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*Economic, social and cultural rights
and the internet*



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Economic, social and cultural rights and the internet

Coordinating committee

Anriette Esterhuysen (APC)

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Karen Banks (APC)

Project coordinator

Roxana Bassi (APC)

Editor

Alan Finlay

Assistant editor, publication production

Lori Nordstrom (APC)

Proofreading

Valerie Dee

Lori Nordstrom

Graphic design

Monocromo

info@monocromo.com.uy

Phone: +598 2400 1685

Cover illustration

Matías Bervejillo

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ALBANIA

USING THE INTERNET TO SECURE THE RIGHTS OF ROMA AND EGYPTIAN COMMUNITIES IN ALBANIA



KEYWORDS: **vulnerable groups, socioeconomic rights**

Civil Rights Defenders

Vasilika Laçi
www.crd.org

Introduction

The treatment of vulnerable groups is problematic in Albania. Discriminatory attitudes and practices prevail against the Roma and Egyptians, the lesbian, gay, bisexual and transgender (LGBT) community, and women. A UNDP study described Roma and Egyptian communities as caught in extreme intergenerational poverty caused by interconnected difficulties in accessing healthcare, education and the formal employment market. They face considerable barriers from state institutions that systematically discriminate against them. The study found many suffer mental health issues due to instability in their lives, caused for example by forced evictions, and despair at a future without hope.¹

Efforts have been made by the government in Albania to improve policies to achieve what the government calls the “first step toward a digital revolution”.² But have all these efforts bridged the gap between governance and participatory decision making?

In this report we briefly consider the legal and policy framework regarding the involvement of citizens and vulnerable groups in decision making. We particularly look at the inclusion of the Roma and Egyptian communities in Albania and the efforts of an activist group to make use of the internet for creating visibility, for holding politicians accountable and for setting the agenda on issues of key concern, including their socioeconomic rights.

Policy and political background

Albania has made progress in improving internet infrastructure and accessibility.³ The government digital agenda works in three main ways: firstly, to enhance digital services for citizens and businesses; secondly, the widespread introduction of services in education to overcome the digital divide and to empower the youth; and thirdly, the consolidation of digital infrastructure in the entire territory of Albania.⁴ The most visible outcome is the citizen-centric service delivery model established in 2014 that aims to digitalise and consolidate various services.⁵ Internet policies include detailed provisions for open standards, but in reality very few of the platforms use anything other than proprietary software. According to an internet expert, the government is more concerned with making deals with private business than investing in making the internet a tool for participation and engagement.⁶

Two important laws that are meant to increase citizen participation and transparency in Albania are the Law on Public Notification and Consultation⁷ and the Law on Access to Information,⁸ which in theory provide a sound basis for increasing the involvement of citizens in policy formulation. Both laws foresee the use of the internet by the public to register complaints, send requests or get access to draft laws. However, while the website that will allow this online consultation is being developed, it had not yet been launched by September 2016. The new laws come with old actors. Many of the persons responsible for implementing the access

1 Dauti, M. (2015). *The Social Exclusion Profile of Roma and Egyptians*. UN Support to Social Inclusion in Albania Programme, UNDP. www.al.undp.org/content/albania/en/home/library/poverty/the-social-exclusion-profile-of-roma-and-egyptians.html

2 Ministry of Innovation and Public Administration. (2015). *Cross-cutting Strategy for a Digital Agenda in Albania 2015-2020*. www.inovacioni.gov.al/files/pages_files/Digital_Agenda_Strategy_2015_-_2020.pdf

3 Internet users comprise 62.7% of the population, and of these, 71.3% or 1.3 million people use Facebook. Unfortunately, there is no data available disaggregated by gender or age. In 2016, Albania was ranked in 82nd place out of 193 countries worldwide on the E-Government Development Index, up from 86th place in 2014. See: United Nations. (2016). *E-Government Survey 2016*. workspace.unpan.org/sites/Internet/Documents/UNPAN96407.pdf

4 Ministry of Innovation and Public Administration. (2015). *Op. cit.*

5 Through the establishment of the open data portal as part of the one-stop service portal: www.e-albania.al

6 The deal made by the government with Microsoft put the corporation in a very favourable and near monopolistic position with regards to the technical backbone for government service delivery. Interview with Redon Skikuli, 25 August 2016.

7 www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/178-2014.pdf

8 www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/160-2014.pdf

to information law or the law on public consultation have a Stalinist mindset – they think information is power that should be kept by them.

Albania ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1991. The first report was planned for 1999 and presented in 2005, the second and third were presented together in 2010 with a one-year delay, and the fourth report is planned for November 2018.

In one final recommendation, the Committee on Economic, Social and Cultural Rights (CESCR) expressly refers to Roma and Egyptian social and economic rights in the following way:

The Committee recommends that the State party guarantee access of Egyptians and Roma to procedures for birth registration and personal identity documents through steps such as exempting families who are marginalized and living in poverty from payment of fees for birth registration and identity documents. In this regard, the Committee also draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.⁹

And also:

The State party is encouraged to recognize communities with specific identities, especially Bosnians and Egyptians as national minorities, in accordance with applicable international standards, so that their members can benefit from the enjoyment and protection of minority rights.¹⁰

Roma and Egyptian activists in Albania: Speaking together in a louder voice

The situation for Roma and Egyptians has seen little improvement, apart from the fact that Roma and Egyptian human rights defenders are becoming more vocal and visible.

One of the most vibrant groups is the Roma and Egyptian Activism group. In 2013, the group, composed of Roma and Egyptian activists from different cities, created a Facebook group called Aktivizmi Rom dhe Egjiptian.¹¹ The group is a platform for sharing issues and concerns and for mobilising communities with the aim of increasing respect for

the human rights of Roma and Egyptian people. It works in various cities in Albania to mitigate the problems faced by these communities in the areas of access to justice, housing, education, civil registration, employment and social protection, among others. Because the activists come from the Roma and Egyptian communities, they have first-hand insight into the problems faced.

The Facebook group was important for various reasons. Getting the Roma and the Egyptians to speak in their own voices has been crucial for their empowerment, as these communities are generally left out of public conversations. The problem with the recurrent public discourse is that it sees the Roma and Egyptians as mainly victims rather than agents of change. Their involvement in public conversations is tokenistic, in the sense that the mere presence of a single Roma who speaks up at conferences is used to claim that consultation with this group has been done. Often, consciously, officials put on this “consultation show” to fulfil a legal obligation, but also to meet the expectations of donors because it is one of the conditions of international projects.

Transparency in key decision-making processes in the public sector remains a challenge in Albania. Despite the two laws mentioned above, problems persist – especially given that the authorities are slow in putting in place mechanisms to implement the laws. Many state bodies, including the Prime Minister's Office, have failed to designate freedom of information coordinators, an obligation according to the Law on Access to Information. Their purpose is to facilitate public contact with institutions and manage freedom of information requests. Fotjon Kosta, an information and communications technology (ICT) expert interviewed for this report, revealed that the new law on public consultation and its website (not launched yet) will be difficult to be implement. He says, “They [the authorities] want to create a virtual infrastructure of something that does not exist in reality”¹² – that is, a culture of consultation that includes all interest groups.

Quite revealing is the following case that took place in October 2015. The Tirana Municipality ordered the relocation of Roma living in a settlement around the Tirana Artificial Lake. The Ombudsman, civil society organisations and many other institutions sought to suspend the relocation on grounds that the municipality had not communicated or

9 Committee on Economic, Social and Cultural Rights. (2013). Concluding observations on the combined second and third periodic reports of Albania (E/C.12/ALB/CO/2-3). tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fALB%2fCO%2f2-3&Lang=en

10 Ibid.

11 <https://www.facebook.com/Aktivizmi/?fref=ts>

12 Interview with Fotjon Kosta, ICT Department, Ministry of Energy and Industry, 21 August 2016.

consulted with the affected communities. The police threatened the Roma and Egyptians with violence if they failed to move from the site. The municipality's action could not be prevented, but, under pressure, the authorities promised one year's rent support to some of the evicted families. In the end, the promise was partly kept as the support payments ceased after five months. Many other similar situations, however, have gone undocumented – including examples of evictions in Tirana that have occurred since 2011.

On paper, the authorities pretend to be open towards engaging civil society, yet in practice there is disregard and disrespect towards civil society's role in the media, and among the broader public. In public statements, politicians have directly attacked civil society, aiming to discredit the causes and issues raised by the non-governmental sector. For example, the Tirana deputy mayor suggested that civil society criticism has been motivated by funding cuts to organisations.¹³

With a partly free media, social media offers a counterbalance to the lack of coverage of key concerns of minority groups and the lack of real debate happening in the media. Reporters Without Borders have noticed no improvement in the media environment in Albania these past years.¹⁴ Apart from BIRN¹⁵ and a few other broadcast media, there are few independent media outlets in the country. Journalists declare they do not feel free to write and investigate news stories and they largely practise self-censorship. In this context the use of the internet to share information with like-minded thinkers and mobilise citizens into action has become crucial. Social media is not just used to talk about the news but to share news that otherwise will never make it on TV.

With their work, the activists of the Roma and Egyptian Activist Group have increased information and knowledge on rights and services available to the Roma and Egyptian communities. They have also improved the interaction between the communities and the local and central offices responsible for housing, education, civil registration and social assistance. They have worked to reduce discriminatory attitudes from local and central government offices towards the communities. The internet has been an important tool to their work. For example,

all the documents regarding the cases of eviction and action plans were shared online. Letters of complaint sent to the Commissioner for Protection from Discrimination and the responses from the Commissioner were also posted online. This has been useful, as it attracted wider attention to the cases, and as activists shared this information online, others were encouraged to seek help with their particular cases.

Advocacy efforts of the Roma and Egyptian activists have also focused on government ICT roll-out plans. For instance, one of the objectives of the Albanian government was to review the largest programme that targets poor families – the cash benefit programme – with the purpose of better targeting the poor and increasing the programme's efficiency. The new scheme included the creation of a database that would be used to help social services staff to decide who would benefit from the aid. The database relied on a complicated formula that assessed families, but the pilot roll-out was highly criticised by Roma and Egyptian activist groups and the Ombudsman because hundreds of low-income families were left out of the programme.¹⁶ For the activists, the pilot project was a way to disguise a large number of cuts in the number of persons who received the cash benefits, without offering reasons for their exclusion. The explanations given to the people who were left out of the programme were nonsensical – for example, “You are not eligible for cash benefits because you do not own a TV set at home.”¹⁷ Furthermore, the new system is not publicly available online and therefore lacks transparency and accountability.¹⁸

Conclusions

Many efforts have been undertaken by the government to improve internet infrastructure and to roll out digitisation programmes. However, little has been done to ensure the participation of citizens and groups in decision making, a point that has been made by the CESCR.

Some positive outcomes have resulted from the work done by the Roma and Egyptian activists. Social media has drawn attention to stories not covered by the mainstream media. Currently, there is a draft law on social housing that, thanks

¹³ www.reporter.al/romet-te-liqeni-akuzojne-policine-per-kercenime/historia-ime.com/2015/10/10/ceshtja-e-familjeve-rome-perplas-bashkine-me-avokatin-e-popullit-e-shoqerine-civile

¹⁴ Reporters Without Borders, World Press Freedom Index 2016: Albania. <https://rsf.org/en/albania>

¹⁵ www.reporter.al

¹⁶ www.oranews.tv/vendi/ndihma-ekonomike-avokati-i-popullit-te-rishikohet-formula-ka-padrejteti

¹⁷ Interview with Gentian Sejrani, director of the organisation Roma and Egyptian Youth Movement, 10 August 2016.

¹⁸ Vurmo, G (2016). *Independent Reporting Mechanism (IRM) Progress Report 2014-15: Albania*. www.opengovpartnership.org/country/albania/irm

to the advocacy work done by the Roma and Egyptian organisations, has ensured that the Roma and Egyptians are considered a priority.¹⁹

But not all attention is good. There is a general perception that Roma and Egyptians are receiving undeserved attention. This is mostly explained by the belief that Roma and Egyptians are lazy and therefore should be blamed for their situation.

Vulnerable groups should not act alone. The problems that they face are collectively experienced. What is true for Roma and Egyptian communities can be relevant for students, LGBT people, women in rural areas, and so on.

Finally, even though access to the internet has increased for the majority of the population in Albania, it still remains a tool for the most educated and the elite. There is a need to narrow the gap of access between poorer communities and low-income families and the better off. This is exacerbated by the increasing reliance of many actors on the internet (it is a new form of public consultation), to the detriment of more traditional forms of communication.

Action steps

The following advocacy steps can be suggested for Albania:

- The Roma and Egyptian activists need to be supported to develop their internet skills for promoting rights, keeping their community members informed and encouraging them to take action. There is a need for basic education, for training, and for developing technical expertise in the Roma and Egyptian communities.
- There is a need for training in new media, such as the use of podcasts, working with online videos, and various other useful apps. This will provide activists with the proper tools to reach out to communities effectively with information they need.
- In the presence of negative attitudes and discriminatory practices, activists can be more strategic in taking on the problems facing the Roma and Egyptian communities by framing the discussion on issues of poverty, unemployment and corruption that concern everyone, not just Roma and Egyptians. Connecting Roma groups with other solidarity platforms is key to success.

¹⁹ A letter sent from representatives of the Ministry of Urban Development to the Roma and Egyptian Youth Movements asking for specific feedback on the draft law on social housing programmes. <https://www.facebook.com/1468693893397918/photos/pcb.1748658535401451/1748658475401457/?type=3&theater>

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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