



General Assembly

Distr.: General
XX August 2019

English only

Human Rights Council

Forty-second session

9–27 September 2019

Agenda item 6

Universal Periodic Review

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2019]

UPR Albania

The Associazione Comunità Papa Giovanni XXIII (APG23) is present in Albania since 1999 with two family-homes, a reception facility for the homeless, a therapeutic community, several other projects and the activities of Operazione Colomba (OC), the APG23 Nonviolent Peace Corps, made up of young volunteers who live with people suffering from the violence of war and conflicts. They are present in these difficult environments as third parties with the aim of protecting human rights and civilians, preventing conflict escalation, building confidence and creating nonviolent solutions to disputes.

Operazione Colomba has a permanent physical presence in the Shkodra area since March 2010 and a monthly presence in the Tropoja area since October 2010. Its volunteers work with people directly involved in blood feuds, with Albanian society, Albanian institutions and international institutions in general.

In the north of Albania, in fact, the Kanun, an ancient code, is still alive and over the years is manifesting itself in a degenerate form. It is a code developed in the Middle Ages to regulate social life and strengthen the cohesion of the Albanian people. This code states that offended honour, for example through the killing of a relative, can be restored in two ways: by forgiving the murderer or by committing a murder in revenge against any male member of the murderer's family. To date, the most widely used option is still the latter. As a result, entire families are involved in endless feuds.

As from 2005, and then more extensively since 2011, Operazione Colomba has the task of supporting, monitoring and bringing help to families involved in cases of hakmarrja and gjakmarrja (blood feud) and trying also to produce a strategy for the nonviolent resolution of the disputes triggered by these situations. Volunteers visit the families daily and promote reconciliation pathways, which release anger and pain. In addition, the volunteers promote awareness raising initiatives aimed at civil society and institutions, with the objective of stimulating virtuous mechanisms that can lead to national reconciliation. Through daily news monitoring, the OC database included more than 550 cases of injury, attempted murders and murders caused by this phenomenon. The majority of these feuds are connected with property, previous disputes or honour. In addition to blood feud within Albania, we are also unfortunately seeing the export of vendetta, as some cases are continued even outside the country.

In our submission for the UPR pre-session, we focused on this ever-increasing phenomenon that affects people of all ages and both sexes, over long periods of time. Our observation on the field has shown that the dynamics of this situation are moving ever further from the original rules set out in the Kanun and are increasingly able to adapt to the needs of each new situation.

In addition, to the problem of blood feuds, there are also a number of critical aspects of Albanian society, such as domestic violence, discrimination against minorities and failure to respect children's rights.

We are glad to note that some member States have recognized the problem of blood feuds that we have denounced thanks to the activity of Operazione Colomba in the field. However, it should be noted that despite some progress and some openings on the subject, as for instance the “resolution to prevent blood feuds in Albania”, passed by the Albanian Parliament on 5 March 2015, police investigations have proved unsatisfactory in ensuring justice and, consequently, in protecting victims. In this way, the family of the victim, who is not a part of the criminal process, is often neglected, while focusing on it should be essential to reduce tensions between the clans involved, thus avoiding the continuation of the feud.

We welcome, in any case, the concrete Albania's commitment in taking measures to improve its national legal framework on gender equality and the empowerment of women and the support services for victims of domestic violence (through the establishment of the National Centre and Counselling Line for Victims of Domestic Violence and emergency centres in some municipalities).

We are also pleased to highlight the decision to adopt Law No. 18/2017 on the rights and protection of the child, the Code of Criminal Justice for Children and the Law No. 76/2016 on addenda and amendments to the Constitution with a package of seven organic laws that contained provisions guaranteeing the independence, impartiality, professionalism and integrity of judges.

We recognize the strong involvement of the General Directorate of State Police to building a database of all families affected by blood feud and in adopting an action plan on the prevention, detection, documentation and fight against criminal acts committed for motives of blood feud and vengeance.

With a view to moving towards continuous improvement, we would also like to recommend the Government of Albania a number of suggestions to help promoting the elimination of blood feud and other issues related to this phenomenon, by involving society and feuding families.

- Continue to take further measures to combat domestic violence, including by fully implementing existing legislation and ensuring that women who are victims of violence have access to legal aid and social services.
- To insist on the prevention of early and forced marriages of children, also and above all by setting the minimum legal age at 18 years.
- Continue to pay the utmost attention to ensuring the full enjoyment of children's rights, including the right of access to education, including for those involved in the phenomenon of blood revenge.
- Ensure full implementation of the Action Plan on the Rights of Persons with Disabilities, thus guaranteeing the right to inclusive education for all children with disabilities.
- Support mediation between families who are the victims of a blood feud and the creation of a national reconciliation process through restorative justice and mediation counselling.
- Reform the State justice system through: fight against corruption; pre-trial detention for anyone committing an offence connected with a blood feud; ensure sentences are served; ensure justice is the same for all.
- Introduce legal/institutional instruments that promote the elimination of the phenomenon and recognize and fight anything that causes or prolongs vendetta, such as the law on the civil mediation of disputes (Law 10385 of 24.02.2011).
- Amend and implement Law 9389 of 4.05.2005 to set up a Coordination Council on blood feuds
- Systematically introduce educational and cultural programmes based on the nonviolent management of disputes, education in peace, reconciliation and respect for human rights in schools, places of work and in the most important centres of social integration.
- Set up a compensation and support fund for families who are bereaved as a result of vendetta.
- Within the Police, set up an ad hoc emergency service to deal with cases of blood feud.
- Introduce and implement special prison programmes and associated re-education and reintegration plans for prisoners who have committed blood feud offences.
- Introduce standard criteria for identifying families involved in blood feuds.
- Publish official data on the actual extent of blood feuds.

- Create a social State dedicated to dealing with the structural factors that enable the phenomenon to exist and to contributing to the economic and cultural development of society and to the delivery of services.

In conclusion, we hope that our work as APG23, and in general this session of the UPR, has been useful and will help the Albanian government to have a better understanding and especially a greater awareness of the situation of families involved in revenge and the consequences of this phenomenon on many other aspects of society, in order to continue the efforts made by the Albanian government on this particular issue.
