

Written statement submitted by: Associazione Comunità Papa Giovanni XXIII (APG23, Special Consultative Status)

Title: Right to life, liberty and security of the person: combating the phenomenon of blood feuds

APG23 takes note with appreciation of the efforts planned by the Government of Albania to combat the phenomenon of blood feuds. Such efforts are explained in the report of the Working Group on the Universal Periodic Review on Albania¹ and its addendum² in response to recommendations 106.8 and 106.9.

In the Northern Albania, the Kanun, a medieval code, which states that the lost honour, for example for a murdered relative, must be revenged with a new murder, is still in force. This gives rise to endless feuds that involve entire families. The members and relatives of the families affected by the blood feuds (gjakmarrje) are forced to live imprisoned at home in order to avoid becoming victims of the feuds.

APG23 is present in Albania since 1999 with three family-homes, a first aid home, several projects and the Operation Dove, its Nonviolent Peace Corps. Since 2010, Operation Dove is committed in realizing nonviolent and civil peacekeeping, peacemaking and peacebuilding interventions in the districts of Shkodër and Tropoja in order to fight against the blood feuds' phenomenon. The international volunteers share their lives with victim families focusing on: promoting reconciliation paths among the actors in conflict; unarmed accompaniments; supporting activities about nonviolence and reconciliation especially for women and children; monitoring; realizing demonstrations and events to raise awareness of the phenomenon among the Albanian/International societies and the Albanian/International Institutions with the purpose of inspiring peaceful movements that will achieve to a national reconciliation.

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 homes.

In October 2012, the Home Office gave for the first time some official figures on the phenomenon of gjakmarrje. 225 gjakmarrje killings occurred during 12 years and there are 67 ngujuar³ 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 offenses committed since 1998.

The data⁴ collected by the monitoring of APG23 since 2006 show that just in the urban and sub-urban areas of Shkodër, Lezhë and Tiranë, there are more than 40 families involved in blood feuds. At least, 500 people are affected by gjakmarrje, just in the areas of Shkodër, Lezhë, Tiranë, and Tropojë. The family clans involved are 44. At present, the volunteers of APG23 are in touch with approximately more than 30 families dislocated in Shkodër, in the district of Rethina (Bardhaj and Gruda) and in the mountainous area of Tropojë.

The phenomenon of blood feuds violates the fundamental human rights, first of all the right to life. Moreover, it damages the union, the stability and the future of the whole Albania. It is a real expression of death and violence that destroys one of the most important pillars of Albanian society: the family.

With the hope that the Albanian citizens will no longer need to take the law into their own hands but rely in the National Institutions for protection of their rights, APG23 made a submission for the UPR of Albania, focusing on the need to combat blood feuds. APG23 recommended the Government to take the necessary steps to overcome the phenomenon of gjakmarrje and to elaborate plans to address such a phenomenon.

¹ A/HRC/27/4

² A/HRC/27/4/Add.1

³ Self-imprisonment at home

⁴ The information is fairly accurate, even if it is partial since APG23' limited staff could not cover all the affected areas in Albania. It can be reasonably concluded that the number of families affected by blood feuds is greater and that the geographic area affected is larger.

In this regard, APG23 is particularly pleased with the declarations made by the Albanian government in the report for the 2nd UPR cycle.

In fact, in the first cycle of the UPR, the delegation of Albania refuted the current application of the Kanun, saying that it was applied in certain parts of Albania in medieval times and noting rather the need, in certain rural or poor areas, to improve enforcement of the laws. In 2012, the government of Albania implicitly recognised the existence of the phenomenon of blood feuds by giving some official data even if it did not address the problem in a coordinated and effective way. Remarkably, in the second UPR cycle, the Government of Albania declared:

1. To have amended the Criminal Code in 2013 providing as criminal offences: "killing for revenge or blood feud", "serious threat of revenge or blood feud", "instigation for revenge" and the penal sanctions.
2. To have revised the Action Plan "On the prevention, detection, registering and combating criminal activities and the offences of murder for blood feud and revenge" in order to fight the blood feud phenomenon.
3. To have established a Special Unit for preventing and combating the criminal activity of murder for revenge and blood feud.
4. To guarantee the education of children confined for revenge motives by the law "On Pre-University Education" and the Instruction "On the procedures for the education of isolated children".
5. To cooperate at local level through Regional Education Directorates and school departments with the local institutions to identify the isolated children and providing education and psycho-social services.

This progressive move by the Albanian Government clearly shows how effective the UPR mechanism can be and how it is important to have a constructive dialogue between national institutions and civil society.

In 2013 Operation Dove organised a national campaign of collecting signatures called "5000 firma për jetën"⁵. In 6 months 5993 Albanian citizens signed a petition with the commitment to refuse violence in case of conflict and recalling the institutions to support this choice in order to eradicate the phenomenon of blood feud. This year, Operation Dove realized a Nonviolent March for Peace, Forgiveness and Reconciliation against blood feuds from the North to the Capital City of Albania. More than 10.000 Albanian citizens have been reached by this event. More than 200 persons walked during the initiative. Several opinion leaders, politicians and representatives of Institutions supported the action. About 2700 citizens including some representatives of the Parliament and of the Government signed a petition in order to: provide the State with an Institutional/Legal Instrument aimed at overcoming the blood feud phenomenon; implement the law no. 9389, dated 5.4.2005, with the aim to create the Coordination Council against the phenomenon of blood feud; promote a culture of Peace based on the respect of Human Rights.

Recently, a delegation of APG23 met H. E. Mr. Bujar Nishani, the President of the Republic of Albania. H. E. Mr. Bujar Nishani underlined how the phenomenon of blood feuds need to be dealt with educational, social, cultural, collective and legal actions. He highlighted that a global platform with several actors is necessary in order to fully address the matter. APG23 asked the President:

- To implement the law no. 9389, dated 5.4.2005, aimed at creating the Coordination Council against the phenomenon of blood feuds.
- Some advices aimed at supporting a national reconciliation process in order to overcome the phenomenon on a massive scale.

H. E. Mr. Bujar Nishani guaranteed his commitment to execute the law as soon as the Executive branch will promulgate legislative acts for the Institution of the Coordination Council against the phenomenon of blood feuds.

Finally, APG23 would like to emphasize that blood feuds is a complex phenomenon that violates the fundamental human rights especially the rights to life, liberty and security of persons. The promotion of nonviolence and reconciliation practice among families victim of blood feuds originate a culture of peace and collective reconciliation processes.

Surely, combating blood feuds requires the joint efforts of different actors in society⁶. Nevertheless, the Government has the duty, inter alia, to:

1. Support the reconciliation paths among families, victims of blood feuds, and the creation of a national reconciliation process through Restorative and Transitional Justice.
2. Provide with an Institutional/Legal Instrument aimed at overcoming

⁵ 5000 signatures for life

⁶ Families involved in blood feuds, national civil society, National Institutions etc.

the blood feud phenomenon, like implementing the law no. 9389 with the aim to create the Coordination Council against the phenomenon of blood feud 3. Promote sensitisation campaigns for the general public by introducing an education and a culture based on nonviolence, reconciliation and on the respect of Human Rights, first of all the right to Life, in schools, working places and most important social gathering centres. 4. Urgently arrange all the necessary measures needed to guarantee the fundamental rights of citizens victims of feuds and their access to basic services such as health centres/hospitals, workplaces, schools, etc. 5. Establish a programme and a fund for supporting the victims of blood feuds. 6. Bring to justice those who are prosecuted for crimes due to blood feuds. 7. Draw a programme of work with civil society to combat blood feuds. 8. Formulate and implement specific penitentiary programmes and adequate consecutive paths at the end of the punishment for the re-education and re-integration in the society of the prisoners who were guilty of blood feuds. 9. Verify through a national investigation and collection of data, the real social consistency of the phenomenon of blood feuds.