



Human Rights of Vulnerable Groups in Albania

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Abstract

This article addresses human rights protection of vulnerable groups in the context of respect for human rights and freedoms. Although Albania has ratified the European Social Charter to guarantee social rights, there are still shortcomings in the area of social policy and in guaranteeing of fundamental human rights. Those who suffer the consequences are members of vulnerable groups who do not have sufficient access to social services, education, health, housing, etc. The factors that constitute their vulnerability are many and include: age, ethnic origin, race, gender, health status, poverty, social and economic status, etc.

Human Rights protection of vulnerable groups in Albania faces the challenges of a society that passes through a difficult phase of political, economic and social transition. The Albanian state should reduce the social exclusion of vulnerable groups, engaging all possible sources in the direction of social protection systems. Policies should be dynamic and guarantee the instruments that these groups can continue moving forward and being not fully dependent on economic aid and social programs, which keeps these groups in the same vulnerability status and increases the likelihood of their return to their previous state of affairs.

Keywords: Human rights, Vulnerable Groups, Social Policies, Social Protection

Methodology

The article tries to analyze policies and phenomena, such as: development policies, strategies for poverty reduction, or the advancement of vulnerable groups, from the perspective of the basic fundamental rights, which are established by the norms and values set out in international human rights law. The methodology is based on the analysis of national and international literature, which regulates issues of protection of human rights, social protection, as well as institutional data related to social inclusion policies. In addition, interdisciplinary research has been conducted, as the human rights discourse is of a holistic nature, in order to provide a broad and complex overview of the topic. Work has been done to address the questions and be directed towards the representatives of vulnerable groups.

Introduction

The development of human rights protection and their promotion in recent years has given importance to the understanding of human rights issues, not just considering it as a legal problem. The international community has established an impressive normative framework with human rights conventions, with monitoring mechanisms, and states have had a long way to go to ratify these conventions / instruments. However, their proper implementation has often failed, and therefore the existence of international norms and relevant institutions has not avoided abuses and human rights violations.

Traditionally, human rights have been considered an important issue of public international law (international protection of human rights) and national law, especially constitutional law. According to the definition of the United Nations High Commissioner for Human Rights, "human rights are rights that are inalienable to all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status"¹.

When we talk about human rights, and especially about the historical context of the birth and development of human rights, we find their origin in the very history of mankind. Throughout history, people have acquired

¹ [HTTP://WWW.OHCHR.ORG/EN/ISSUES/PAGES/WHATAREHUMANRIGHTS.ASPX](http://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx)

rights and responsibilities by being members of a particular social group, family, community, religion, class, fennel, or state².

By nature, people enjoy some human rights, but the roots of this belief are found in the early traditions and documents of peoples from different countries and cultures. We find it over the centuries that have followed one another, in the minds and history of mankind that have fought against injustice, torture, slavery, arbitrariness, seeking the drafting and establishment of written rules and laws that would be applicable to all human beings all over the globe.

Documents written on human rights principles do not single out any particular group of people or communities for any particular treatment. The Universal Declaration of Human Rights or the International Covenants on Political and Economic Rights generally do not contain provisions that favor a particular group. Of course, these documents prohibit discrimination based on gender, age, national origin, property or other classifications. These documents, however, do not specifically address any particular group. After all, given the universal nature of human rights, why should extra attention is paid to a particular group? And why should human rights be committed to a certain group and not to all people around the globe?

Discussion and results

Certain groups within society face higher risks of discrimination, poverty and social exclusion, compared to the general population. These vulnerable groups can be defined according to certain characteristics, such as, ethnicity, religion, belief, disability or social status. Members of these groups often face direct discrimination, i.e. less favorable treatment due to their disability, religion, origin, etc., or indirect discrimination, i.e. when a neutral appearance, a provision, a criterion or a practice puts them at a disadvantage compared to other persons.

Consequently, they are subject to structural discrimination, such as being less involved in the exercise of public power, having less access to public resources, exercising less influence in the distribution of public wealth, and being less able for their livelihood and development. They experience difficulties in defending their rights and have difficulty accessing justice. Most of them are at risk and are subject also to multiple discrimination³.

However, despite the importance of looking at human rights within a universal context and not merely as something used as protection against disadvantaged groups, there are times when particular groups often demand more attention to ensure human rights. This does not mean that these groups of people are rising above others.

The term “vulnerable” refers to the harsh reality that these groups are more likely to be discriminated against or denied human rights than other groups. People belonging to one or more vulnerable groups often find themselves in a vicious circle with: low education, unemployment, homelessness, thus enabling their further exclusion from society. Poverty tends to be concentrated among many of the vulnerable groups. Lack of access to the labor market or employment in precarious, unprotected and unpaid work is again a contributing factor to discrimination.

Vulnerable groups in Albania are not identified only with the unemployed or with families living in economic poverty. They are also represented by categories, which are excluded from the basic right to have a home, adequate food, heating and clothing in winter, work in accordance with physical abilities and educational level, school close to home and opportunities for them⁴. Follow it, primary health care, protection from robbery and violence, rights and voice to claim rights.

Individuals of vulnerable groups need the services of social institutions, such as: poor families who are not economically supported, the disabled who are not integrated and who are totally dependent on the family, unemployed young people turn to drugs, crime or prostitution, poor children who drop out of school and go to the streets to beg or work, women raped, exploited and even threatened, etc.

Although there is a lack of official data at the community level, vulnerable groups are currently represented by: children at risk (school dropouts, orphans, working children, children abused or involved in blood feuds), women at risk (unemployed, heads of households, with domestic violence, trafficked or prostitutes), the elderly (lonely, unable to take care of themselves), young people at risk (drug, alcohol, school dropouts, unemployed young people, young people involved in criminal activity, etc.)

Current social protection schemes, education, health, judicial or police systems are insufficient to protect or integrate these categories into normal life. The population of rural areas is more exposed to the phenomena of social exclusion.

As can be seen from the list made above, in the list of vulnerable groups are some other groups, which so far have not been included in the official statistics and classifications so far. These vulnerable groups are: national

² EDUKIMI ME TË DREJTAT E NJERIUT NË UNIVERSITETE, QENDRA SHQIPTARE PËR TË DREJTAT E NJERIUT, TIRANË, 2004.

³ BËRKHOLI, DOKA, ASCHE, H.2003. *ATLASI GJEOGRAFIK I POPULLSISË SË SHQIPËRISË*. TIRANË

⁴ Nowicki, Marek Antoni. 2003. *Rreth Konventes Evropiane*. Botim i Qendres Shqiptare per te Drejtat e Njeriut.Tirane.

minorities, people with HIV / AIDS, LGBT people, and stateless people. Of course these groups, due to the discrimination they face, are excluded from the rest of society.

But how is the protection of vulgar groups realized? The history of mankind has proved that the social protection of people has been an important factor for the progress and further development of society. The term "social protection" is broadly understood, and is mostly related to the meaning of "protection" and "security" for people. The term "social security" implies the conclusion of a contract with the insurance fund / institution, to receive short-term or long-term benefits in certain cases⁵. While the term "social protection" presupposes that, in addition to those referring to the term "social security", the individual in society has the right to receive other benefits unrelated to his contribution to society, but related to his need to such as: social assistance, etc⁶.

Social protection models are a reflection of the elements of the welfare state, and even the definition of the model is closely linked to the policies that a government sets as priorities for setting standards related to social services⁷.

The Albanian Constitution recognizes the right to social security according to a system determined by law. Currently compulsory social insurance is regulated by law no. 7703, dated 11.05.1993 "On social insurance in the Republic of Albania" (amended). The basic principle of operation of the compulsory social insurance scheme is the principle of solidarity, according to which the one who works as an employee, self-employed or employer, pays contributions and with the accumulated contributions are paid the benefits of those who are unable to work due to age, disease, etc.

While on the one hand the right to social security, as the right of the individual to protection in case of old age, illness, etc., is a constitutional right and belongs to the group of economic and social rights, on the other hand the right to social security is important part of the corpus of rights deriving from the employment relationship.

Social protection in Albania is provided by: Social Insurance, and from the State Budget through Local Government Bodies. Through this social insurance scheme, the current contributors to the social security scheme, who are persons of working age, are those who finance the social security scheme to enable the payment of benefits to persons who are already receiving old age pension, disability or family pensions⁸.

Social insurance in Albania obligatorily protects all economically active citizens, in case of reduced income as a result of pregnancy, old age, disability and loss of a breadwinner. Social security also provides compulsory protection to all employees in the event of a reduction in income as a result of temporary disability caused by illness, accident at work, occupational disease and unemployment⁹.

Conclusion

In democratic societies, the state must protect the rights of citizens, in the context of the protection of human rights at an appropriate social level. In other words, citizens need social protection, in the context of the protection of fundamental rights and freedoms. Social protection is conceived as a continuous activity of society, to provide security to its members, against the threat of loss, significant reduction of livelihoods, such as: income, due to unemployment, old age, disability due to illness, accidents, etc.

Work is the mechanism for people to get out of poverty, and work is also a deterrent to falling into poverty. Here we find the connection with the traditional origin of social protection schemes. Lack of work makes the individual fall into poverty, while the insurance compensation scheme prevents the individual from falling into poverty. Therefore, at the center of social policies is the integration of citizens in the labor market, through education and training programs, in order for them to have primary income from work, and further, to be participants in society.

Social security schemes have a social character, which is explained by the fact that society tries to protect itself through mandatory schemes against the interrupting effects of income that may happen to its citizens¹⁰. Beyond their individual responsibility, citizens are obliged by the state to insure themselves against a number of social risks and dangers. And this is done not so much to protect their economic situation, but to prevent them from becoming a burden to the rest of society. This reflects on others, and wider society as a whole, giving effects to the motivation and mentality, to the culture of the children of unemployed individuals, to the point of lack of political and social stability¹¹. This is the domino effect of social problems.

⁵ IGOR. TOMES, 1997. E DREJTA E SIGURIMIT SOCIAL. TIRANË, P. 11.

⁶ IBID, P. 11

⁷ IBID, P. 11

⁸ INSISTUTI I SIGURIME SHOQERORE. [HTTP://WWW.ISSH.GOV.AL/AL/](http://www.isssh.gov.al/al/)

⁹ [HTTP://SHTETIWEB.ORG/2013/10/07/MBROJTJA-SOCIALE/](http://shtetiweb.org/2013/10/07/mbrojtja-sociale/)

¹⁰ J. BERGHMAN. 1997. "THE RESURGENCE OF POVERTY AND THE STRUGGLE AGAINST EXCLUSION: A NEW CHALLENGE FOR SOCIAL SECURITY?" TILBURG INSTITUTE FOR SOCIAL SECURITY RESEARCH. VOL. 50.

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