electricity company to pay 2500 lek/month every month in addition to the monthly sum. With electricity paid little is left for food and other needs. When she was younger she dreamt of becoming a nurse, but a very patriarchic father did not allow her to go to high school (girls should not get out of the house to go to school). She has transmitted this passion to her youngest children who wants to become a dentist when he grows up, to help other people.

Maria (name changed) (23): 'If I was not dependent on the wage, I would go out there and be part of those who protest for better living conditions'

There are 6 people in Maria's family, of which three persons are working. The most difficult part was when the family had 9 members (her parents and 7 brothers and sisters) and only Maria's father was working for a salary of less than 300 euros to support a family of nine. Needless to say it was extremely difficult to afford even basic needs.

Maria and her family immigrated from Kukes in 1994 and settled in Dürres. They followed the same pattern as many other people from northern Albania, settling in Tirana and Durres mainly, looking for better living conditions and job opportunities. The common feature of most women who settled in the city was the lack of a proper education either due to a patriarchal family or simply lack of opportunities. Higher education was prohibited by other male members of the family.

When Maria was 14 years old she had a gland in her mouth, which made it difficult for her to eat and speak. As the gland had to be removed she underwent surgery, which cost her family 5000 euros. For this reason her mother's salary is used to pay back the loan, while her salary is used to pay for utilities and her father's salary to pay for health, transport, clothing and education. Luckily her younger sister was eligible for a state scholarship or 9 000 ALL/64 EUR/month.

Despite the difficulties and hardships while growing up, her sisters and herself worked in the clothing factory during high school and later on during university to cover at least their tuition fees and not become a burden to the family. As a result and similar to almost every Albanian family they used to pile debts and borrow money to pay bills and buy food. Maria is studying Public Administration (BA), while working at the same time. The friendships created through her voluntary community work are part of her life. In a way they help her feel less bad about her work. She started working in the factory since high school and also continued during university to pay the tuition fees. On a positive note, she is optimistic about the future because she still believes that



her studies will open a new path for her, contrary to some of the women who work there. Most of them are stuck there thinking there is no other option. A normal day in Maria's life: She wakes up at 5:00 am, drinks a coffee, and helps her mother. She works until 5:30 pm and then takes care of her younger sisters.

Recommendations for women workers in textile and shoes industry

In order to change the trends in textile and clothing workers' conditions in Albania, a number of measures have been suggested, to be taken at different levels of responsibility, as well as possibly structuring and making more consistent the various initiatives, and even incorporating enterprise-led actions in this context. The Albania government is primarily responsible for ensuring compliance with international human rights law, including labor rights. However, international clothing and footwear brands have a responsibility to promote respect for workers' rights throughout their supply chains, including both direct suppliers and subcontractor factories.

National authorities

Public authorities should guarantee the implementation of laws, and binding conventions for workers' rights, including the protection of union leaders from persecution. Moreover, they could guarantee respect for workers' and internationally recognized rights.

The working contracts should be objects for verifications and in case of accidents, entitles victims and their families to compensation. This implies more checks by public authorities, concretely by the Inspectorate of Labour, on safety and social rights compliance.

International brands and retailers

International brands should set up adequate corporate human-rights due-diligence procedures when dealing with contractors in developing countries. A key element to perform due diligence is auditing. Not only should audits be accurately performed, but serious legal sanctions should be applied to audit firms and certification bodies which have provided false safety assurances in respect of factories in which fires and other serious health and safety accidents and fatalities subsequently occur. Audits should represent a full assessment of the situation, rather than a simple checklist. This implies a change from traditional social compliance auditing to a process of cooperation between brand and supplier, in which all problems are disclosed in a transparent way. Not only safety, but workers' health too – paying particular attention to the gender dimension of the problem – could be included in such audits. Transparency is also recommended for audit reports of factories where safety incidents have taken place or where non-compliance with health and safety standards has been documented, in order to disclose this information to all stakeholders. Contractors are pushed to hire nonregistered workers in order to meet peaks in orders, while being able to dismiss them easily and to include children works. Brands could adopt purchasing practices which stimulate the upgrading of factory buildings to safety standards.

Importing countries

According to the UN Guiding Principles on Business and Human Rights, "States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations". A possible interpretation of this principle could lead a State to introduce legislation holding companies domiciled in its territory responsible for human rights violations throughout their supply chain. More generally, the possibility of



transforming UN and OECD principles and guidelines into binding rules has been suggested. Importing countries may also use their political and economic power to exercise pressure on producing countries.

Trade Unions

The International Labor Organization says giving workers a greater voice is crucial in improving factory safety but this is not the case of Albania through union trades.

Labour Unions in Albania although organized in big confederations are weak and untrustable. There is a union of textile and shoes workers affiliated to an umbrella organization. There is no trust to this organizations and they never did a public gathering or strike or other forms of protest to require the rights of workers in these sectors.

Some important actions are mentioned above:

Institutionalization of Work Councils as a means to overcome the apathy of trade unions and to ultimately nurture social dialogue at the workplace level. At present, in the Albanian Labour Code there are no provisions for the creation of Work Councils. There is only health and safety representation through OSH committees as stipulated by Law No, 10 337 “On safety and health at work”. But the problem of employees’ interest representation in safety and health matters in small companies remains largely unsolved due to the high threshold of 50 employees required to establish a committee.

Fostering the establishment of Tripartite PLUS forums as a means to address decent work deficits but also to endorse the strengthening of bipartite relationship between the two sides of the industry (Draggoshi and Pappa, 2015).

Contrary to the experience of other European countries, in the case of Albania, the classical mode of bipartism has shown to be difficult to be implemented. In this context, aside from the fact that “employees” and “employers” remain the “real actors” of the economy, incorporating a variety of representative bodies in the social dialogue framework represents a fresh opportunity to address decent work deficits and the employment challenge at large whilst also endorsing the strengthening of bipartite social dialogue among social partners.

The existing legislative framework for ensuring labour rights in Albania needs to be enforced. All the stakeholders should take immediate act especially TUs, to stop the exploitation of workers;

The Government should undertake intensive actions, in cooperation with the TUs, to tackle the high level of informal employment (that has resulted in many life casualties in the mining sector);



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