

## **Status of Human Rights in Albania for the 47<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Albania (Albania) for the 47th session of the Universal Periodic Review (UPR).

### **Background**

2. Albania is a country located in southeastern Europe and has a population of approximately 2.8 million people.<sup>1</sup> The majority of the population is Muslim with almost 58% of the population identifying as Muslim, 17% as Christian, and about 25% belong to various other religions or have no religion.<sup>2</sup>

3. Albania's previous review was held on May 6, 2019.<sup>3</sup> As a result of the review, Albania received 197 recommendations, 186 of which it accepted.<sup>4</sup> Even though there were no recommendations made regarding abortion, Albania experiences high rates of sex-selective abortions.<sup>5</sup> On the issue of human trafficking, it was recommended by Estonia, and supported by Albania, that the government "[c]ontinue addressing the issue of human trafficking as a matter of urgency and ensure adequate protection of trafficking victims and proactive investigation and successful prosecution of all cases of trafficking."<sup>6</sup>

### **Legal Framework**

#### *Abortion*

4. Under Article 21 of the Constitution of Albania, "[t]he life of the person is protected by law."<sup>7</sup> Further, under Article 54, "[c]hildren, the young, pregnant women and new mothers have the right to special protection by the state."<sup>8</sup>

5. Article 1 of Law Nr. 8045 On the Interruption of Pregnancy, "[t]he law guarantees respect for every human existence from the beginning of life. This principle shall not be

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<sup>1</sup> *Albania Population 2024 (live)*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/countries/albania-population>

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Albania*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/al-index> (last visited May 6, 2019).

<sup>4</sup> *Albania Infographic*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/AL/Infographics3rdCycle\\_Albania.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/AL/Infographics3rdCycle_Albania.pdf) (last visited Jan. 30, 2024).

<sup>5</sup> *'Missing' Girls: Selective Abortion in Albania Fuels Gender Gap*, FRANCE 24 (Feb. 6, 2024), <https://www.france24.com/en/live-news/20240206-missing-girls-selective-abortion-in-albania-fuels-gender-gap>.

<sup>6</sup> UPR of Albania: Thematic List of Recommendations, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/AL/UPR33\\_Albania\\_Thematic\\_List\\_of\\_Recommendations\\_E.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/AL/UPR33_Albania_Thematic_List_of_Recommendations_E.docx)

<sup>7</sup> ALBANIA'S CONSTITUTION 1998 (amended 2016) art. 21, [https://www.constituteproject.org/constitution/Albania\\_2012](https://www.constituteproject.org/constitution/Albania_2012).

<sup>8</sup> *Id.* art. 54.

violated except for cases when it is necessary and under the conditions specified in this law.”<sup>9</sup> Further, under Article 2 of this same law, “[h]ealth care at all levels must use the services of family planning, as a means of avoiding unwanted pregnancies. The interruption of pregnancy shall not be considered a method of family planning in any case.”<sup>10</sup> This same law legalizes abortion up until the 12th week of pregnancy when “the woman considers that the pregnancy creates psycho-social problems. . . .”<sup>11</sup> Abortions may be permitted up until the twenty-second week of pregnancy “if a committee consisting of three doctors, after examination and consultation, judges that the continuation of the pregnancy and/or the birth of the child endangers the life or health of the woman.”<sup>12</sup>

6. Further, Albania is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>13</sup> Under Article 3 of the CEDAW:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure [sic] the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.<sup>14</sup>

7. Albania is also a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>15</sup> Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>16</sup> In addition, Albania has a responsibility to uphold pro-life principles enshrined in other international agreements such as the U.N. Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

### *Human Trafficking*

8. Under Article 49 of the Constitution of Albania, “[e]veryone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, and his own system of professional qualification.”<sup>17</sup>

9. Additionally, Article 110/a of the Criminal Code of Albania punishes forcing someone into prostitution or slavery with eight to fifteen years imprisonment.<sup>18</sup>

10. Further, under Article 8 of the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>19</sup>

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<sup>9</sup> On the Interruption of Pregnancy, 1995 (Law No. 8045), art. 1 (Alb.), <https://reproductiverights.org/maps/provision/albanias-abortion-provisions/>.

<sup>10</sup> *Id.* art. 2.

<sup>11</sup> *Id.* art. 10.

<sup>12</sup> *Id.* art. 9.

<sup>13</sup> *Ratification Status for Albania*, OHCHR,

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=2&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=2&Lang=EN) (last visited Feb. 12, 2024).

<sup>14</sup> Convention on the Elimination of All Forms of Discrimination against Women art. 3, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

<sup>15</sup> *Ratification Status for Albania*, *supra* note 13.

<sup>16</sup> International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

<sup>17</sup> ALBANIA’S CONSTITUTION 1998 (amended 2016), *supra* note 7, art. 49.

<sup>18</sup> CRIMINAL CODE OF THE REPUBLIC OF ALBANIA art. 110/a, *available at* <https://antislaverylaw.ac.uk/country/albania/>.

<sup>19</sup> ICCPR art. 8, *supra* note 16.

11. Albania is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>20</sup> Article 9 sec. 1 of the Protocol requires States Parties to “establish comprehensive policies, programmes and other measures . . . [t]o prevent and combat trafficking in persons” and to “protect victims of trafficking in persons, especially women and children, from revictimization.”<sup>21</sup>

## Abortion

12. Albania’s abortion laws have led to a disproportionately high number of males being born compared to females and it ranks fourth in the world for the size difference between boys and girls.<sup>22</sup> In fact, for every 112 males born, only 100 females are born.<sup>23</sup> For comparison, the natural level is 107 males born for every 100 girls.<sup>24</sup> This is largely due to sex-selective abortions taking place in the country.<sup>25</sup> It has been estimated that over the past decade, more than 21,000 girls have been aborted, simply because they were girls.<sup>26</sup>

13. In Albania, the preference for having male children is deeply rooted in society. Oftentimes, women can be pressured by their husbands and even other family members to have an abortion if the preborn child is expected to be a female. One pregnant woman shared how she hoped her child would be a boy because it would bring her whole family good luck and that a girl would be “no good.”<sup>27</sup> She explained that “[t]hat’s the way it is. It’s our tradition.”<sup>28</sup> When she was asked what she would do if it was a girl she replied, “I don’t know, it’s a family decision. It’s not a tragedy for me, but it’s obvious that it’s a family decision. These things are important.”<sup>29</sup> Another woman shared that “[w]hen my husband learned that our fourth baby would still be a girl and that I would not be able to give him a boy, he became so violent he almost killed me.”<sup>30</sup>

14. Even though part of Albania’s law is consistent with at least forty-nine other U.N. Member States that have gestational limits of twelve weeks or less,<sup>31</sup> the problem lies with a lack of enforcement regarding limited provisions that permit abortion up until the twenty-second week of pregnancy. Even though the law provides that after the twelfth week of pregnancy abortion is only permitted when “a committee consisting of three doctors, after

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<sup>20</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319,

[https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch\\_xviii\\_12\\_ap.pdf](https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf).

<sup>21</sup> *Id.* at art.9, § 1.

<sup>22</sup> ‘Missing’ Girls: *Selective Abortion in Albania Fuels Gender Gap*, *supra* note 5.

<sup>23</sup> Marjola Rukaj, *Selective Abortion in Albania*, OSSERVATORIO BALCANI E CAUCASO TRANSEUROPA (Jan. 27, 2012), <https://www.balcanicaucaso.org/eng/Areas/Albania/Selective-abortion-in-Albania-107910>.

<sup>24</sup> Alice Taylor, *Albania Contributing to Loss of 4.7 Million Women by 2030 Through Sex-Selective Abortion*, EXIT NEWS (Sep. 8, 2021), <https://exit.al/en/albania-contributing-to-loss-of-4-7-million-women-by-2030-through-sex-selective-abortion/>.

<sup>25</sup> *Albania’s Gender Imbalance: A Deep Dive Into the Harrowing Practice of Sex-Selective Abortions*, BNN (Feb. 7, 2024), <https://bnnbreaking.com/world/europe/albanias-gender-imbalance-a-deep-dive-into-the-harrowing-practice-of-sex-selective-abortions>.

<sup>26</sup> *Id.*

<sup>27</sup> *Selective Abortion in Albania*, *supra* note 23.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> ‘Missing’ Girls: *Selective Abortion in Albania Fuels Gender Gap*, *supra* note 5.

<sup>31</sup> *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (June 9, 2023), [https://reproductiverights.org/wp-content/uploads/2023/07/CRR\\_WALM\\_2023\\_FINAL-1.pdf](https://reproductiverights.org/wp-content/uploads/2023/07/CRR_WALM_2023_FINAL-1.pdf).

examination and consultation, judges that the continuation of the pregnancy and/or the birth of the child endangers the life or health of the woman,”<sup>32</sup> it is still easy to get an abortion after twelve weeks. This is because reports on corruption in Albania indicate that doctors are among the most corrupt in the country.<sup>33</sup> For example, the chief physician at the Kico Gliozheni clinic shared that “[i]t’s not difficult to demonstrate the need for abortion on the grounds of diabetes or because of a woman’s mental health.”<sup>34</sup> Further, the sex of child may be determined much earlier now due to increases in medical testing.<sup>35</sup> In Albania, many pregnant women utilize a test during the seventh week of pregnancy that can determine the sex of the preborn child with 90% accuracy.<sup>36</sup> Because of this, it is becoming more and more difficult to determine if an abortion occurred simply because the preborn child was shown to be a girl.<sup>37</sup>

15. Across the world, countries have recognized the importance and duty of protecting the right to life of the preborn child. Currently, a majority of nations have strict limitations when it comes to taking the life of a preborn child. Out of the 193 U.N. Member States, a majority (108) of them have strict limits on abortion.<sup>38</sup> Twenty countries prohibit abortion altogether and forty-two only permit abortion when the mother’s life is at risk.<sup>39</sup> This shows most countries agree that the state has an interest, not only in protecting women and girls but also in protecting the lives of all its citizens – including the preborn.<sup>40</sup> This interest is enshrined in national as well as international legal instruments.

16. For instance, the UDHR requires “recognition of the inherent dignity ... and inalienable rights” of all human persons, not just boys.<sup>41</sup> Further, Article 6 of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>42</sup> Similarly, under the U.N. Charter, Member States determined “to reaffirm faith in fundamental human rights, [and] in the dignity and worth of the human person.”<sup>43</sup> It is important to note that none of these fundamental human rights documents makes a distinction between boys and girls. These documents repeatedly affirm that these rights apply to all human beings. Moreover, the CEDAW requires that States Parties take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”<sup>44</sup>

17. Ironically, language in Albania’s own abortion law demonstrates that the government knows that abortion should be restricted. As stated above, Article 1 of Law Nr. 8045 On the Interruption of Pregnancy states that “[t]he law guarantees respect for every human existence from the beginning of life” and that “the acceptance of the child in society and family policy are national obligations.”<sup>45</sup> Clearly, Albania’s high rates of sex-selective abortion show that the country does not “guarantee respect for every human existence” because in many cases

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<sup>32</sup> On the Interruption of Pregnancy, 1995 (Law No. 8045), *supra* note 9, at art. 9.

<sup>33</sup> *Selective Abortion in Albania*, *supra* note 23.

<sup>34</sup> *Id.*

<sup>35</sup> ‘Missing’ Girls: *Selective Abortion in Albania Fuels Gender Gap*, *supra* note 5.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *The World’s Abortion Laws*, *supra* note 31.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

<sup>42</sup> ICCPR art. 6, *supra* note 16.

<sup>43</sup> U.N. Charter pmb.

<sup>44</sup> CEDAW art. 3, *supra* note 14.

<sup>45</sup> On the Interruption of Pregnancy, 1995 (Law No. 8045), *supra* note 9.

the child is not accepted if it is a girl. The United Nations Population Fund (UNFPA) representative in Albania shared that “[w]hen parents learn that the foetus is a girl, they choose, for various reasons, to abort rather than keep it.”<sup>46</sup> In fact, roughly a quarter of families shared that they would choose to have an abortion if they learned they are having another girl.<sup>47</sup> Using abortion to restrict the number of girls a family has is not only morally wrong, but also in contravention of the 1994 Cairo Conference on Population and Development, which requires U.N. Member States to not use abortion as a method of family planning.<sup>48</sup>

18. Not only is abortion harmful to preborn children and the thousands of preborn girls who are being murdered every year simply for being girls, but abortion is also extremely harmful to mothers. In fact, the woman (mentioned above) who was threatened by her husband, shared how she continues to suffer from genital lesions as a result of having the abortion.<sup>49</sup> Her experience is not uncommon for women who have had an abortion. It has been documented that abortion can have a devastating impact on the health of the woman as it can result in the perforation of the uterus or the laceration of the cervix, among other negative physical and psychological side effects and the negation of numerous health benefits.<sup>50</sup>

## Human Trafficking

19. In Albania, human traffickers largely traffic women and children from Albania to other countries in Western Europe, or use Albania as a transit route.<sup>51</sup> The Balkans, which Albania is a part of, serves as a major route for human trafficking.<sup>52</sup> In fact, it is estimated that every year approximately 120,000 women and children are trafficked through the Balkans.<sup>53</sup> Traffickers often target these individuals because they are desperate and in search of a better life.<sup>54</sup> Traffickers target women by posing as wealthy boyfriends or posting fake job ads.<sup>55</sup> The women keep little of the money they earn, but they leave these experiences traumatized.<sup>56</sup> The victims often perform more than just sex work, and are forced to work in nail salons, factories, and as domestic servants.<sup>57</sup>

20. For example, in December 2023, a man was arrested for trafficking a twenty-nine-year old woman.<sup>58</sup> The suspect provided the victim with fake documents and trafficked her to Belgium and Germany, where she was forced into prostitution.<sup>59</sup>

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<sup>46</sup> ‘Missing’ Girls: Selective Abortion in Albania Fuels Gender Gap, *supra* note 5.

<sup>47</sup> *Id.*

<sup>48</sup> Report of the International Conference on Population and Development, U.N. Doc. A/CONF/F.171/13/Rev. 1 at 58 (5-13 Sept. 1994).

<sup>49</sup> ‘Missing’ Girls: Selective Abortion in Albania Fuels Gender Gap, *supra* note 5.

<sup>50</sup> Women’s Right to Know: Abortion & Pregnancy Risks, LA. DEP’T OF HEALTH, <https://ldh.la.gov/page/abortion-pregnancy-risks> (last visited Feb. 14, 2024).

<sup>51</sup> Albania, GLOBAL ORGANIZED CRIME INDEX, <https://ocindex.net/country/albania> (last visited Feb. 27, 2024).

<sup>52</sup> Rebekah Lemke, *Human Trafficking in Albania: Hiding in Plain Sight*, CATHOLIC RELIEF SERVICES (July 16, 2015), <https://www.crs.org/stories/human-trafficking-albania-hiding-plain-sight>.

<sup>53</sup> *Id.*

<sup>54</sup> Nate Ritchie, *Human Trafficking in Albania: Escaping a Dark Past*, THE BORGES PROJECT (Nov. 3, 2021).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Kristo Kote, *Man Arrested on Human Trafficking Charged*, ALBANIAN DAILY NEWS (Dec. 17, 2023), <https://albaniandailynews.com/news/tirana-young-man-arrested-on-human-trafficking-charges--1>.

<sup>59</sup> *Id.*

21. In April 2023, authorities in Italy arrested an Albanian man for trafficking a fifteen-year-old girl from Albania to Greece after an arrest warrant was issued by police in Greece.<sup>60</sup> The man lured her to Greece after he convinced her to go to Athens to reunite with her boyfriend.<sup>61</sup> When she arrived in Greece, she was sexually abused and forced into prostitution for more than a month.<sup>62</sup>

22. The government's effort to effectively combat human trafficking is lacking.<sup>63</sup> This is because the government has not allocated adequate resources to law enforcement to provide them with the capabilities needed to screen and identify potential victims of human trafficking.<sup>64</sup> Further, authorities lack specialized training regarding human trafficking, which results in few human trafficking convictions.<sup>65</sup> This lack of specialized training and knowledge also results in human traffickers being convicted of a lesser crime or, in some instances, the traffickers go free.<sup>66</sup>

### Recommendations

23. Albania must reform its law on abortion to protect both women and preborn children. Preborn children, particularly preborn girls, deserve to be protected and Albania should value their inherent dignity as recognized in the UDHR. It is imperative that Albania protect life at all stages, a position that international human rights documents and a vast majority of other countries hold. Lastly, Albania must take action to eradicate the discriminatory culture of sex-selective abortion.

24. In order to combat human trafficking in Albania, the government must allocate resources and training to authorities at the border so that they are able to identify cases of human trafficking as they attempt to enter or leave the country. Further, the government must train and educate police and prosecutors on aspects related to human trafficking so they can thoroughly and effectively prosecute cases of human trafficking.

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<sup>60</sup> Eduart Halili, *Albanian Arrested in Italy for Exploitation of Prostitution*, ALBANIAN DAILY NEWS (Apr. 23, 2023), <https://albaniandailynews.com/news/albanian-arrested-in-italy-for-exploitation-of-prostitution>.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Ritchie, *supra* note 54.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*