

THE SOCIALIST IN THE PSR OF AL IN DEFENCE OF WOMEN'S RIG

The proclamation of the complete equality of the woman with man in all fields of life is one of the major historic victories in the life of the Albanian woman

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IN THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA THE WOMAN, AS ALL THE WORKING PEOPLE, HAS BEEN FREED FROM ALL CLASS OPPRESSION AND EXPLOITATION AND HAS WON THE SAME POLITICAL RIGHTS AND DEMOCRATIC FREEDOMS AS MAN.

THE PROCLAMATION OF THE COMPLETE EQUALITY OF THE WOMAN WITH MAN IN ALL FIELDS OF LIFE IS ONE OF THE MAJOR HISTORIC VICTORIES IN THE LIFE OF THE ALBANIAN WOMAN.

THIS EQUALITY FOUND ITS EXPRESSION AS EARLY AS THE YEARS OF THE NATIONAL LIBERATION WAR, IN THE DECLARATION OF THE ANTI-FASCIST NATIONAL LIBERATION COUNCIL OF ALBANIA ON THE RIGHTS OF CITIZENS. IN THIS «GREAT MONUMENT IN THE HISTORY OF THE ALBANIAN PEOPLE»,¹ AS COMRADE ENVER HOXHA DESCRIBES THIS DECLARATION, ALL THE CITIZENS ARE GUARANTEED EQUAL RIGHTS BEFORE THE LAW, «THE WOMAN WAS GUARANTEED EQUAL RIGHTS WITH MAN BOTH IN THE POLITICAL LIFE OF THE COUNTRY, AS WELL AS IN SOCIAL ACTIVITY»,² FOR THE FIRST TIME IN THE HISTORY OF OUR COUNTRY.

With the overthrow of the old state and social order, right from the first days of its existence, the new democratic state of Albania abrogated the old laws which denied women's rights and sanctioned her inferiority; it put an end to backwardness and passed the first legislative acts which proclaimed the full equality of rights between man and woman.

After the liberation of the country, the Constitution of the year 1946 was the first fundamental legislative act which sanctioned the equality of the woman with man in all fields of life. This became the mainstay of all other legislations, raising this equality to a law in the political, economic and social fields, and ensuring particular protection to her both as woman and mother.

Sanctioning the great victories achieved in our country, the new Constitution of the year 1977 deepened the principle of equality. It proclaims the equality of all citizens before the law,

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recognizing no limitation or privilege in the rights and duties of citizens on account of sex, race, nationality, education, social position or material situation. Article 41 of the Constitution says:

«The woman, liberated from political oppression and economic exploitation, as a great force of the revolution, takes an active part in the socialist construction of the country and the defence of the Homeland.

«The woman enjoys equal rights with man in work, pay, holidays, social security, education, in all socio-political activity, as well as in the family.»

These principles, which faithfully reflect the reality of our country, have found effective application in all fields of life.

In the political life one of the major rights, which was denied to the Albanian woman in the past, is the right to elect and to be elected to all the organs of state power.

Thanks to these rights guaranteed by law and the creation of real possibilities to exercise them, the Albanian woman

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takes an active part in the direction of the state and in the political, economic and social activity of the country.

In Albania today about 33 per cent of the deputies to the People's Assembly are women, as against 7 per cent under the first legislation, 43.4 per cent of those elected to various organs of state power are women as against 13.8 per cent in the year 1964; 30 per cent of the members of the High Court of Justice of the PSR of Albania are women; 50 per cent of the members of the worker and peasant control groups is made up of women. They account for 27 per cent of the members of the PLA and 29.4 per cent of all those elected to its different forums.

This broad and effective participation of the woman in socio-political life, in the management of state and social affairs, which has kept increasing from one five-year period to another, is vivid proof of the degree of emancipation of women and of their enhanced political consciousness.

The 36-year long period of socialist construction shows that women have made correct use, in the interest of the Homeland and socialism, of the political rights and freedoms they have won, thus becoming a great force in the solution of many important problems, taking an active part in the revolutionization of the whole life of the country.

2.

While working out its major program of work and struggle for the emancipation of the Albanian woman, the PLA has pointed out that the economic independence of the woman, which is ensured through her direct participation

in social productive activities, lies at the basis of this emancipation. Only in this way the woman becomes a full-fledged member of society, takes part in the government of the country, becomes closely interested in the problems of life, ensures an all-round development of her own personality, enhances her educative role in the family.

From the very first days of the liberation of Albania all the juridical norms, which sanctioned the inequality of the woman, were abrogated and a new legislation which conformed to the interests of the construction of socialism in Albania was created. Under this new legislation the woman was guaranteed equal rights also in the field of work relations.

This equality in the juridical field has found its reflection in all legislative acts which regulate work relations. It runs like a red thread through the Labour Code, the Law on State and Social Security and all other provisions in this field. As well as this, the state which harmonizes the role and participation of the woman in the socio-political life and in the family has adopted a number of provisions bearing directly on the particular protection of woman as a mother. An essential characteristic of our socialist labour legislation lies precisely in the fact that it regulates the juridical position of the woman, by correctly harmonizing the interests of society with the physiological peculiarities of the woman as a mother.

The juridical equality of the woman with man in the field of socialist labour relations is guaranteed by the socialist order established in Albania, and is a clear expression of the policy followed by the Party of Labour of Albania in this field.

The views of the bourgeois and revisionist ideologists, who especially in the recent years have been claiming that the women should give up all social activities, allegedly on account of her delicate nature, her vital interests, are alien to our society. With these anti-scientific and reactionary theories which seek to estrange the woman from social productive work in order «to enable her to devote herself to the education of children», they intend to deprive the working class and the progressive forces of the broad masses of women, seek to weaken their revolutionary spirit in the struggle against capitalist or revisionist oppression and exploitation.

The rights women enjoy today in the field of work relations are sanctioned in the Constitution.

Thanks to the great solicitude and the great work carried out by the Party and the state of the dictatorship of the proletariat, women have become a great social force in the socialist construction of the country. Today women account for 46 per cent of the total number of working people as against only 668 women working in the different sectors of the economy in 1938. In the countryside they make up about 52 per cent of the members of agricultural cooperatives. In some areas, districts and regions, they account for as much as 60 per cent of the members of agricultural cooperatives.

Particular care is taken to ensure favourable labour conditions to the working woman. «Mother and child enjoy particular solicitude and protection», is said in Article 48 of the Constitution of the PSR of Albania. «A mother is entitled to paid leave prior to and after childbirth. The state opens

maternity homes and creches and kindergartens for children.»

In conformity with this principle of the Constitution, there is a number of provisions which defend the interests of the working women by law. Thus, the law prohibits the putting of women and children to difficult jobs which are above their forces. Article 23 of the Labour Code says: «Pregnant or nursing women, teenagers under 16 years and people with a medical certificate on a complaint cannot be assigned to work on night shifts or over the normal working time.» Likewise, under Article 46 of the Labour Code, «Working women, teenagers under 18 years and people with a medical certificate on a complaint cannot be assigned to underground work or to particularly heavy jobs harmful to their health, as defined by the rules or technical safety and work hygiene.»

Apart from the above dispositions which guarantee the application of the right of women to work and create for them favourable conditions of work, there is another series of special provisions in the interests of working women in Albania. The Labour Code and the Law on State Social Security have provisions which ensure the broad masses of the working women such living conditions as they could never enjoy in the past. Thus, under Article 8 of the Law on State Social Security, working women, whether workers or employees, enjoy 12 weeks leave prior to and after childbirth, which is accorded to them 35 and 45 calendaric days before and after childbirth respectively. In cases of particularly difficult delivery or when two or more children are born simultaneously, the leave is extended to 13 weeks, and is accorded 35 and 56 days before and after childbirth respectively. For women engaged directly in production, in difficult jobs, the leave prior to and after childbirth lasts 14 weeks and is accorded 45 and 53 days before and after childbirth respectively, and when childbirth is particularly difficult or when two or more children are born simultaneously, this leave is extended to 15 weeks and is accorded 45 and 60 calendaric days before and after childbirth respectively.

The woman worker or employee, during the whole time she is on leave prior to and after childbirth, is paid from State Social Security fund to a

measure of 80 per cent of her average monthly pay of the last 3 months prior to childbirth. Likewise, «the woman worker or employee enjoys the right to insurance benefits for temporary inability for work and assistance during the period of pregnancy and childbirth leave even when more than 30 days have not passed since the day of her leaving work.»

Favourable conditions are also ensured by other law provisions bearing on the utilization of the pregnancy leave. Thus, the woman who has consumed her childbirth leave but has not yet been able to find a place for her child in a creche is entitled to, up to 3 months, unpaid leave. During this time the job is kept vacant by the enterprise, institution or organization in which she worked. Besides, the law provides that the woman worker or employee nursing an up to three years old child may be given up to 3 months of unpaid leave each year.

The Constitution guarantees that all citizens enjoy the right of rest after work. The extension of the working day and working week, as well as the annual paid holiday are regulated by law.

In application of this principle of the Constitution, the Labour Code guarantees to the woman, the same as to man, the right of 12 working days of paid leave after 11 months of uninterrupted work. Women, the same as men, who direct various sectors of the economy and administration, as well as those engaged in special scientific or intellectual work, are entitled to a supplementary leave of 6 to 12 days, apart from their annual leave.

Nursing mothers, whether workers or employees, have the right to a break of not less than half an hour every three or four hours (which is reckoned in the working time) until their child is 9 months old.

Teenagers are under particular protection in Albania. This is expressed in Article 5 of the Labour Code which states that «the State protects especially the women and teenagers,» as well as in a number of provisions which guarantee this protection. Thus, apart from the provisions mentioned above it is stipulated that «For the teenagers under 16 years of age working time cannot exceed 6 hours a day, for which

they are paid the same as for an 8 hours working day.»

Likewise, in regard to the right of annual leave, the state ensures special conditions for the teenagers. Unlike the other workers, «for teenagers under 16 years of age the leave is extended to 24 working days each year.»

Through State Social Security, the state guarantees to the working women, just as to all the other working people of the Republic, the necessary material means of livelihood in old age, in case of illness or loss of ability to work. Women enjoy the right to old-age pensions in conditions more favourable than men. They can retire at an age and with a seniority of work 5 years earlier than men, regardless of their category of work. Thus, if men engaged in jobs of the first category are entitled to an old age pension at 50 years old and have a seniority of work of 20 years, women in this category of jobs enjoy the same right at the age of 45 years and with a seniority of work of 15 years. In the second category of jobs men enjoy the right of pension at the age of 55 years and with a seniority of work of 25 years, whereas women enjoy the same right at 50 years and have a seniority of work of 20 years. In jobs of the third category men retire at the age of 60 years and with a seniority of work of 25 years, whereas women are pensioned at the age of 55 years and with a seniority of work of 20 years. Again, in more favourable terms than men, in the same conditions, the blind, dumb-and-deaf women and those who become invalids of the 1st and 2nd groups before entering work relations, are entitled to old age pensions. They can retire at the age of 40 years and with a seniority of work of not less than 10 years.

The Albanian legislation shows particular concern for the women workers or employees who have given birth to many children. The women workers or employees who have given birth and reared 6 or more children up to the age of 8 years have the right to retire at the age of 50 years and with a seniority of work of 15 years.

In case of ill health of a family member, the insured who absents himself from work (usually the mother) in order to attend to the sick, when no other person in the family can take

care of him, is entitled to an aid in money amounting to 60 per cent of the average pay for 3 days, over a period of 3 months. For a sick child under 7 years of age this assistance can be extended to 10 days over a three months' period.

Aid in money, under Article 11 of the Law on State Social Security is given to the mother in order to take care of her sick child until the age of 2 years old even if there are in the family other members who can take care of the child. When a child under 2 years of age is hospitalized and the doctors consider it necessary for the mother to sit by her child, the above aid is paid to the mother for the entire period of time she sits by her hospitalized child.

Thanks to the successful completion of the collectivization of agriculture and the economic and organizational strengthening of agricultural cooperatives, conditions were created for the establishment of a system of old-age pensions for the members of agricultural cooperatives as well. In the beginning these pensions were paid from the funds of the cooperatives according to their economic possibilities. Later, however, under the law «On Pensions for Members of Agricultural Cooperatives», pensions for cooperativists are also defrayed by the state according to criteria which are the same for all the cooperativists. Under this law, every cooperativist is entitled to old-age pension, the man when he has reached the age of 65 years, and has a seniority of work of 25 years and the women when she has reached the age of 55 years and has a seniority of work of 20 years. Besides old age pensions, the law also provides for other kinds of pensions. The same was done «for the woman member of the agricultural cooperative who, while on leave prior to and after childbirth, receives 80 per cent of her average daily income in the course of the latest calendaric year.»

It is self-understood that such a treatment of the cooperativist mother is possible only in a socialist country in which the distinction between the woman worker of town and countryside is constantly being narrowed.

Unlike the capitalist and revisionist countries, in which the law recognizes some formal rights to the woman who

in fact is discriminated against in work, in society and the family, in Albania the rights and freedoms of citizens do not remain empty phrases, but have a tangible content which is applied in practice. For the woman to effectively enjoy the rights the Constitution recognized to her, as well as other laws, the provisions of the Penal Code give her special juridical protection. As early as 1952, when the Penal Code entered in force, failure to engage a woman or her dismissal from work because of pregnancy, or reduction of her wages for the same reason, were considered a crime. In order to warrant the effective application of the principle of equal rights between men and women the new Penal Code of October 1977, also, provides penal sanctions against any person who hampers women from enjoying such rights. Thus, under the new Penal Code it is a crime «To wilfully hinder the woman in the realization of her equal rights with man at work, in remuneration, state social insurance, education, in all social or political activity.»

Under this legal provision, all actions on the part of citizens hindering the woman in the enjoyment of her equal rights with men, which are recognized to her in all fields of life, are punishable by law. Thus, under this provision all persons who do not engage a woman only for the fact that she is a woman, who do not treat her as an equal with man in work, who do not give her equal pay for equal work with man, who deny her rights sanctioned by the law on state social security, etc. are punishable. Likewise, under the same provision, those citizens who prevent the woman from attending various schools, taking part in mass labour actions, or impede her in the enjoyment of the right of free speech, press and meeting, or in participating in social organizations or any other political and social activity, are held criminally responsible.

The above provisions of our socialist legislation represent the special concern shown in our country by the Party and the people's state power to guarantee to the woman all the material conditions and everything necessary for the effective implementation of her equal rights with man in all fields of life.

Our state shows particular solicitude for children, by assisting their parents in all sorts of ways at the time of their birth. Under the provisions of the decree «On State Assistance in Money to Mothers of Many Children and Unmarried Mothers», the latter are given state aid in money to rear their children. Thus, mothers of many children are given special assistance which begins with the birth of the third child and goes on increasing with the birth of each other child. Besides, these mothers are also given a monthly aid which begins with the birth of the fourth child. This aid, too, goes on increasing with the birth of each other child.

Apart from all this, under the Law on State Social Security, the worker, employee, pensioner, the student of vocational or other courses, the undergraduate and the regular armyman, who have been in relations of work before attending the course, the school or joining the army, are given an immediate aid of 200 leks for every live-born child. When both parents are engaged in relations of work this aid is given to the mother.

The state comes to assistance of mothers through a broad network of mother and child institutions in which children are under the care of qualified nurses during all the time their mothers are at work.

Before Liberation, there was no creche in Albania. Compared to 1950, their number increased 151 fold in 1978, and that of the children nursed in them rose 7 fold. The number of kindergartens also rose 10 fold against 1950. The number of children in kindergartens in 1978 grew 16 fold against 1950. In agricultural cooperatives this rise has been even more perceptible: 21 fold.

In order to create ever better conditions of delivery for women the state has set up many maternity homes and wards. In 1978 the number of beds in maternity homes and wards was 11 times as large as in 1950 (before Liberation there was only one maternity home with 60 beds in Tirana).

According to the Constitution, «the state guarantees to citizens the necessary medical services, as well as treatment in the health institutions of the country, free of charge.»

In order to encourage the increase of births, to facilitate the rearing and education of children the state has instituted the honour title of «Mother Heroine». This title, which is awarded to mothers who have given birth to and reared more than ten children, is the highest decoration to mothers of many children.

The above figures and data prove once more that in Albania all objective and subjective factors, all necessary conditions have been created to enable the participation of women in the economic and social life of the country and, as a result, the progress of all and everyone of them.

3.

The PLA, since its very founding and constantly afterwards, has devoted particular importance to the establishment of the family on sound bases. It has always pointed out that inequality and the relations of oppression that characterized the Albanian family in the enslaving orders of the past should discontinue to be the basis of our new family. Therefore, Comrade Enver Hoxha stresses, «our Party must carry out intensive ideological work for the tempering of the Albanian family, which can be achieved only with the establishment of correct, equal, free relations imbued with pure and profound sentiments, free from any submission or left-over of private property or its concepts...»³

It is a fact that in the light of these teachings and as a result of the implementation of the far-sighted line of the Party, the Albanian family today, in the stage of the complete construction of socialist society, has been transformed from a patriarchal family which was characterized by profound inequality between man and woman, into a family with socialist features. This process is still in its development.

These principles found their complete development in the Family Code which entered in force in 1966, as well as in the new Constitution of the PSR of Albania of the year 1977.

Under these laws, in family life as well, the Albanian woman is guaranteed equal rights with man, for, as Comrade Enver Hoxha has pointed out, only in that family where there is

equality between husband and wife, freedom and equality of rights for both husband and wife, true love, harmony and mutual understanding exist, life is happy and children grow healthy in body and soul.

Among the principles which characterize marriage in our socialist society and which are laid down in the family legislation is that of equal rights. In Article 2 of the Family Code is said: «Marriage is contracted on the free will of man and woman and on sentiments of sound love between the consorts, as well as on the principles of equality, mutual assistance and respect.»

The state recognises monogamous marriage as the only lawful form of marriage and provides against any violation of the principle of monogamy, against any manifestation of the subjugation of the woman. Penal sanctions are foreseen against the violators of this principle. The law condemns marital relations with a woman prior to the dissolution of a former marriage by court decision. Likewise the law condemns the man who entertains marital relations with two or more women at the same time.

The equal position of man and woman in the family is also expressed in a number of other provisions of the Family Code.

The Family Code states among other things that «Consorts have the same rights and duties towards each other. They must be faithful to and assist each other and take an equal part in meeting the needs of the family.»

Our legislation provides correct solution to a number of problems of marriage, proceeding always from the principle that equal rights must exist in the relations between consorts and family harmony. Thus, in regard to the name, on the conclusion of the marriage the law gives each of the consorts the right to keep the name he or she had before the marriage, or to choose as a common name that of the husband or wife, or each of them, to add to his or her name that of the other consort.

Based on the principle of the equality of the consorts before the law the woman is entitled to choose her job and profession even without the consent of the other consort, as required by the Civil Code of 1929.

Under our legislation, the problem of residence of the consorts is solved proceeding from the principle of equal rights and mutual understanding and interest. Precisely with this deals the Family Code when it says: «The consorts decide in common about any question bearing on the relations stemming from marriage.» The management of the household economy, with both consorts contributing to the family budget, is regulated in the same spirit.

In regulating personal relations between consorts, as well as their property relations, our socialist legislation is always based on the principle of complete equality between consorts. Marriage brings no change to the possessions of consorts before contracting their marriage. It remains property of the former owner who enjoys the exclusive right over it. On the other hand, the property gained through the work activities of consorts after marriage becomes common property of the two of them, and any decision in the contrary is invalid.

In case of disagreement, the part of the common property belonging to each consort is determined by the court according to the contribution of each of them, taking account of all the circumstances. Not only the wages of each consort but also the help each consort gives the other in carrying out household work, as well as any other work and collaboration in the management and increase of common property, are considered as contribution in the maintenance of the family.

Albanian legislation allows the dissolution of marriage through divorce, which is always decided by a court. This, however, does not mean that the state desists from applying the principle of the defence of the marriage and family. The socialist state is interested in defending sound marriage, that which really fulfils its mission. However, under certain circumstances, when marriage has lost its social mission, divorce becomes an unavoidable phenomenon and, in some conditions, even necessary.

The right of divorce in no way violates the rights of the woman. Experience has proved that in all social formations with antagonistic classes divorce has been and remains a means in the service of the man alone, a

means of coercion against the wife when she does not submit to the will of her husband, and that the latter has always used it as a means to further his personal interests. Divorce continues to be such to this day in the capitalist countries where, although the law recognizes this right to the woman as well, it remains only a dead letter. The wife cannot avail herself of this right, as long as she remains economically dependent on her husband.

Dealing with this problem in our society, Comrade Enver Hoxha has said, "...divorce, especially for the woman, is a major achievement... When the woman succeeds in correctly understanding this right, she will know how to use it. Statistics show that the awareness of women in the exercise of this right is rising from one year to another. They are exercising this right as a 'weapon to liberate themselves from slavery', when they are convinced that all the attempts to keep a sound family on the principles of communist morality have failed."⁴

The law contains an article in defence of the rights of the woman and child under which, when the woman is pregnant the divorce suit is suspended on her demand until the child is aged one year. Thus, with the suspension of the divorce suit, the pregnant or nursing mother is protected against such commotions as would gravely affect herself and the child. This disposition also takes account of the fact that the suspension of the divorce suit until the child reaches the age of one year can also serve as a means to reunite the consorts.

The principle of equality between mother and the father in regard to their rights as parents is another manifestation of the equal rights of the woman with man.

Under the Family Code, parental rights, that is, the right and duties of parents concerning the rearing and education of their under-aged children, as well as the defence of their rights and interests, appertain to both parents. Parental rights are exercised only in the interest of children under age and with the common accord of both parents. Our family legislation does not recognize the authority of man as decisive in this field, either. Parents have rights and duties towards their children under age. However, if they misuse

these rights, or do not properly exercise their duties, the society intervenes through the tutelage exercised by the competent organs.

When parents are in disaccord about the exercise of parental rights, their disagreements are settled by the tutelage organs or the law court, depending on the nature of the case.

The law recognizes to consorts the right to adopt a child either together or separately. In the question of adoption, the law recognizes the woman equal rights with the man. There is no article of law which prevents the woman from adopting a child.

Apart from what is stated above, the law warrants all-round protection to the consort in need of material aid or incapable for work and gives him or her the right to be maintained by other consort. The law guarantees this protection to the consort even in case of divorce. But only the consort who is not held responsible for the dissolution of the marriage has the benefit of this right, when he or she is disabled and lacks the means of subsistence. The right of the consort, who is held irresponsible for the divorce, to demand to be maintained by the former consort, as provided under the above stipulations, lasts for a time up to three years after the dissolution of the marriage, and may continue even beyond that time if the court finds it necessary.

Complete equality of rights between men and women are also reflected on the law on inheritance which makes no distinction between the man and the woman. The children of both sexes have equal inheritance rights. The wife has equal inheritance rights, too. She together with her children is fully entitled to an equal share of the inheritance as inheritor of the first degree.

A constant struggle is waged in our socialist society to ensure equal rights of the woman with the man (which is sanctioned by law) to be applied in family life whenever the application of these rights does not keep step with their application in political and economic life. And this is natural, because the problem of the creation and strengthening of the new socialist family, in which the woman occupies an effectively equal place with all the other family members is not a problem which is resolved within a short time.

The deepening of the ideological revolution has exercised and continues to exercise a powerful impact against manifestations of inequality of rights between men and women, through the ever broader dissemination of new socialist concepts in the relations among family members, through the struggle for the eradication of customs and left-overs which infringe on the rights of the woman and prevent her from occupying the place she deserves in the family.

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The great successes achieved in our country in the process of the struggle for the emancipation of the women during the 36 years after Liberation are not accidental. They have been prepared by the whole historical development of the country under the leadership of the Party of Labour of Albania, by the constant and systematic 36 years long work our Party has carried out in this direction. They are the result of the correct Marxist-Leninist line constantly followed by the Party of Labour of Albania, with Comrade Enver Hoxha at the head, on the problem of the complete emancipation of the woman.

1. Enver Hoxha, *Works*, vol. 2, p. 380, Alb. ed.

2. *Documents of the Supreme Organs of the National Liberation Revolutionary Power (1942-1944)*, Tirana 1962, p. 296, Alb. ed.

3. Enver Hoxha, *Reports and Speeches 1967-1968*, p. 138, Alb. ed.

4. Enver Hoxha, "On the Problem of the Woman", Tirana 1967, p. 197, Alb. ed.