Research Article

Social Policies In Post - Democratic Albania

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Abstract

Introduction: This article addresses some social policies in regard to protect some 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.

Methodolody: *The* method 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. All data of research are gathered from national reports and documents of INSTAT, Ministry of Social Wellfare and Youth and Ministry of Education. Vvulnerable groups in Albania face the challenges of a society that passes through a difficult phase of political, economic and social transition.

Results and Conclusion: The Albanian state should engage all 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: Social Policies, Human rights, Vulnerable Groups, Social Protection

1. Introduction

The development of human rights protection and their promotion in recent years has given importance to the understanding of human rights issues, not merely 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.

In early 1990s, Albania began making political and economic reforms by protecting the rights of its population, and improving the economy. During this period, the economic and social situation in Albania was very sensitive; from 1990 – 1992 the economic situation continued to weaken, and in 1993 the first results of privatization were evident with some slight improvements in the economic

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level. This critical situation of this period caused the charting of social and political forces to lower the poverty by creating economic help scheme. Nearly one in three Albanians or 917,000 were poor, while 500,000 were considered very poor[3] . This poverty is the result of many complex factors going back from the former system of governance adding other causes occurred during the transitional period. According to statistics, 29, 6 % of the population was living in relatively poor conditions, while half of this group was considered extremely poor. The liberalization and privatization reforms in Albania led to the entire transformation of the national production structure. This process had a tremendous impact on the country's economic and social affairs. This complex situation came about partly as a result of the institutional failure. Social protection was among many aspects of socio - economic life where institutions failed to provide a solid frame for transitional reforms.

Vulnerable social groups "at risk" of being excluded or fall into the poverty trap could not be properly dealt by social policies and social protection, thus leading to widening gaps between those groups and the rest of society[4] . More than twenty years from the fall of communism, following the completion of many reforms and improved economic conditions, the need for qualitative social services and protection has become more prominent. Efforts to improve social protection and inclusion are being intensified. This has brought the need for monitoring especially in terms of the link between poverty reduction and social exclusion, so that reducing poverty does not bring more social exclusion and social gaps between different social groups. Albania has experienced a sustainable pace of economic growth at an average annual rate of around 6%[5]. Although reforms have tackled all sectors of economy and education, health and social care, insurance and other protection systems, government structures are still not able to respond adequately to the needs of marginalized and vulnerable groups due to limited financial and human resources as well as inefficient institutional capacities. Therefore, Albania today is facing important challenges on social protection, fight against poverty, inequality and the need to modernize the health and social protection systems based on European standards.

2. Poverty and social exclusion- a gross violation of basis human rights

2.1. Human right based approach

Human rights are the basic rights and freedoms to which all humans are considered entitled. These rights represent entitlements of the individual or groups vis-a-vis to the government, as well as responsibilities of the individual and the government authorities[6] . Some rights are ascribed "naturally," which means that they are not earned and cannot be denied on the basis of race, creed, ethnicity or gender. These rights are often advanced as legal rights and protected by the rule of law. Various "basic" rights that cannot be violated under any circumstances are set forth in international human rights documents. While human rights are not always interpreted similarly across societies, these norms nonetheless form a common human rights vocabulary in which the claims of various cultures can be articulated. Having human rights norms in place imposes certain requirements on governments and legitimizes the complaints of individuals in those cases where fundamental rights and freedoms are not respected. Many believe that the protection of human rights is essential to the sustainable achievement of the three agreed global priorities of peace, development and democracy. Respect for human rights has therefore become an integral part of international law and foreign policy. The specific goal of expanding such rights is to increase safeguards for the dignity of the

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[3] INSTAT (2019). Reports. Tirana.

[4] Hulme, D., A. Shepherd and K. Moore, (2001) Chronic Poverty: meaning and analytical frameworks, Working Paper, Chronic Poverty Research Centre, University of Manchester.

[5] INSTAT (2019). Reports. Tirana.

[6] Understanding human rights – Manual on Human Rights Education (2003) Human Security Network, Graz, Austria 2003

person. In order to address human rights violations, we must strive to understand the causes of these breaches. These causes have to do with underdevelopment, economic pressures, social problems and international conditions. Indeed, the roots of repression, discrimination and other denials of human rights stem from deeper and more complex political, social and economic problems.

2.2. Principal of equality and non-discrimination

Human rights apply to all people simply because they are human. But some people, or groups of people, face particular difficulties in realizing their rights because of who they are or what they believe. People are discriminated against on a wide range of discrimination grounds such as their gender, race, and ethnicity, lack of citizenship, sexual orientation, health, property, age or disability. People belonging to these groups have certain common characteristics or are in a situation that have been shown to make these people more vulnerable to discrimination. Many people suffer from discrimination on a number of grounds at the same time. This is often referred to as "multiple discrimination". Discrimination may directly result from discriminatory legislation or regulations, in which an explicit distinction is made on the basis of ethnic background for example.

Legislation or regulations may also indirectly discriminate against particular groups of people. Indirect discrimination may occur when apparently neutral rules and practices have negative effects on a disproportionate number of members of a particular group irrespective of whether or not they meet the requirements of the job. Governments as well as non-state actors such as companies may sustain discriminatory practices even if they do not intend to do so. Being discriminated is an abuse of a person's dignity and worth. In addition, people who are discriminated against will have increasing difficulty realizing other human rights like access to health care facilities, access to housing, to work, to a fair trial, to redress, etc.

2.3. International legal framework

Article 2 of the UDHR states that everyone is entitled to the rights it proclaims "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". This principle is reflected in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition to this, United Nations have expanded on the right to freedom from discrimination in the International Convention on the Elimination of all forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

2.4 Regional legal framework

Based on the experience of contrasting sex discrimination, a consensus emerged in the mid-1990s around the need for the European Community to tackle discrimination on a number of additional grounds. The result of this process was the inclusion of Article 13 in the EC Treaty, to take action to deal with discrimination on a whole new range of grounds, including racial or ethnic origin, religion or belief, age, disability and sexual orientation. This led to the adoption by the Council in 2000 of two directives that have raised significantly the level of protection against discrimination across the EU. The first directive bans direct and indirect discrimination, as well as harassment and instructions to discriminate, on grounds of racial or ethnic origin. It covers employment, training, education, social security, healthcare, housing and access to goods and services. The second directive establishes a general framework for equal treatment in employment and occupation as well as vocational training. It deals with direct and indirect discrimination, as well as harassment and includes important provisions concerning reasonable accommodation, with a view to promoting access of persons with disabilities to employment and training. In July 2008 the European Commission has adopted a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the field of employment. The proposal covers access to goods and services, social

protection, health care and education, but does not cover purely private transactions between individuals.

2.5. Social exclusion

The concept of social exclusion[7] is new to post communist Albania. Social exclusion comes as a result of poverty, weak governance, slow decentralization, insufficient social policies, inefficient targeting of poor households as well as inadequate implementation of laws. There are considerable gaps between people living in urban and rural areas, between those living in the north and those in the rest of the country, and particularly between Roma/Egyptians and the rest of the population. According to various studies and policy papers, the most affected groups in Albania are children in need, exploited women, disabled (mentally/or physically) people, unemployed persons; pensioners and elderly people as well as Roma and Egyptians. The calculation of absolute poverty line in Albania is based on the World Bank methodology with the data collected through the LSMS[8]. Indeed, the number of people below the national poverty line fell from 25.4% of the population in 2002 to 18.5% in 2018[9] . This reduction is explained by the sustainable growth rate experienced during this period accompanied by the high level of remittances. The reduction of poverty in absolute terms has been more significant in urban rather than in rural areas. On the contrary, poverty measurement according to the EU Laeken methodology shows that poverty rates have increased between 2002 to 2018. However, there is a substantial difference between the poverty situation in the rural and urban areas. After 2005, social policies documents have tried to target all vulnerable groups in view of EU objectives on poverty and social exclusion and taking into consideration the Laeken indicators as a tool on describing and monitoring poverty reduction and exclusion[10] . This is the reason why The Social Inclusion Strategy, approved on January 2008 by the Council of Ministers, is one of the most important government policy document and also an imperative strategic document in Albania's way towards integration to the European Community. In this framework, Social Inclusion is considered as one of the priorities of the current government, with poverty reduction as its main focus, which will be ensured not only through economic development. It focuses on poverty and social exclusion risks that remain even after the onset of economic growth.

As a crosscutting strategy, it is fully consistent with the underlying sector strategies and in particular those policies and institutional arrangements described in these strategies that aim to assist vulnerable individuals, families and groups in the community so that they are able to operate on their own, to be self-sustaining and to have the same rights as other members of society. significant reduction of poverty in the country. However, relative poverty definition shows an increase of poverty.

3. Empowering the Vulnerable groups

3.1. Women

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[8] LSMS – Living Standards Measurement Study of World Bank

[9] INSTAT- 2018

[10] Laeken indicators are partially used but still in these documents poverty measurement and its assessment refer to the absolute poverty line.

The criminal code penalizes rape, including spousal rape; however, victims rarely reported spousal abuse, and officials did not prosecute spousal rape in practice. The concept of spousal rape was not well established, and authorities and the public often did not consider it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent between the ages of 14 and 18, the term is five to 15 years and, for rape of a child under the age of 14, the sentence is seven to 15 years. Domestic violence against women, including spousal abuse, remained a serious problem. During the year police reported cases of domestic violence and the government pressed charges in cases. The Department of Equal Opportunities at the Ministry of Labor, Social Affairs, and Equal Opportunity covers women's issues, including domestic violence. The government did not fund specific programs to combat domestic violence or assist victims, although nonprofit organizations provided assistance. NGOs reported that an estimated eight domestic violence hotlines operated. The hotlines, serving mainly the northern part of the country, each received approximately 25 calls per month from women reporting some form of violence. NGOs operated four shelters for battered women in Tirana, Vlora, Elbasan, and Gjirokaster. During the year NGOs and police noted a substantial increase in reports of domestic violence, primarily due to increased awareness of services and more trust in the police. According to government figures, there were 1,744 cases of domestic violence reported during the year, compared with 1,063 in 2015. Often the police do not have the training or capacity to deal with domestic violence cases. In many communities, particularly those in the northeast, women were subjected to societal discrimination as a result of traditional social norms that considered women to be subordinate to men.

Reproductive rights are generally respected by the government. Couples and individuals have the right to decide freely the number, spacing, and timing of their children and have the information and means to do so free from discrimination, coercion, and violence. Citizens have access to contraception. Under the law, health care is provided to all citizens; however, the quality of and access to care, including obstetric and postpartum care, was not satisfactory, especially in the remote rural areas. According to 2018 UN reports, estimates, the maternal mortality rate in Albania is 31 deaths per 100,000 live births. Women are equally diagnosed and treated for sexually transmitted infections, including HIV. The law provides equal rights for men and women under family law, property law, and in the judicial system. Neither the law nor practice excluded women from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the government and employers did not fully implement this provision.

3.2. Children
The Albanian parliament has approved the law "For the Protection of the Rights of the Child." This law provides the legal and institutional framework for protecting children's rights. In general parents must register their children in the same community where they are registered. However, according to the Children's Rights Center of Albania (CRCA), children born to internal migrants or those returning from abroad frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school.

This is a particular problem for Romani families as well, who often marry young and fail to register their children. The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents must purchase supplies, books, uniforms, and space heaters for some classrooms, which was prohibitively expensive for many families, particularly Roma and other minorities. Many families also cited these costs as a reason for not sending girls to school.

As in previous years, child abuse, including sexual abuse, occurred occasionally, although victims rarely reported it. In some cases children under the age of 18 engaged in prostitution. The penalties for the commercial sexual exploitation of children range from fines to 15 years' imprisonment. The country has a statutory rape law and the minimum age of consensual sex is 14. The penalty for statutory rape of a child under the age of 14 is a prison term of five to 15 years. The law prohibits making or distributing child pornography, and the penalties are a fine of one to five million leks ($10,000 to $50,000) and a prison sentence of one to five years. Child marriage remained a problem in many Romani families and typically occurred when children were 13 or 14 years old.

3.3. Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities; however, employers, schools, health care providers, and providers of other state services sometimes discriminated against persons with disabilities. The law mandates that new public buildings be accessible to persons with disabilities, but the government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

During the year the ombudsman continued to inspect mental health institutions and found that while physical conditions in facilities in Vlora and Shkoder had improved, they were not in compliance with standards and remained understaffed. Inspections of the Tirana Psychiatric Hospital found that specific windows and doors needed to be replaced for safety reasons. The ombudsman regularly conducts inspections throughout Albania and recommended a major legal, organizational, and budgetary review of the country's mental health care system. The admission and release of patients at mental health institutions was a problem due to lack of sufficient financial resources to provide adequate psychiatric evaluations.

3.4. National/Racial/Ethnic Minorities

As visible minorities, members of the Romani and Balkan-Egyptian communities suffered significant societal abuse and discrimination. The law permits official minority status for national groups and separately for ethno linguistic groups. The government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest of these. The law defined Aromanians (Vlachs) and Roma as ethno linguistic minority groups. In 2005 the Council of Ministers approved the National Action Plan for the Roma and Egyptian Involvement Decade for 2010-15. The ethnic Greek minority pursued grievances with the government regarding electoral zones, Greek-language education, property rights, and government documents.

Minority leaders cited the government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones"; to utilize Greek in official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; or to include a higher number of ethnic Greeks in public administration.

4. Social protection policies

4.1. Identification of the contributing factors to increased vulnerability of individuals or groups

Poverty is one of the main contributing factors to increased vulnerability of becoming a human right violation victim. Nevertheless, a multidimensional approach should be considered when assessing the poverty factor. The factors can be divided in the levels of economy, education, ethnicity, and on social level. However, poverty remains one of the crucial factors which is in tight correlation to the other mentioned factors. Answers show that the reasons and contributing factors to increased risks are as follows,: low educational level, bad economic situation, juvenile marriages, unemployment, lack of parental care, unawareness of the human rights, war conflicts, etc.

The big challenge for an adequate social protection system is the financing, the funding sources of social protection system. Indicators on the efficiency of the system on allocating funds are analyzed in the view of the objective of implementing a social policy that complies with national and EU objectives of social inclusion and protection. From these analyzes, the need for cooperation between different institutions of the system, and different actors emerges as the firs conclusion. In order to support government resources in both local and regional lever has to be forged with a close partnership with NGOs and business communities. The extension of the social protection system with family and child benefits, as part of the social assistance or social insurance system should be put forward as a recommendation.

The social intervention on children will have effects on family poverty, access in female employment, education and health. Also cash benefits should be integrated with community programs/services for children where the role of social workers and psychologists to be the main one, instead of that of nurses and educators. Educational and recreational activities for children will facilitate the engagement of mothers in the economic and social life. On the other hand, there is a need for new schemes for protecting family and children in particular. In the context of economic and social problems, traditional values and roles in the family, isolation and lack of proper education/ health and other services, as well as demographic tendencies of reducing birth rates are asking for intervention on family support, on parenting supporting and early child development[11].

 The fact that women are increasingly employed in the informal sector, or in unpaid family-based activities, women's unpaid care responsibilities on children and elderly are asking for new forms of social protection schemes. Reforms to tackle informal economy constitute now an important challenge for Albania. Education and the quality of education system in all levels is the element for combating poverty, empowering women, protecting children from hazardous and exploitative labor and sexual exploitation[12]. In order to cope with the impact of migration from rural to urban areas there is an immediate need to build new education infrastructure facilities in ratio with the actual trends of migration.

It is important to ensure the participation and integration of people with disabilities through the implementation of legislation provisions that guarantee the application of their rights on employment, easy access to public services and public infrastructure. Implementation of the national Strategy for People with Disabilities and individual programs aiming at the social integration of people with disabilities, most preferably with the active participation of their associations should be promoted. The government protects people with disabilities through subsiding policies, especially for medical services and public transportation. However, it is necessary to allocate the appropriate budget for the implementation of measures/initiative defined by the national strategy. People living in rural areas, unemployed people living with and older people face a higher poverty risk than the general population. Reforms have to aim at achieving adequate and a sustainable health insurance and social system. This requires a strategy to raise employment and reform the social protection systems.

4.2. The definition of Social Inclusion in Albania
The Social Inclusion Strategy, approved on January 2008 by the Council of Ministers, is one of the most important government policy document and also an imperative strategic document in Albania's way towards integration to the European Community. This strategy remarks a qualitative time in the government social policies and a very important step in crossing towards integrated,

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[11] Institute for Contemporary Studies (ISB) "Social Inclusion and social protection in Albania", European Communities, 2008

[12] OECD (2007) Reviews of National Policies for Education: South Eastern Europe: Vol. 1: Albania, Bosnia-Herzegovina, Bulgaria, Croatia and Kosovo.

preventive and active social policies. It aims our investment and commitment in the social inclusion widening instead of the struggle against social exclusion. In this framework, Social Inclusion is considered as one of the priorities of the current government, with poverty reduction as its main focus, which will be ensured not only through economic development[13]. It focuses on poverty and social exclusion risks that remain even after the onset of economic growth.

As a crosscutting strategy, it is fully consistent with the underlying sector strategies and in particular those policies and institutional arrangements described in these strategies that aim to assist vulnerable individuals, families and groups in the community so that they are able to operate on their own, to be self-sustaining and to have the same rights as other members of society.

5. Conclusion

The transition period accompanied with critical social and economic situation has influenced planning for determining social policies and decreasing poverty. What remains crucial for Albania is the fact that there is a lack of specific studies concerning vulnerable groups.

Referring to World Bank studies, the Albanian government has identified a number of groups called "at risk": children, women, youth, elderly people and people with disabilities. Almost two decades after democracy and privatization were supposed to deliver undreamedof advances, life in today's Albania is marked by massive unemployment and disillusionment. So it is not surprising that disappointment and low expectations pervade conversations with many men and women. At the beginning of transition, a legal framework was established to provide for the possibilities of structural changes and state property privatization.

However, the legal framework itself wasn't sufficient to respond to the fast political and economic changes that were brought about by the re-emergence of the private sector and capitalism in Albania. The term 'social security' is hardly ever used either in the Albanian literature on social protection or in the relevant legislation. This is mainly due to the absence of any social right to social security, guaranteed by the Albanian constitution as well as to the predominant socio-political objectives that relate the scope of the social protection to the coverage of working people and needy persons and not to the coverage of the whole population.

The state is the main financial and institutional factor in dealing with these needs which are in the process of changing according to different needs. From this point of view, the existing social services are not able to meet the needs for these services. Tackling social problems through proper policies and institutions is being ranked high at the national political agenda, as a result of many factors related to the country's stage of transition and economic development as well as Albania's efforts to get closer to the EU accession.

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