

# **HUMAN RIGHTS COUNCIL**

## **47th Session of the Working Group on the Universal Periodic Review (UPR)**

Stakeholder's Submission on:

### **The Human Rights Situation in ALBANIA**

Submitted by:

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*(NGO in Consultative Status with the ECOSOC)*



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## INTRODUCTION

Associazione Comunità Papa Giovanni XXIII (APG23) is an International Lay Association of Pontifical Right with legal status, accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. Founded in Italy during the early '60s by the catholic priest Fr. Oreste Benzi, it is now present in 43 countries on the five continents.

### 1. SOURCES

The presence of APG23 in Albania dates back to April 1999 through the experience of its own Nonviolent Peace Corps, Operazione Colomba (Operation Dove). The association is active in the northern part of the country<sup>1</sup> and the municipalities of Tirana and Scutari, through support and development interventions with particular attention to the protection of the rights and dignity of marginalised groups. In the municipality of Scutari and its surrounding areas, the “Meeting Poverty” project supports Albanian families who have returned from migration countries and have lost all economic and social stability, implementing an empowerment program which provides job inclusion in their communities. Furthermore, the “Colors and Fabrics” project supports the economic independence and professional growth of women from economically depressed areas surrounding Scutari. Two reception structures also operate, supporting the psychological and economic autonomy of women and girls victims of domestic violence and their children, and a school support service for children and young people coming from vulnerable situations. In Tirana, the “Well-being Together” project supports the vocational rehabilitation and job placement of people with mental and psychosocial disabilities. With funding from the Italian Agency for Cooperation and Development, APG23 operates in Tirana with a daytime psychiatric rehabilitation centre and a nighttime shelter for homeless people.

The data collection method consists of an analysis of the APG23 hosting facilities through which we collect mainly qualitative and quantitative data concerning the people we support. The qualitative data derive from daily life shared with assisted persons, from their testimonies, and from regular monitoring visits,<sup>2</sup>. For the quantitative data, we referred to public statistics, national legislation, and data collected by the different Municipalities.

### 2. FOCUS ON RECOMMENDATIONS<sup>3</sup> N 95/110 up to 95/119, 95/138, 95/142, 95/143, 95/144, 95/147, 95/161 up to 95/163

#### 2.1 CHILDREN RIGHTS

Violence: Law No. 18/2017 “On the Rights and Protection of Children” in Article 23 establishes the protection of minors from all forms of violence. Our experience on the ground reveals that various forms of violence are still commonly accepted in society, and often violent acts against children go unreported; corporal punishment is still widely practised and considered acceptable by a large portion of the population, even when practised with belts, sticks, or other objects intended to cause harm<sup>4</sup>. There is still no fully functional local system that can provide parenting support programs and manage pathological gambling dependencies, addictions and abusive behaviours by parents.

Right to a Family: According to Article 20 of the CRC, States have to provide suitable alternative care to children lacking family support. By the end of 2021, in Albania, 897 children aged between 0 and 17 years were in alternative care, including 508 children in residential care (orphanages and development centres for children with disabilities), 370 children in formal/parental foster care, and 19 in adoption. Every year, about 1000 new children in need of protection are identified in the country<sup>5</sup>. Currently, no local government unit has been able to compile and approve a complete list of foster families, and the lack of community-based support services results in few real options available for children in need of foster care. Reception in

<sup>1</sup> Economically depressed area and particularly anchored to its traditions

<sup>2</sup> Data collection also involved the “White Helmets”, Italian civilian service volunteers operating abroad (curated by Carola Cappellari, volunteer and documentary photographer)

<sup>3</sup> Numbering refers to the document A/HRC/42/4, Human Rights Council Forty-second session 9–27 September 2019, Agenda item 6, Universal periodic review, Report of the Working Group on the Universal Periodic Review of Albania.

<sup>4</sup> The number of families with parents abusing drugs or alcohol is on the rise, with a negative impact on children.

<sup>5</sup> <https://www.instat.gov.al/en/children-and-youth-official-statistics/alternative-care/>. The adoption, in September 2020, of the “National Action Plan for the Deinstitutionalization of Children from Residential Structures” has provided the opportunity to catalyse an active collaboration between central and local governments, key development partners, and local civil society organisations. The deinstitutionalization reform has been a priority in Albania’s 2021-2023 Economic Reform Program, and in March 2021, the central government allocated funds to pilot the development of alternative child services, such as foster care and guardianship, in two municipalities.

residential care facilities continue to be prevalent, despite the demonstrated benefits of a family environment over other forms of care over many decades<sup>6</sup>.

Right to Health: regarding the protection/enjoyment of the right to health, approximately 42%<sup>7</sup> of children encounter obstacles in accessing healthcare services<sup>8</sup>. The costs to access healthcare services remain high and constitute a barrier to access that is difficult to overcome, especially for economically disadvantaged populations, including children and young people belonging to marginalised groups.

Right to Education: “The constitutional right to education to all without discrimination, of quality and inclusive” is guaranteed by Law 69/2012, supplemented by decisions of the Council of Ministers dated 01.03.2023. This law provides that compulsory education for children aged 6 to 15 is free. It also regulates the use of public funds for the transportation of students living in peripheral areas<sup>9</sup>. However, in 2021, participation in education among the poorest children was 20% lower compared to others. Distance from school, poor condition of some school premises, and combined classroom teaching where there are fewer students (a phenomenon more common in rural areas) have represented major disincentives for poorer families. Our experience allows us to assert that not only do some children not benefit from free transportation, but those living in interurban areas are often unable to attend school due to a lack of available public transportation<sup>10</sup>. To support families residing in the outskirts of Scutari, APG23 has been committed over the years to providing free private transportation from peripheral areas to the centre of Scutari, which however can serve a limited number of students. Incentives for transportation costs are provided only for those attending compulsory school, thus excluding those attending high schools, which are only present in cities; the consequence is that many students are discouraged from enrolling in high schools, especially those from poorer families. The decrease in investment in education also affects the number of specialised personnel allocated to schools, such as psychologists and support teachers.

Children with disabilities and education: Law No. 69/2012 regulating the inclusion of support teachers for disabled children in pre-university public institutions provides that the support teacher can work simultaneously with two or three children in the same school, preventing children from being adequately followed and supported according to their needs. Many of the public schools in Scutari were built during the communist period and, since the fall of the regime in 1991, the necessary renovations have not been made to bring the quality of the facilities up to European standards. In recent years, improvements have been made in the removal of architectural barriers, such as the presence of ramps at the entrance of the school, but the internal spaces remain still hardly accessible to children with motor disabilities. Still, many children with disabilities do not attend school; from a survey conducted by us with parents or guardians, it emerged that the main reasons are: not being able to bear the economic burdens associated with the use of the service (29%), difficulties in adaptation (17.8%), and poor quality of services (16.8%). Although to a lesser extent, it is important to note that during the survey cases of minors who had dropped out of school due to discriminatory behaviour (12.1%) or absence of the service (6.5%) were identified.

Child Labour: In the context of our intervention, it has emerged that many students between the ages of 14 and 17 work continuously to help their families, even though they have not reached the minimum age to work according to DCM No.108/2017 “On the protection of minors in the workplace”. The testimonies we

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<sup>6</sup> Residential institutes often do not provide a suitable environment for the psychological and emotional development of children, and approximately 70% of the hosted children show development delays, caused by environmental factors. They primarily focus on physical assistance rather than individual development and are not specialised in cases of abuse and neglect. These institutions lack specialised services such as psychotherapists and speech therapists, some lack qualified psychologists and social workers, and there is also a lack of professional supervision of healthcare staff. Funding for the alternative care system is limited and is provided only for material needs, not for training, qualified support, and supervision of foster families. Foster care is still insufficiently spread over the country

<sup>7</sup> <https://www.mdpi.com/2071-1050/15/11/8455>

<sup>8</sup> Significant ethnic differences were found, particularly (51% among Romani/Egyptian children compared to 42% in the general sample of children); urban/rural differences (46% rural versus 39% urban); and socio-economic differences (52% among children with lower maternal education compared to 31% among children with higher maternal education; 66% among children from poor families compared to 35% among children with higher family income).

<sup>9</sup> In particular, this regulation provides free transport for all children living more than two kilometres away from their school. This measure also applies to students attending pre-university education who have physical and motor disabilities, or cerebral palsy, such as hemiplegia, diplegia, and quadriplegia. In addition to transportation incentives, the provision of free national textbooks is another measure that has been adopted in recent years by the Albanian government to improve access to education.

<sup>10</sup> They have two solutions: the first is to reach schools on foot, facing long distances and dealing with heavy rains that often prevent regular attendance; the second is to take private transportation, when available, designed for student transport, which however involves additional costs that not all families can afford, especially larger ones.

collected show that the workload is often high, for example with working hours ranging from one and a half in the afternoon to eleven at night for a monthly compensation of 22,000 Lek (equivalent to approximately 180 euros) and without any type of contract and insurance coverage. Most child labour occurs in the agricultural and domestic sectors. In general, complete data on child labour are lacking. In the city of Scutari, children mainly from the Roma community beg along the streets in so-called salient points, and in bars and restaurants. The phenomenon intensifies in summer with the increase in tourism, leading many children to move to seaside and tourist resorts.

## 2.2 Recommendations:

- I. *Develop and adopt policies promoting foster care with adequate financial support for foster families, to ensure a family environment for children deprived of it.*
- II. *Implement awareness campaigns aimed at healthcare professionals, educators, and local communities to inform them about the legal and moral obligation of all citizens to report instances of violence against minors of which they are witnesses.*
- III. *Adopt measures to ensure a greater number of psychologists in schools and support teachers for children with disabilities or neurodivergent disorders in pre-university public institutions, as provided by Law No. 69/2012 and subsequent amendments.*
- IV. *Implement investment plans for improving school infrastructure, with particular attention to architectural barriers.*
- V. *Implement interventions aimed at promoting funding for local public transportation, including for high schools, especially in peripheral areas and during school start and end times.*

## 3. FOCUS ON RECOMMENDATIONS<sup>11</sup> N° 95/127 up to 95/143

### 3.1 VIOLENCE AGAINST WOMEN

The “Santa Maria” Residential Centre Hospitality House of APG23 offers protection and rehabilitation to women victims of domestic violence and their children, sometimes also functioning as an Emergency Reception Centre.<sup>12</sup> These are the only long-term residential services for victims of domestic violence available at present in Scutari and northern Albania. In the rest of Albania, similar services are only offered by a State-run centre in Tirana and a few small NGO-run facilities.<sup>13</sup> Since the start of its activities, the centre has helped approximately 70 girls, women and children.<sup>14</sup> Domestic violence against women in Albania is a phenomenon that has deep roots in patriarchal traditions and customs.<sup>15</sup> With regard to legislation, we would like to highlight the recent and very important change to the Penal Code with the approval of Law No. 35 dated 16.04.2020.<sup>16</sup> The main change was the criminalisation of psychological violence.<sup>17</sup> Our experience also shows that there is a lack of adequate private or public

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<sup>11</sup> Ibidem footnote no. 2

<sup>12</sup> The service operates according to the model of direct life-sharing with service beneficiaries and the centres are recognised by the Ministry of Health and Social Protection, with reference to the Council of Ministers directive no. 505 of 13.07.2011 "Standards of Social Assistance Services for Victims of Domestic Violence, in Public and Private Residential Centres". The organisation is also part of the interdisciplinary technical team and the Coordinated Reference Mechanism (MKR) for cases of domestic violence.

<sup>13</sup> The two facilities are in constant collaboration with the office of the local coordinator for domestic violence cases in the municipality of Scutari. The social service of the municipality constantly monitors the implementation of the Protection Order for service beneficiaries, while the child protection unit monitors the progress of children. Through agreements with civil society organisations, such as the “Gruaja te Gruaja” (Woman to Woman) Association or the Albanian Organisation of the Order of Malta (Malteser), it has become possible to provide support services such as child education and free legal counselling. Our association is also part of the Regional Committee for the Fight against Human Trafficking at the Scutari Prefecture.

<sup>14</sup> The main beneficiaries of the service offered by our programme are girls, women and mothers with children, identified as victims of domestic violence and/or with protection orders.

<sup>15</sup> Domestic violence against women in Albania is a phenomenon that has deep roots in patriarchal traditions and customs that create rigid gender identities and roles, patriarchal authority, respect for a code of honour and shame, customs of hierarchical orders within the family, and intergenerational control within the family. Men and women in some areas of Albania still refer to the “Kanun”, a code enforced in the 15th century, to explain attitudes and opinions on gender roles and patriarchal authority, including the husband's right to “punish” the woman, who is generally considered the property of her spouse.

<sup>16</sup> Law No. 35 of 16.04.2020 "For some additions and amendments to Law No. 7895 of 27.1.1995, "Criminal Code of the Republic of Albania".

<sup>17</sup> Psychological violence in family relationships as well as the involvement in such relationships of persons in relationships or previous intimate relationships with the offender, harmonising the content of Article 130/a of the Criminal Code with Article 130/a of the Istanbul Convention and the 2018 amendments to the Domestic Violence Act.

centres for women with mental disabilities who are or have been victims of domestic, sexual or other types of violence and/or are pregnant/have children.<sup>18</sup>

### 3.2 Recommendations

- I. *Update data on violence against women and girls in Albania, currently dating back to 2018. Establish an explicit monitoring and supervision framework for the protection of women victims of domestic violence.*<sup>19</sup>
- II. *Provide more State-run shelters for girls and women victims of domestic violence and centres specialised in prevention, diagnosis, treatment, and rehabilitation for women, girls, and mothers who are victims of domestic or other types of violence, and/or have children, and who are simultaneously diagnosed with mental disorders, particularly in cases of psychotic disorders, schizophrenia and paranoia.*
- III. *Establish public facilities for the rehabilitation and treatment of abusers, through educational programs for prevention, recovery, and treatment for abusive men that become an integral part of judicial provision.*<sup>20</sup>
- IV. *Improve economic support policies for women and girls subjected to domestic violence, including measures such as the inclusion allowance and the provision of a privileged channel to enter the labour market.*<sup>21</sup>

## 4. FOCUS ON RECOMMENDATION<sup>22</sup> N° 95/86 up to 95/89

### 4.1 HOMELESS

The development of social housing policy in Albania has seen the approval of the strategy for the period 2016-2025 and the Law on social housing (Law n.22/2018). The increase in the level of poverty, due in particular to the consequences of the devastating earthquake of 26 November 2019, the COVID-19 pandemic, and the significant increase in inflation during 2022 has caused a constant increase in housing needs by citizens and a consequent need to invest in this sector. Due to insufficient housing availability, housing needs remain largely unsatisfied. In addition, it emerges a further difficulty experienced by many homeless people who have psychiatric problems or pathological conditions (chronic or emergency). However, they often have no structure to turn to. There are no hostels for homeless people in Albania, and people leaving penal institutions who do not own a home are not included in housing programs. Regarding access to health care, the law states that all Albanian citizens can receive health care at their respective health centres depending on the municipal unit in which they are registered. If people are registered in other municipalities, they can receive health benefits only at the Emergency Department.

### 4.2 Recommendations

- I. *Implement surveys to gather up-to-date data on the number of homeless people in Albania and the number of municipalities that have developed local housing plans to extend national strategies in order to combat housing exclusion.*
- II. *Establish additional state residential structures for the homeless, with the aim of satisfying basic needs and supporting reintegration processes into society.*

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<sup>18</sup> In general, the facilities currently present are mostly run by independent non-governmental organisations, which, however, often lack the financial capacity to accommodate the number of requests and in particular the needs of victims with disabilities.

<sup>19</sup> To this day, many victims of abuse continue to live together with the abuser, even after the Court decision to remove the abuser from the home, as required by law.

<sup>20</sup> The centres should be spread all over the territory and be financed by public funds, in order to offer homogeneous services that meet their purpose. The treatment of men who are perpetrators of violence, with a view to preventing further violence and modifying violent behaviours, is explicitly provided for in Article 16 of the Istanbul Convention, which identifies the implementation of re-education pathways as one of the key interventions in the strategy to combat domestic and gender-based violence.

<sup>21</sup> Women who do not have economic autonomy are more likely to experience violence from the partner they live with. To exacerbate the economic situation of these victims is also the burden of having children to support.

<sup>22</sup> Ibidem, see reference n.2

- III. *Implement a health network to address the needs of the most vulnerable homeless, in particular those with psychiatric disorders, physical illnesses or mental/physical disabilities, pregnant women, or victims of violence/sexual exploitation regardless of the municipality of registration.*

## **5. FOCUS ON RECOMMENDATION<sup>23</sup> N° 95/139 up to 95/195**

### **5.1 PERSONS WITH DISABILITIES**

The National Action Plan for Persons with Disabilities (NAPPWD) 2021 - 2025, approved by Council of Ministers Decision No. 276 of 05/12/2021, is a cross-sectoral document of the Albanian Government, which includes policies dedicated to people with disabilities, which will be implemented over the next five years.

Mental disability. Our experience at the Rehabilitation Centre in Tirana allows us to detect a lack of institutions, structures and centres, both in the public and private sector, that provide rehabilitation and social reintegration, despite the efforts of various non-governmental organisations. In general, we register the lack of a biopsychosocial model applied to mental and psychophysical health, marking a deficient welfare perspective, which does not take into account the experiential complexity and is not functional to the health and complete well-being of the person. Moreover, according to our experience, there frequently is a lack of family or caregiver collaboration during the rehabilitation process that can be traced back to the stigma against psycho-disability physical and mental health.

Job placement and discrimination. The stigma against mental health, cognitive disorders, and disability in general also affects the employment possibilities of these subjects, reducing the chances of being hired even in those cases where the psychophysical eligibility has been certified and they have completed the rehabilitation path, the occupational therapy, and the vocational training. We often find that companies do not respect law No. 15/2019 "On the promotion of the occupation", referring to the employment of people with limited capacities through the quotas system. When persons attending our rehabilitation centre and receiving an invalidity pension start a regular employment contract, are obliged to give up the contribution, even in cases of part-time work which does not ensure a sufficient/adequate minimum wage; as a consequence, considering the uncertainty of the employment contract duration and the awareness of losing the economic support represented by the invalid pension, they prefer renouncing the job search.

Architectural barriers. The level of accessibility to public transport continues to be generally inadequate. In recent years, significant obstacles have undermined the legislative initiatives aimed to ensure the reimbursement of fuel for all persons with disabilities and to enable deaf people to obtain a driving licence. Furthermore, accessibility assessments for blind persons, as well as for deaf persons, are rarely conducted.

Welfare. People with disabilities can benefit from social housing programs that provide financial aid, such as rent subsidies and immediate grants; however, there are no income support measures specifically designed to cover the costs of structural adjustment of housing linked to disability. We highlight shortcomings in the removal of barriers inside buildings through the installation of appropriate accessories and the application of assistive technologies. Municipalities do not offer any other means of assistance other than wheelchairs (often provided by donor organisations) and there is no systematic access to assistive devices and technologies at an affordable cost for children and adults with disabilities.

### **5.2 Recommendations**

- I. *Amend Law No. 15/2019 "On the promotion of employment", subsequently integrated by Law No. 47/2023, in relation to the income requirements demanded to maintain the disability pension, with the aim of facilitating effective compatibility between the right to disability pension and the right to work for individuals with mental, intellectual, or motor disabilities so that the former does not preclude or exclude the latter.*
- II. *Extend and improve monitoring of companies' compliance with Law No. 15/2019 according to the quota system established by law.*
- III. *Adopt legislative changes to increase the level of accessibility to public transport, and the alignment with European legislation.*

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<sup>23</sup> Ibidem, see reference n.2

IV. *Implement investment plans for the improvement of infrastructures and the provision of all elements of accessibility, particularly for blind and deaf people.*