



REPUBLIC OF ALBANIA

PEOPLE'S ADVOCATE

Executive summary of the People's Advocate special report on blood feud

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-Non official translation-

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Considering the right to life as a fundamental right and the most important human right protected by law and taking in consideration that blood feud threatens every day this right, the People's Advocate in 2012 has taken the initiative to sensitize state institutions, civil society, religious communities, media and individuals with regard to this issue and has prepared a special report based on institutional experience and data from state institutions and different NGOs.

The People's Advocate recalls that human rights and fundamental freedoms are the foundation of our democratic society and of the entire legal system, thus their observation is a primary constitutional obligation of the state through its organs.

Person's life is protected by law. The protection of the right of life is sanctioned in article 21 of the Constitution of the Republic of Albania. However, the issue to be discussed is how much the state and society can do to protect and guarantee human life and a certain standard of living?

As long as blood feud in our country has become a concerning phenomenon by violating the most important human right i.e. life, and because of other related negative consequences, such as confinement of family members regardless of gender and age, by denying several fundamental constitutional rights (e.g. freedom of movement, education, employment, health care, voting, freedom of association, freedom of conscience and its expression, etc.) though with regret, it must be affirmed that this right is not guaranteed by the state institutions.

Although State Police statistics show that in the last 10 years there is a general trend of decreasing of murders for blood feud or revenge, various NGOs claim other higher figures.

The report on blood feud analyzes as well several causes that have brought back this phenomenon during these recent years. Meanwhile, there have been prepared some conclusions and recommendations for state institutions, including:

- The phenomenon of blood feud, revenge and its consequences in our country exists and as a consequence of this, the right to life and other human rights and fundamental freedoms are violated. Although it is a localized phenomenon in some areas of the country and with limited expansion, it remains a concern and therefore deserves to be considered seriously, both politically and socially.
- State bodies have not yet been able to make proper assessment of this situation, neither start to develop a close collaboration with each other. This is shown by the fact that there are no accurate statistics.
- State institutions have to issue as soon as possible three bylaws based and for the implementation of law no. 9389, dated 04.05.2005 "On the establishment and functioning of the Coordination Council in combating blood feud" and immediately start the implementation of the law. Following the People's Advocate recommendation to the Council of Ministers and to the Ministry of Justice, it has been adopted the Prime Minister's Order no. 136, dated 14.11.2012 "On the establishment of inter-institutional working group to draft the Implementing Provisions of the law no. 9389", which is chaired by the Deputy Minister of Interior.

- The People's Advocate addressed the former President of the Republic of Albania Mr. Bamir Topi and the President of the Republic, Mr. Bujar Nishani with a request to call the Coordination Council in combating blood feud, taking in consideration that the President chairs the Coordination Council that so far has never been gathered.
- The government should seriously evaluate the phenomenon of blood feud and strengthen the cooperation with non-governmental organizations in order to prevent blood feud or revenge.
- State Police authorities have to undertake measures in order to prevent conflicts, to detect, capture and delivery of all responsible individuals to prosecution bodies, by strengthening as well the cooperation with Interpol to extradite murderers hiding overseas.
- The Ministry of Education and Science should play a major positive role in order to improve preventive educational programs, so it is ensured the education of the young generation in the spirit of tolerance, against self-justice, blood feud or revenge, and for the treatment of teachers in the areas where blood feud is present in order to assist confined students.
- Social problems of confined families require a stronger commitment of the state, especially of the Ministry of Labour, Social Affairs and Equal Opportunities, through the regional offices, in order to assist confined families having a low income, as well as to reduce poverty and unemployment.
- Prosecution bodies should better cooperate with police authorities and conduct prompt investigations, thorough and objective, sending cases for trial with complete and irrefutable evidence. It is not sufficient just to detect and capture offenders, but also their collaborators, organizers, facilitators and associates.
- The courts have the obligation to quickly and objectively judge and give right sanctions for any offender. Any mild punishment or acquittal unfounded opens the door to self-justice, blood feud and revenge.

This issue will be one of the priorities of the People's Advocate work, and awareness raising will continue within all central and local public administration institutions, civil society, religious communities, media and individuals in order to minimize and eradicate the phenomena of blood feud, revenge, and confinement of individuals and children.