

HUMAN RIGHTS COUNCIL

**19th Session of the Working Group on the
Universal Periodic Review (UPR)**

**The Human Rights Situation in
ALBANIA**

Submitted by:

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(NGOs in Consultative Status with the ECOSOC)

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INTRODUCTION

APG23 is a catholic international association founded in Italy by Fr. Oreste Benzi. Its activities in the world of poverty and marginalisation brought to the direct sharing of the life with the poor in 1973 when the first family-home was opened. The Community is now present in twenty-five countries of the five continents. The Association has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) and its commitment at the UN is the result of sharing the life with the poor and the fruit of the international elaboration and synthesis of the action for the removal of the root causes that create injustice.

The Association is present in Albania since 1999. In fact, Operation Dove, the Nonviolent Peace Corps of APG23, went initially to North Albania to live for a short period in a refugee camp in order to assist the Albanian refugees who were escaping from the war in Kosovo. Since 2000, some members of APG23 have provided a stable presence in Albania thanks to the opening of a family home in Krajen. In the following years, the Association has expanded through other projects. At present, the APG23 activities in Albania consist of three family homes¹; a first aid home²; the “Bethlehem shelter”³; the Project “Let us meet poverty”⁴ and Operazione Colomba⁵.

1. SOURCES

Information was gathered directly from APG23 members living in Albania who monitor the human rights situation and share life directly with needy people, by interviewing families affected by blood feuds and from other sources (Government' reports, journals etc.).

2. FOCUS ON RECOMMENDATIONS

In this report, APG23 has focused his attention on the following recommendations⁶ made to the Government of Albania during the 1st cycle of the Universal Periodic Review:

Recommendation n°8 Pending

P - 8. Strengthen measures to eliminate customary practices leading to violence, in particular, blood feuds and honour killings and domestic violence, and ensure effective access of potential and actual victims to protection (Czech Republic);

¹ The family home “Saint Raphael”, mother house of APG23 in Albania, was opened in 1999. It is located in Krajen, a village in the region of Zadrima, an extended valley that connects the cities of Lezba and Shkoder.

In 2004, the family home moved in Nenshat, a nearby village where the house found was more fitting the needs of the family.

Finally, the family home moved in Scutari. The family home welcomes more than twenty people in need: children, adolescents, disadvantaged girls, homeless etc.

The family Home “Vincenzo” was opened in Tarabosh (Shkoder) in the year 2000 under request of the Bishop. It initiated as a first aid home to welcome children living in a Caritas village and became later a true family home. In 2012 the family home that welcomes twenty children and adolescents, moved near to Scutari.

The family home “ Maria, Morning Star” was initiated in Scutari in 2008. It welcomes 15 children and teen-agers with different problems. The family home is well radicated in the territory and interacts very much with the Albanian social culture.

²The first-aid home “Patrizia” was opened in 2005 at Shkoder in the North Albania. It is an answer to the needs of many youth and adults for whom institutionalisation was the only alternative.

³ The “Bethlehem shelter” was initiated in Tirana after having met people living on the streets and heard they request for help. It is a shelter for men and women looking for a warm place where to sleep, for human affection and the love of a family.

⁴ Through the project “Let us meet poverty” , the missionaries, volunteers and White Helmets of the Associazione Comunità Papa Giovanni XXIII in Albania, share their life with poor and marginalised families in Scutari. All these families have migrated from the mountains to towns seeking for employment and a better future.

⁵ **Operazione colomba (www.operazionecolomba.it) (Operation Dove)** makes nonviolent interventions in conflict areas (Palestine/Israel, Colombia, Castel Volturno, Kosovo, Albania, Chechnya, Former Yugoslavia, Sierra Leone, North Uganda, etc.).

⁶ See Human Rights Council -Thirteenth session- Agenda item 6- **Universal Periodic Review-Albania- 4 January 2010 A/HRC/13/6** available in <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ALSession6.aspx>

Recommendation n°21 Accepted:

Undertake awareness-raising campaigns to ensure the effective implementation of and respect for the laws of the State, in particular by ensuring the effective investigation and prosecution of honour killings and cases of violence, including domestic violence against women and children (Austria);

3. FEEDBACK CONCERNS AND RESULTS

By steady presence and direct sharing of life with the local inhabitants, the members of APG23 came in contact with the phenomenon of blood feuds that are a traditional practice contemplated in a middle age civil code called “Kanun di Lek Dukagjin”.

3.1 Monitoring e data collection

A main activity of Operazione Colomba consists of meeting directly with the families that are victims of blood feuds. Among the purposes of these interactions is to ascertain the size of the blood feud phenomenon⁷.

Home-visits to the families are an instrument to verify the real situation of conflict and the level of self-exclusion suffered by the members of the clan in gjakmarrje⁸.

This activity allows the volunteers of Operazione Colomba to study the most appropriate modality of intervention to help families and to formulate an effective strategy according to the real size of the phenomenon.

Constant contact with families and the direct sharing of their suffering facilitate a deep relationship and mutual trust between the volunteers and the members of the clan. This approach creates the proper conditions to carry out an intervention that can act on the emotional wounds generated by the conflict and trigger a positive process for behaviour change.

Furthermore, the analysis of the blood feuds' cases helps to develop a research activity that increases the knowledge of such a phenomenon from the anthropological and sociological perspectives. Operazione Colomba intervenes on both fronts, with the family's victims of feuds and with the ones perpetrating it. In the beginning, Operazione Colomba knew more the victims than the perpetrators but, in the last two years, the volunteers have come in contact also with the families committing the revenge.

At present, the nonviolent peace corps of APG23 is in touch with approximately 40 families dislocated in Scutari, in the district of Rethina (Bardhaj e Gruda) and in the rural area of Bushat and Lezha.

3.2 GEOGRAPHICAL DISTRIBUTION AND SIZE OF THE PHENOMENON

⁷ The analysis of the phenomenon enabled Operazione Colomba team to find possible actions to deal with and overcome it. Some of these actions are:

- the creation of **reconciliation paths and forgiveness acts** to readdress the conflict and pain caused by the feuds (creation of a space where people involved in the phenomenon have an opportunity to be heard, and where constructive tools are provided for conflict resolution and counselling);
 - **direct sharing** of life with those who suffered and experienced the feuds in order to build together alternative ways for change (those affected by the problem should not be left alone);
 - the discussion of the phenomenon as a **problem of the society** that, as such, requires the **highest commitment** on the part of civil society and institutions in order to end it. (In this way only, those who are involved in the phenomenon can gain new confidence in the community to combat the *gjakmarrje*);
 - the implementation of concrete **interventions of mediation** to solve existing conflicts;
 - the spread of **positive role models** and the creation of an **education system** that seriously addresses the phenomenon and offers **nonviolent tools** to approach life;
 - the commitment to create a life supportive **environment** (improvement of basic services and facilitating access to them, the implementation of an effective educational system, the elimination of corruption, decreasing unemployment rate, etc ...).
- The staff of Operazione Colomba has found several positive signals in the implementation of some of these actions.

⁸ Blood feuds

Data on the geographical distribution and numerical dimension of the blood feuds' phenomenon vary depending on available sources. According to the National Reconciliation Commission in Tirana, from 1991 to 2009, in Albania, 9,800 people died as a result of crimes based on this type of private justice and more than 6,000 families lived "nailed" in their homes⁹.

On 16th October 2012, a meeting between the Advocate of the People and representatives of the Government, associations and ordinary citizens, was held in Shkodër. This meeting raised the debate on the number of Albanian households currently affected by revenge and the possibility of finding a way out from the problem. For the first time, the Home Office gave some official figures on the phenomenon of *gjakmarrje*. According to the deputy minister, Mr Nard Ndoka, 225 *gjakmarrje* killings occurred during 12 years and there are 67 *ngujuar*¹⁰ families across Albania. At territorial level, there are 33 children who do not attend to school in the district, of which 23 in Shkodër district. Statistics of the Home Office indicate that 225 murders due to *gjakmarrje* represent 7.9% of the number of offenses committed since 1998¹¹. In the table, the partial numerical distribution of the murders for *gjakmarrje* from 1998 onwards is recorded. It is interesting to observe the trend of the numerical distribution of the phenomenon from the percentage recorded every year:

Table 1: Distribution of the murders for *gjakmarrje* from 1998 onwards¹²

Years	Number of murders	Number of murders for <i>gjakmarrje</i>	Percentage
1998	573	45	7.8
1999	496	41	8.2
2000	275	41	14.9
2001	208	32	15.3
2003	132	12	9
2004	190	11	5.7
2005	131	5	3.8
2006	87	4	4.5
2007	103	0	0
2008	88	5	5.6
2009	82	1	1.2
2011	135	5	3.7
2012	100	5	5

Instead, according to the data provided by the local police, the families' *ngujuar* would be 67, whereof:

- 48 families in Shkodër district;
- 13 families in Kukës district;
- 4 families in Lezhë district;
- 1 family in Tirana district;
- 1 family in Durrës district.

In recent years, the need for more accurate information compelled the APG23's volunteers to maintain a constant monitoring of the phenomenon. Data were collected from 2006 and show the existence of more than 40 families involved in the phenomenon of blood feuds only in urban and sub-urban areas of Shkodër, Lezhë and Tirana. The family clans involved are 32.

⁹ Committee of Nationwide Reconciliation, National Strategy against blood feud. Strategic plan for the elimination of enmities and integration in EU without blood feud, Tirana, 2009.

¹⁰ Self-imprisonment at home

¹¹ "Gazeta Shqiptare" newspaper, October, 17th 2012.

¹² "Gazeta Shqiptare" newspaper, October, 17th 2012, It doesn't contain figures relating to 2002 and 2010.

In some cases, the volunteers of Operazione Colomba know the family who has to commit revenge, and the household that must undergo *gjakmarrje* too. In other cases, the Association staffs are in contact with only one of the parties (those who have to commit revenge or those who have to endure it). Based on its experience Operazione Colomba analysed the data and concluded that there were 29 families touched by revenge related situations in addition to the 32 families already known.

Since the end of 2010, the volunteers of Operazione Colomba have established an occasional presence in Tropoje, an isolated mountainous area where *gjakmarrje* is known to occur. The Operazione Colomba staff found 20 families touched by *gjakmarrje* in the areas of Bajram Curri, Pac, Lekbibaj, Cernica, Fierza and Dojan. These 20 families belong to 12 clans. According to our monitoring, the figures given by the Ministry understate the problem.

Operazione Colomba data show that at least, 500 people are affected by gjakmarrje, just in the area of Shkodër, Lezhe, Tirana, and Tropoje.

This information is fairly accurate, but it is partial because the staff consists of a small number of volunteers who cannot cover all the affected areas. This consideration leads us to conclude reasonably that the number of families affected by blood feud is greater and that the geographic area affected is larger.

3.3 JUSTICE AND DECISION OF THE COURTS

Operazione Colomba did not find a great deal of data on court cases springing from incidents of *gjakmarrje*. As a result it had to rely on anecdotal information from the *gjakmarrje* affected families. In all a sample of 28 cases were identified with a certain number of common features.¹³

Victims' s families noted the following problems:

- The absence of guarantees on the certainty of punishment against those who killed for revenge.
- Failure of police intervention, despite the complaints of assault and ill treatment.
- Failure of bereaved families to report revenge murders for revenge to the police

The elements well illustrate how the lack of State' authority and corruption, now widespread at all levels, diminished public confidence in the institutions and contributed to the propagation of private justice. This type of practice created a real system of "illegal and paralegal justice", which owns its peculiar norms of action, which elude the State. This system refers, partially, to the custom of the Kanun.

3.4 REACTIONS OF PUBLIC INSTITUTIONS ON THE PHENOMENON

The Albanian Government has been repeatedly urged by international bodies and organizations to adopt effective measures to put an end to the phenomenon of the blood feuds, especially in view of a possible entry of the country in the European Union. According to the report¹⁴ by Philip Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions, on behalf of the UN Commission on Human Rights, the discrepancies between the statistics provided by the media and those reported by the Government in regard to the victims of conflicts between households are significant. The mass media are talking about hundreds of deaths per year due to blood feuds and thousands of children isolated in their homes, while the Government talks about a reduction in the number of homicides from 45 in 1998 to 1 case in 2009 and fifty children prisoners. Although the report by Philip Alston clearly underlines the need for the government to engage

¹³ In all cases the subjects were convicted for multiple murders. The duration of the penalty varies depending on the situation: 9 years, 25 years, 15 years, 20 years, 25 years, 19 years, 22 years, 13 years, 13 years, 10 years, 20 years, 4 years, 21 years, 9 years, 12 years, 8 years, 14 years, 18 years, 12 years, 13 years, 22 years, 20 years, 10 years, 3 years. In some cases it has not been possible to trace the number of years of imprisonment ascribed to the defendants.

In many of the analyzed situations, there was a sentence reduction: 9 years to 7 years; from 25 years to 10 years; from 19 years to 16 years; from 10 years to 7 years; from 7 years to 4 years; 25 years to 21 years; from 9 years to less; from 22 to 3 years; from 20 years to 17 years; from 10 years to 6 years. According to data collected by the operators of Operazione Colomba, the reasons for the reduction are mainly two: good conduct and/or bribery of public officials (cash payment). In one case only, the reduction was due to the grace granted by the President of the State. This information is based on the dialogues among Operazione Colomba's volunteers and some families involved in the phenomenon of *gjakmarrje*. In other cases, it seems that the main suspects fled abroad (and, in some circumstances, they were arrested outside Albanian borders) or are free for an alleged lack of evidence.

Among the situations considered, there was one in which the murderer was in and out of prison three times because the version of events provided by witnesses changed over time.

¹⁴ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum : Preliminary note on the mission to Albania*, 20 May 2010, A/HRC/14/24/Add.9, available at: <http://www.refworld.org/docid/4c29b1152.html>

seriously in the implementation of interventions to reduce the phenomenon, the Prime Minister's position has always tried to deny or belittle the phenomenon.

On 1st July 2012, a statement by the Head of the Albanian Government, Mr Sali Berisha, to the Council of Europe concerning the blood feuds was published in some Albanian newspapers¹⁵. Mr Berisha affirms that the phenomenon is close to its demise.

The Advocate of the People, representatives of central and local government, various associations and ordinary people came together on 16th October 2012 in Shkodër for a meeting entitled “*Gjakmarrje, a common challenge*” in order to find a way out from the problem.

During the event, some proposals emerged: the former President of Albania, Mr Alfred Moisiu, asked the Ministry of Justice to give particular attention to the cases of *gjakmarrje*. Some associations appealed to the NGOs coalition to seek for reconciliation by knocking on the doors of families in *gjakmarrje* and insisted on the adoption of a law that provides life imprisonment to those who kill for the sake of revenge.

The Advocate of the People concluded the meeting by asking participants to make a strong commitment to combat the problem and renewed the invitation to create a coalition against this social scourge. The State, instead of minimizing the problem, should, in fact, have more active instruments (legislative and executive) to deal with it; it should also support and communicate more with civil society that is trying to work also on the cultural roots of blood feuds.

It seems impossible that, even today, Albania, being a State on its way for the past twenty years to a full rule of law and running for entry into the European Union, does not address the problem in a coordinated and effective way. Only by admitting the problem and by joining forces a solution can be found. We hope that recent events will reflect this proposition.

4. RECOMMENDATIONS

The research shows the extent by which *gjakmarrje* is a real expression of death and violence that destroys that first pillar of Albanian society: the family.

In view of the abovementioned analysis and the direct and constant monitoring of the phenomenon, APG23 recommends the Member State to:

I – verify through a national investigation and collection of data, the real social consistency of the phenomenon of blood feuds by guaranteeing a complete, systematic and independent monitoring that may lead to the development of decisive actions to combat the phenomenon.

II - elaborate national guidelines and strategic plans of intervention on the phenomenon of blood feuds by involving civil society in their formulation and implementation.

III- carry out sensitisation campaigns for the general public by introducing an education based on nonviolence in schools, working places and most important social gathering centres.

*IV - create a first aid service by instituting a sort of ad hoc prefect for the cases of *hakmarrje* or *gjakmarrje* as well as an adequate and well trained task force that may act specifically in order to discourage and uproot the traditional and illegal systems of justice.*

V – urgently arrange all the necessary measures needed to guarantee the security of citizens that are victims of feuds and their access to basic services such as school, health centres/hospitals etc. without danger for their physical safety.

VI – Formulate and implement specific penitentiary programmes and adequate consecutive paths at the end of the punishment for the re-education and re-integration in society of the prisoners who were guilty of blood feuds.

¹⁵ The data have been collected through consultation and collection of the daily newspaper "Gazeta Shqiptare", "Gazeta Shqip", "Gazeta Panorama" and "Shekulli".