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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the urgent need for the government of Albania to intensify its efforts to eradicate the practice of prenatal sex selection within its territory. It points out that the imbalance in the sex ratio at birth is deeply ingrained in the country's prevalent culture of son preference, and offers recommendations aimed at addressing the root causes behind the occurrence of this harmful practice.

(a) Prenatal Sex Selection

3. Based on the latest report published by the Institute of Statistics of Albania on 'Men and women in Albania, 2022', the sex ratio at birth in Albania is 107, indicating that for every 100 girls born, there are 107 boys.¹ The natural sex ratio is estimated to be around 105 male births for every 100 female births. This skewed ratio suggests the continued prevalence of sex-selective practices, notably sex-selective abortions, in the country.
4. Following the fall of communism in Albania in 1991, the legalization of abortion was among the initial actions taken by the newly elected government.² This development coincided with the availability of ultrasound technology capable of detecting a child's sex.³ The shift towards a market economy, combined with the technological capabilities to identify the sex of children before birth, paved the way for the occurrence of sex-selective abortions on a broader scale. This led to Albania having the fourth and fifth highest average annual imbalances in the sex ratio at birth globally from 2000 to 2020.⁴
5. A recent study published in the British Medical Journal, analyzing 3.26 billion birth records across 204 countries, forecasted that 12 nations with skewed sex ratios, Albania among them, are expected to experience a deficit of 4.7 million women by 2030.⁵ This deficit is to be attributed to sex-selective practices, such as sex-selective abortion.⁶
6. The study emphasized the urgency for immediate measures to hasten the normalization of the sex ratio at birth back to natural rates and to mitigate the societal

¹ INSTAT and UN Women, *Burra Dhe Gra 2023 Men and Women*, available at <https://www.instat.gov.al/en/themes/demography-and-social-indicators/gender-equality/publication/2023/men-and-women-in-albania-2022/>.

² Marie Clare Robitaille and Joniada Milla, *Son targeting fertility behaviour in Albania*, Iza Institute of Labor Economics (February 2022), available at <https://docs.iza.org/dp15122.pdf>.

³ Ibid.

⁴ Pew Research Center, Sidebar: *Sex ratios around the world* (23 August 2022) available at <https://www.pewresearch.org/religion/2022/08/23/sidebar-sex-ratios-around-the-world/#:~:text=At%20any%20given%20time%2C%20there,according%20to%20the%20United%20Nations>.

⁵ Alice Taylor, *Albania contributing to loss of 4.7 million women by 2030 through sex-selective abortion*, Exit News (9 August 2021) available at <https://exit.al/en/albania-contributing-to-loss-of-4-7-million-women-by-2030-through-sex-selective-abortion/>.

⁶ Ibid.

consequences of the increasing surplus of men within the population and the resulting 'marriage squeeze'.⁷

7. The ineffectiveness of Albanian legislation in addressing the scourge of prenatal sex selection, together with the deep-rooted culture of son preference within society, constitutes a grave human rights concern that severely impacts the status of women and girls in the country, placing Albania in direct breach of its international obligations.

Legal framework

8. Article 18(1)(2) of the Constitution of Albania states that all persons are equal before the law and that 'No one may be unjustly discriminated against for reasons such as gender.'⁸
9. Article 54 of the Constitution also states that 'Children [...] have the right to special protection by the State.'⁹ In this regard, Article 7 of Law No.18/2017 on the rights and protection of the child stipulates that 'The protection of the life of the child shall be guaranteed by law.'¹⁰
10. According to Article 1 of Law No. 8045 on the Interruption of Pregnancy, 'The law guarantees respect for every human existence from the beginning of life. This principle shall not be violated except for cases when it is necessary and under the conditions specified in this law.'¹¹
11. Article 2(1) explicitly states that in no case the interruption of pregnancy shall be considered a method of family planning.¹²
12. Furthermore, Article 2(6) of the aforementioned law establishes that 'abortion is permitted only when the undesired circumstances in this law are verified to exist and in any case with the consent of the woman.'¹³ The sex of the unborn child is not listed as one of the circumstances permitting recourse to abortion.
13. Relatedly, Article 37 of Law No. 8876 on Reproductive Health establishes that 'During the use of assisted reproductive technologies, the selection of the sex of the future child is not permitted, except for cases when there is a possibility of inheriting

⁷ Fengqing Chao, Patrick Gerland, Alex Richard Cook, Christophe Z Guilmoto, Leontine Alkema, *Projecting sex imbalances at birth at global, regional and national levels from 2021 to 2100: scenario-based Bayesian probabilistic projections of the sex ratio at birth and missing female births based on 3.26 billion birth records* (2 August 2021) available at <https://gh.bmj.com/content/bmjgh/6/8/e005516.full.pdf>.

⁸ European Union, *Euralis consolidation of the justice system in Albania*, available at <https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=251&catid=34&m=0>.

⁹ Ibid.

¹⁰ UNICEF, *Law No.18/2017 on the rights and protection of the child*, available at http://observator.org.al/wp-content/uploads/2017/06/Layout-A5-english_18May2017.pdf.

¹¹ Center for Reproductive Rights, *Albania's abortion provisions*, last accessed on 14 February 2024, available at <https://reproductiverights.org/maps/provision/albanias-abortion-provisions/>.

¹² Ibid.

¹³ Ibid.

illness connected with the sex.¹⁴ Because the applicable penalty regime is limited to minor administrative sanctions except when the violation results in a criminal offense, the law fails to provide an adequate deterrent effect. Furthermore, considering the prevalence of prenatal sex selection within the country, it is evident that enforcement of this provision is grossly insufficient.

Root causes of prenatal sex selection

14. A range of social, economic, and cultural factors contribute to son preference in Albania.¹⁵ Regrettably, daughter aversion is deeply ingrained in the Albanian cultural tradition.¹⁶ According to Kristina Voko, a psychology professor at the University of Tirana, one of the key reasons behind son preference in Albania is that 'boys are expected to support the parents financially, provide for their security and protect their honor, while girls are expected to provide emotional support and care for ailing parents. Although girls are seen as a great source of emotional support and affection for the parents, boys are seen as necessary.'¹⁷
15. The economic value attributed to boys surpasses that of a girl.¹⁸ Parents anticipate their sons will secure better employment opportunities and incomes, likely contributing significantly to the family's assets (such as the house, land, or family business). Boys are viewed as a 'working arm' essential for the family's economic wellbeing, while girls are often perceived as a mere financial burden.¹⁹
16. Another factor influencing son preference in Albania is related to the inheritance of the family name and ensuring the lineage's continuity. Many parents see having a son as the sole method to pass on the family name in order to retain family assets.²⁰ This harmful attitude is also intertwined with the dishonor perceived in living with a son-in-law rather than with one's own son.
17. Unwritten community norms also shape Albania's culture of son preference.²¹ Albania is marked by a collectivistic and honor-oriented culture, where group welfare and social reputation hold great importance.²² There is a pronounced sensitivity and adherence to communal beliefs and norms,²³ making community attitudes about childbirth and family structure a significant source of pressure from both within and

¹⁴ K. Imholz, *Law Nr. 8876 15/2002 on reproductive health*, available at <https://www.ecoi.net/en/document/1232341.html>.

¹⁵ UNFPA, *Son preference*, available at <https://www.unfpa.org/son-preference#summery146308>.

¹⁶ Courbage, Youssef (1991): 'Surmortalité féminine chez les musulmans de Yougoslavie: Islam ou culture méditerranéenne?'; *Population*, 46, no.2, p.299-325; INED, Paris.

¹⁷ Besar Likmeta, *Sex-Selective Abortion Trending in Albania*, (25 January 2013) available at <https://womensenews.org/2013/01/sex-selective-abortion-trending-in-albania/>.

¹⁸ Elizana Zaimi, Alketa Berzani, Dr. Maksim Gjoni, Ermira Galanxhi and Arlinda Shehu, *Aborti Selektiv me bazë gjinore në Shqipëri* (2018) available at <https://www.togetherforlife.org.al/wp-content/uploads/2021/02/Aborti-selektiv-me-baze-gjinore-ne-Shqiperi.pdf>, pg. 13.

¹⁹ *Ibid.*, pg.50.

²⁰ *Ibid.*

²¹ UNFPA, *Sex imbalances at birth in Albania*, (2012) available at https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_report_Albania2012.pdf, pg. 79.

²² *Ibid.*

²³ *Ibid.*

outside the family.²⁴ This is seen especially in rural areas and among marginalized communities.

Lack of adequate measures to effectively prevent sex-selective abortions in Albania

18. As highlighted in the 2022 'Albania Country Gender Equality Brief' prepared by UN Women, while the practice of sex-selective abortion has been tentatively mentioned in the country's national review for the implementation of the Beijing Declaration and Platform for Action on the occasion of its twenty-fifth anniversary, it has not been addressed yet as violence against women and/or sex discrimination in relevant health and gender policy.²⁵
19. The Brief states that informative, educational, and awareness-raising materials on sex-selective abortion are lacking in Albania. No further research has been conducted, and reporting by public hospitals, private clinics, as well as the Institute of Public Health is insufficient.²⁶
20. Albania's National Strategy for Gender Equality 2021-2030 comprises four strategic goals, one of which is specifically the reduction of all forms of harmful practices.²⁷ However, despite the importance of this goal, the document lacks any specific reference to expected outcomes, measures, or indicators dedicated to the prevention and elimination of sex-selective practices.
21. In October 2023, Albania underwent its periodic review before the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). During a public meeting on October 18, 2023, the Committee inquired about Albania's strategies for addressing sex-selective abortions, specifically questioning the country's approach to research, monitoring, legislation, and policy making at all tiers.²⁸ Albania did not provide an answer.
22. In its concluding observations, the CEDAW Committee noted with concern reported instances of coercive family planning practices, including sex-selective abortion.²⁹ In this regard, the Committee recommended that Albania strictly enforce the prohibition

²⁴ Ibid.

²⁵ UN Women, *Albania Country Gender Equality Brief 2020* (December 2020) available at https://eca.unwomen.org/sites/default/files/FIELD%20Office%20Albania/Attachments/Publications/2020/12/CGEB%20Albania_REPORT_1.pdf, pg.24.

²⁶ Ibid.

²⁷ UN Women, *National Strategy for Gender Equality 2021-2030, approved with Council of Ministers Decision No.400 dated 30.6.2021*, available at https://shendetesia.gov.al/wp-content/uploads/2022/02/WEB_Strategjia-Kombetare-EN.pdf, pg.32.

²⁸ CEDAW Committee, *Summary record of the 2014th meeting*, CEDAW/C/SR.2014, (26 October 2023) available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhskcAJS%2FU4wb%2BdIVicvG05Ryua5D8Aoc2xLOEQKE%2FdYFfEgRWE0ohsCHQBw%2FKLqu%2BhNclp1S5XPgbKNSDBAqluRx475n4F98SIWkf%2Fr%2F2eU>, pg.5.

²⁹ CEDAW Committee, *Concluding observations on the fifth periodic report of Albania*, (14 November 2023) available at <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhsgcJdm0xgERNalXh22nhTUKMoJb44mLyrzXuxiXewUpnm6pofBrZXrvRTRhKijXht8vDxNAk70l42w%2BhaZJIxzQGVvO1OqnzlyY0wkwvF2Z>, pg.11.

of sex-selective abortions and establish services, including helplines, for women who are pressured into undergoing sex-selective abortions.³⁰

The prohibition of sex-selective practices in international human rights law

23. Like all sex-selective practices, prenatal sex selection constitutes an egregious violation of the dignity and human rights of girl children, including their human rights to life and non-discrimination. Article 6 of the Convention on the Rights of the Child (CRC) recognizes the inherent right to life of every child and establishes the obligation of states to 'ensure to the maximum extent possible the survival and development of the child.'³¹ Article 2 further requires states to 'respect and ensure' child's rights 'without discrimination of any kind, irrespective of the child's ... sex ... birth or other status [emphasis added].'³²
24. According to Article 1 of the CRC, a child is defined as 'every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.' This provides an upper limit but does not provide a lower limit on when the status of 'child' attaches. Viewed in the context of the Preamble of the Convention, which recognizes that 'the child ... needs special safeguards and care, including appropriate legal protection *before as well as after birth* [emphasis added]', these provisions clearly imply the recognition of the personhood of the unborn child and the rights attached to that status.³³
25. As a State Party to the Convention on the Rights of the Child since 1992, Albania has an obligation under international human rights law to protect and respect the right to life of all girl children without discrimination.³⁴
26. It is also worth recalling that the Beijing Platform for Action demands that states 'enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection.'³⁵ Furthermore, pursuant to the Programme of Action of the ICPD, Albania committed to 'eliminate ... the root causes of son preference, which results in harmful and unethical practices regarding female infanticide and prenatal sex selection.'³⁶ This requires 'an integrated approach that addresses the need for widespread social, cultural and economic change, in addition to legal reforms.'³⁷
27. To this end, in addition to strengthening its legal framework and redoubling its efforts to investigate and hold perpetrators of this human rights violation to account, Albania should redouble efforts to initiate, invest in, and support awareness-raising and

³⁰ Ibid, pg.12.

³¹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), art. 6.

³² Ibid, art. 2.

³³ Ibid, Preamble.

³⁴ UN Treaty Body Database, *Ratification Status for CRC*, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en.

³⁵ World Conference on Women 'Beijing Declaration and Platform for Action' (1995), art. 283(d).

³⁶ ICPD, 'Programme of Action' (Cairo, 1994), art. 4.16(a).

³⁷ ICPD, 'Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development' (New York, 1999), art. 48.

education campaigns aimed at reshaping harmful socio-cultural narratives and affirming the inherent dignity and equal status of women and girls, born and unborn.

(b) Recommendations

28. In light of the aforementioned, ADF International suggests the following recommendations be made to Albania:
- a. Strengthen and ensure the effective enforcement of laws prohibiting prenatal sex selection, including by amending Law No. 8876 on Reproductive Health;
 - b. Adopt effective measures to combat the culture of son preference, with special emphasis on the prevention of prenatal sex selection;
 - c. Eliminate all forms of discrimination against the girl child and the root causes of son preference, including by developing programmes and policies that increase awareness of the value of the girls child, and concurrently, strengthen the girl child's self-image, self-esteem and status;
 - d. Redouble efforts to promote awareness-raising and educational initiatives to eliminate prejudices and harmful practices perpetuating the culture of son preference.



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