



ALBANIAN HELSINKI COMMITTEE
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Mr. Lulzim Basha
Mayor, Tirana Municipality

Mr. Spiro Ksera
Minister for Labor, Social Affairs, and Equal Opportunities

7 February 2012

Dear Sirs,

The European Roma Rights Centre (ERRC) and the Albanian Helsinki Committee (AHC) are writing to express concern about the situation of a Romani community living in the Tirana municipality.

On 24 January 2012, more than 50 Romani individuals, including 25 children, were told to demolish their living quarters close to Tirana Artificial Lake. According to reports from the community, representatives of Tirana Municipality came with a bulldozer, and told the community to demolish their accommodation voluntarily; otherwise it would be demolished forcefully.¹ The representatives promised the families that they would receive accommodation in the May 5 neighbourhood on the same day.

The authorities did not provide written or verbal notice of the eviction, and they did not act to provide alternative adequate accommodation. As a result the community were then forced to erect their demolished barracks and tents again, in order to continue living in the area.²

This is a violation of the right to life, inhuman, degrading, and discriminating treatment, as well as a violation of the right to respect for privacy and family life, which are sanctioned in the articles 18, 21, 25, 54 of the Constitution of the Republic of Albania and the European Convention on Human Rights.³

As a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), Albania is legally obliged to respect, protect and fulfil the right to adequate housing, including the prohibition on forced evictions.⁴ The UN Committee on Economic, Social and Cultural Rights has defined in General Comment 7 appropriate protections from forced evictions as including the following

- a. an opportunity for genuine consultation with those affected [and state officials];
- b. adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; especially where groups of people are involved,
- d. government officials or their representatives to be present during an eviction;
- e. all persons carrying out the eviction to be properly identified;
- f. evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- g. provision of legal remedies; and
- h. provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.⁵

¹ Interview with Romani community by Albanian Helsinki Committee, 25 January 2012 and updated information on January 31, 2012

² Ibid

³ Articles 3 and 8 of the European Convention on Human Rights, available at: http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf

⁴ Article 17(1)(2) of the ICCPR and Article 11(1) of the ICESCR, supported by General Comments 4 (right to adequate housing) and 7 (protection against forced evictions) of the Committee on Economic Social and Cultural Rights.

⁵ The right to adequate housing (Art.11.1): forced evictions: 05/20/1997. The Committee on Economic Social and Cultural Rights, General comment 7, paragraph 15 and 16, available at: <http://www.unhcr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>

In addition, the Convention on the Rights of the Child stipulates that states “shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing”.⁶

The Tirana authorities have not complied with these protections, and as a result, the Romani community faces severe risks to their health and wellbeing.

The ERRC and AHC call on the authorities to suspend the evictions of the Romani settlement, to act urgently to provide alternative adequate accommodation which takes account of the severe weather conditions, and, according to due process and in close consultation with the Romani community, to find sustainable housing solutions for the long-term health and safety of the community.

We respectfully request you to promptly inform us of the measures undertaken in this matter.

Sincerely,

Vjollca Meçaj
Executive Director
Albanian Helsinki Committee

Dezideriu Gergely
Executive Director
European Roma Rights Centre

TO
Mr. Lulzim Basha
Mayor, Tirana Municipality

Mr. Spiro Ksera
Minister for Labor, Social Affairs, and Equal Opportunities

CC
European Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding
European Commissioner for Employment, Social Affairs and Inclusion, László Andor
Head of the Roma Taskforce and European Commission Director-General for Justice, Françoise Le Bail
President of the European Parliament, Jerzy Buzek
MEP, Lívia Járóka
MEP, Kinga Göncz
MEP, Renate Weber
Council of Europe Secretary General, Thorbjørn Jagland
Council of Europe Commissioner for Human Rights, Thomas Hammarberg
Special Representative for Roma Issues to the Secretary General of the Council of Europe, Jeroen Schokkenbroek
OSCE High Commissioner on National Minorities, Knut Vollebaek
OSCE/ODIHR Senior Advisor on Roma and Sinti Issues, Andrzej Mirga
European Union Agency for Fundamental Rights Director, Morten Kjærum
European Commission against Racism and Intolerance Chair, Nils Muiznieks
European Committee of Social Rights President, Luis Jimena Quesada

⁶ Convention on the Rights of the Child, Article 27, available at: <http://www2.ohchr.org/english/law/crc.htm#art27>