



Call of the Advisory Committee of the Human Rights Council on **“The role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights”**

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This report has been elaborated by Associazione Comunità Papa Giovanni XXIII, and in particular by Operazione Colomba, the Nonviolent Peace Corps of the Association. Civilian peace corps are made up of groups of civilians who go into armed conflict environments as third parties, with the aim of protecting human rights and civilians, preventing dispute escalation, building confidence and creating nonviolent solutions to disputes using nonviolent instruments. Since 1992, Operazione Colomba has been involved in nonviolent civilian peacekeeping, peace making and peace building in several armed conflict areas. Today, Operazione Colomba is working in Israel/Palestine, in Colombia, in Lebanon alongside Syrian refugees and in Albania. In Albania, since 2010, its Italian and Albanian volunteers have been working to provide nonviolent ways of containing and resolving disputes arising from feuds between families.

The report presents and analyses the role of the Operazione Colomba in studying, contrasting and resolving the blood feuds phenomenon in Albania through the technical assistance and capacity-building oriented to the people involved in the phenomenon and to the Albanian State. In December 2017 the Operazione Colomba database (working since 2013) included 550 cases of injury, attempted murder and murder caused by blood feuds phenomenon.¹

Human rights violations due to blood feuds phenomenon in Albania

After the fall of communism, Albania has gone through a historic phase of transition to democracy, which, according to some scholars, is still in progress. During this phase, the lack of State power and the corruption inside State institutions pushed people to practice private justice when they have suffered an injustice - harking back to Kanun's values because the democratic ones were slow to become established.

Kanun, an ancient Albanian medieval code, consisted in civil and criminal law rules, which regulated all the aspects of Albanian daily life, and it was based on values such as honour (*nderi*), word (*besa*), hospitality (*mikpritja*), blood (*gjaku*) that formed the traditional law of the Albanian people. To maintain intact the own honour became an absolute individual and collective prescription. Consequently, any action, which could harm honour, has been judged as a crime. According to Kanun, dishonour compensates through bloodshed or

¹ “Descriptive Document on the phenomenon of ‘hakmarrja’ and ‘gjakmarrja’ to raise awareness among Albanian and International Institutions – III edition”. https://www.operazionecolomba.it/docs/Report_ING-2017.pdf

forgiveness and both acts were realized through phases and rituals regulated carefully by the code.

The first choice meant the practice of *hakmarrja* and *gjakmarrja*. *Hakmarrja* means “vendetta” and manifested itself as a violent reaction to the dishonour suffered. The *hakmarrja* was not necessarily commensurate with the harm suffered. If, for example, revenge was carried out with a murder, that act would start the *gjakmarrja* (*gjak* and *marrja* meaning blood taking). With this term, we refer to a practice, which allowed male members of the victim’s clan to kill the murderer but also his male relatives, often triggering long chains of killing.

In the past the choice of forgiveness was highly practiced, while nowadays *hakmarrja* and *gjakmarrja* are the most acted. For the last 20 years, the practice of this kind of a “do it yourself” justice produced the blood feuds phenomenon. Indeed, especially in the North of Albania, Kanun norms underwent countless distortions, starting from the socio-political system they survived within; a part of the society uses private justice, basing on the distortion of the norms which ruled blood feuds in the ancient customary law. If, in the past, the risk to run into a blood feud represented warnings to discourage dishonourable actions, now the blood feuds practice is the wrong answer to the need for the functioning of the rule of law. If, in the past, Kanun excluded women, children and religious representatives from the practice of vendetta, now in some cases they have been the targets of the revenge. In the past, self-confinement was a practice provided for in the Kanun, but was originally intended for the murderer and also for his relatives only when the family of the victim had not granted a truce to the family of the offender. Today the abuse of customary law favours a changed practice of self-confinement in which even little boys and girls, teenagers and women have remained “nailed” in their homes.

An interpersonal conflict exploded among men for the most diverse reasons (i.e. disputes over property, honour, car accidents, etc.), could push the involved parties to commit homicide. The consequent *gjakmarrje* implies the uprising of cycles of revenges which endanger people lives and condemn entire families to escape from villages of origin to other areas of Albania or even abroad to diminish the risk to be killed.

Blood feuds therefore seriously violate fundamental human rights: the right of equality, because those involved in feuds often suffer social exclusion; the right to life, freedom and safety, which is violated by *hakmarrje*, *gjakmarrje* and self-confinement; equality before the law, a right that is violated if punishment is not certain; the right to privacy, which is violated whenever authorities or the media make improper use of the personal data of those involved in a vendetta; the right to work and education, because those involved in feuds often lose access to education and work; the right of asylum, since European international protection procedures have been tightened because it is not always easy to ascertain whether applicants are truly caught up in a vendetta.

Operazione Colomba’s good practice to eradicate blood feuds’ phenomenon

Since the phenomenon entails negative and destructive consequences at social, collective and individual level, Operazione Colomba realizes several activities in order to: protect those involved in a feud and their human rights; work on the root causes of this problem; involve all the stakeholders that can cooperate in fighting and overcoming the blood feuds practice (people directly involved in feuds, Albanian civil society, Albanian and international institutions).

- Alternative dispute resolution - meaning mediation processes to achieve a reconciliation between feuding families and restorative justice to help feuding

families' members to overcome their anger and pain so they renounce the use of vendetta. Thanks to the periodic home visits to families involved in blood feud, the staff can build trustworthy relationships with all the parts involved, with the aim of obtaining a mandate to mediate the conflict. Through dialogue and active listening, the staff analyses the conflict and identifies the elements on which the parts shall work in order to enable the end of the blood feud. The injured party is supported in the reprocessing of sorrow, helping it in constructively conveying the emotions. When the conditions are appropriate, the operators work with the damaged party to favour a peaceful resolution of the conflict. Once the victim's family has opted for a peaceful solution, it is supported in the identification process of the actions of confidence building that the rival family should undertake in order to decrease the level of tension. The volunteers inform the family members of the culprit about these actions. Therefore, the conflict can be settled in a peaceful way through formal reconciliation, involving traditional leaders, or informal resolution, without drawing into public ceremonies.

- National awareness campaigns of civil society and Albanian institutions, on the eradication of the phenomenon and the promotion of a culture based on peace and human rights' respect.
- Demonstrations and public meetings in the areas most affected by the phenomenon, to disseminate nonviolent conflict management approach and positive elements of deep Albanian culture, such as forgiveness and reconciliation.
- Round tables with Albanian institutions, to ensure steps are taken to fight the practice, finding ways to solve the problem.
- Legal counselling/assistance and advice for families under blood feud in order to guarantee the access to justice. Forms of summary justice arise where the justice system does not act rapidly and effectively. Overcoming the blood feud phenomenon means transforming summary justice in former justice, supporting individuals to apply to authorities and demand for justice.
- Periodic meetings with Institutions and Stakeholders. Starting from the indications of the legal counselling and the needs expressed by families under blood feud during the home visits, the staff chooses which public institutions and civil society organizations could better satisfy the requirements of the families. Bringing the citizens closer to the institutions is necessary to avoid the recourse to private justice and to promote the request for intervention by the justice system.
- Unarmed accompaniments, where groups of international civilians escort people at risk of vendetta, to ensure a greater freedom of movement and to enable access to health care (hospitals/doctor's offices; jails, where their relatives are detained; centres/associations offering services; social events or events in the framework of the project).
- Networking with other associations working on the ground against vendetta, to co-organize activities promoting the strategy addressed to fight the phenomenon and to ensure the victims an access to education and recreation opportunities.
- Monitoring and collection of data on the quantitative and geographic distribution of the phenomenon, in order to develop a detailed and updated knowledge on the issue through reports' production (reports on the evolution and diffusion of the phenomenon, reports on the activities and results achieved by Operazione Colomba through national awareness campaigns, documents relating to urgent cases of revenge).

- Advocacy activities entailing all the reports produced are sent to religious institutions, political-administrative institutions and international organizations and institutions. On the EU level, a condition to access the EU partnership is the elimination of the vendettas' phenomenon. Operazione Colomba uses this requirement to urge local institutions to carry out concrete actions to eradicate the phenomenon (e.g. Operazione Colomba updates EU institutions about blood feuds practice so they can recommend the Albanian representatives the steps to take in order to stop the phenomenon, through their yearly Progress Report). In addition, Operazione Colomba reports and monitors the phenomenon, keeping the international community informed through UN Universal Periodic Review mechanism.
- International counselling on the phenomenon of blood feud. Since the phenomenon is not limited to the Albanian territory (31 cases out of the country)², the staff of Operazione Colomba respond to requests from associations, international organizations and legal offices, that are involved in several foreign countries in protecting the rights of asylum seekers for reasons related to blood feud phenomenon.

The described initiatives can represent a good practice in terms of capacity building addressed to the fostering of mutually beneficial cooperation in promoting and protecting human rights.

Indeed, they have been built on a cultural adaptation process of the existing specific know-how of Operazione Colomba; these procedures have been shaped by the participation of local civil society actors in the exchange of nonviolent conflict resolution practices and experiences from different communities and civil society groups around the world (e.g. Latin America and Middle East). Thanks to this process, the people hit by the 'blood feud' phenomenon, as well as the Albanian civil society and institutions, have been involved in a mutual learning process to develop specific strategies and initiatives finalized to the advance of the human rights protection system for the existing and potential victims of the phenomenon.

Therefore, the capacity building activities are focused on the upgrading of the level of 'ownership' by local actors of such methodologies, developed in a context of mutual learning and cooperation between CSOs from different geographical and cultural contexts.

For more information, see the "Descriptive Document on the phenomenon of '*hakmarrja*' and '*gjakmarrja*' to raise awareness among Albanian and International Institutions – III edition" at the following link: https://www.operazionecolomba.it/docs/Report_ING-2017.pdf
Websites: www.operazionecolomba.it and www.kundergjakmarrjes.org.

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² "Descriptive Document on the phenomenon of '*hakmarrja*' and '*gjakmarrja*' to raise awareness among Albanian and International Institutions – III edition". https://www.operazionecolomba.it/docs/Report_ING-2017.pdf