

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on minority issues

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on minority issues and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolutions 25/5 and 25/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the alleged imminent eviction of 48 Roma families residing close to the Artificial Lake in Tirana**. These families face immediate eviction from their homes due to a recent announcement by the Tirana Municipality on 2 October 2015 of its intention to dismantle their camp.

According to information received:

On Friday 2 October 2015 the Tirana Municipality announced its intention to dismantle an informal Roma camp close to Tirana Artificial Lake, in which 48 Roma families reside, due to an investment in rehabilitation of the area, and "the harmful behaviour of Roma families to the environment and their health".

The announcement allegedly gave Roma residents 10 days to leave the camp prior to it being dismantled. As of 14 October 2015, although the dismantling had not yet been carried out, the threat of eviction had already driven many families out of the settlement without any support.

The announcement made by the municipality to dismantle the camp was made without a court order. Furthermore, the municipality has not shared its operational

plan for the removal of the families. This lack of information has created a lot of confusion, uncertainty and tension among the families of the camp.

Affected families formally registered as having residence in Tirana have been promised emergency accommodation in the Transitory Emergency Centre, located in a former army barracks in Tufina, six kilometers outside the capital. It is unclear whether this represents a suitable and sustainable solution in light of the fact that the Centre is not intended for long-term use and does not have the capacity to host many families. Further, there is concern that this Transitory Centre, conceived in 2013 as an emergency solution, is turning into a permanent segregated government-run camp for Roma people.

The inadequacy of this proposal is underscored by the fact that approximately 95% of the affected families from the Camp do not have a registered residence in Tirana, and thus do not qualify for the proposal. The criterion of official residency in Tirana appears problematic, as the Government reportedly refuses to recognize it as official and thus register the Roma shacks in this area.

For those affected individuals and families without residency in Tirana, it has been reported that they will be offered free transport to return to their cities of origin. This appears not to be a viable solution. Many of the Roma families not registered in Tirana and living in the informal camp allegedly came to the capital several years ago and migrated from towns including Elbasan and Berat in search of a better quality of life. Many families no longer have a place of residence in their home towns, nor any viable employment opportunities in these towns, as sustaining a family on the collection of recyclable materials which is the chief employment of many families of the camp, is not possible in these smaller cities.

The municipality has also reportedly promised to provide rental subsidies for affected families to secure accommodation in new dwellings. However finding rental accommodation will be difficult as Roma experience high levels of discrimination because of their ethnic origin and because of their low incomes. In order for a rental subsidy to take effect, Roma households would require assistance to secure housing.

Families who may be affected by the planned eviction have already experienced several evictions over the last years. In 2011 their shacks close to the Tirana train station were allegedly burned. In 2012 they were reportedly sent to a former military camp by the Government but were evicted due to protest by the local community against lodging Roma families close to their home. In 2013, another camp which they established close to the “former artistic monuments workshop” in Tirana was demolished due to private construction company plans to build

residential flats. Should this eviction be carried out, it will allegedly be the fourth eviction of the same families in five years.

According to the information received, an appeal has been made by the Albanian People's Advocate, Mr. Igli Totozani, to the Albanian Government, to refrain from carrying out this eviction. The Peoples Advocate has also noted that the current eviction is emblematic of a larger and recurring pattern of Roma evictions, particularly those located in suburban areas in the largest cities of the country.

Roma families have also reportedly been excluded from a recent process of regularization of irregular dwellings constructed by migrants. The Municipality of Tirana has reportedly also been offering migrants the land of those dwellings for a token sum. While regularisation of their dwellings could protect Roma from the risk of evictions, due to the fact that their shacks are not considered "constructions", Roma have not been entitled to legalise their homes.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern about the announcement to dismantle the camp, and that many in the camp face an imminent eviction and return to their cities of origin, without any viable resettlement or alternative accommodation proposed by the relevant city authorities or the Government, contrary to international human rights law. Indeed, the families represent some of the most marginalized, poor, least educated and unskilled Roma. Returning these families back to cities of origin without other effective measures and programs will further deteriorate the living conditions of the families. We also note our concern that the Transitory Emergency Centre, at Tufina Centre, is turning into a permanent segregated government-run camp for Roma people.

Grave concern is expressed that this situation occurs in the context of lack of access to adequate housing for the Roma minority, which is often subject to discrimination, spatial segregation and forced evictions.

We call your Excellency's Government's attention to articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) These articles guarantee non-discrimination in the exercise of the rights in the Covenants, and the right to an adequate standard of living, including housing, respectively. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing includes various aspects such as legal security of tenure to protect against forced evictions and other threats; and in its General Comment No. 7 has noted that States must ensure, prior to carrying out any evictions, that all feasible alternatives are explored in consultation with the affected persons, that alternatives are provided to avoid homelessness and that due process is ensured.

We also refer to General Comment 27 on discrimination against Roma of the Committee on Racial Discrimination, which notes that States must avoid any discriminatory practices affecting Roma, including regarding access to housing, and in particular to act firmly against local measures denying residence to, and unlawful expulsion of Roma.

We recall the Guiding Principles on security of tenure for the urban poor (A/HRC/25/54) prepared by the Special Rapporteur on adequate housing's predecessor. We also recall the Special Rapporteur on adequate housing's report on the obligations of subnational and local governments in the implementation of the right to adequate housing (A/HRC/28/62).

We also refer to the recent Study of the Special Rapporteur on minority issues on the Global Situation of Roma (A/HRC/29/24) which notes that that measures to confront the social-economic exclusion of Roma, including ensuring the right to adequate housing, must be part of a wider approach that fosters Roma inclusion in all aspects of life, including through tackles the widespread prejudice, discrimination and racist attitudes against Roma, including anti-Gypsyism, that Roma communities regularly face.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Are the facts of the case summarized above accurate?
3. Please provide further information and details about the jurisdiction and the legislation that could serve as basis for the eviction.
4. Please indicate if all feasible alternatives to eviction have been explored in consultation with the residents of the informal Roma settlement and if so, please provide details as to why proposed alternatives to the eviction have been deemed unsuitable.

5. Please provide further information about the Transitory Emergency Centre, including how many Roma families currently reside there, the conditions in which they live, the duration of stay, and what programs exist to ensure that this is a temporary emergency measure of accommodation? In this considered a long-term viable plan?
6. What measures have been taken by the City of Tirana in general, to address the substandard housing conditions and lack of adequate alternatives for the Roma minority? Please provide details of the specific policies and programmes in place or being planned in this regard.
7. What measures are in place to ensure that Roma can effectively secure rental accommodation using the proposed rent subsidies? What measures, if any, are in place to ensure housing providers do not discriminate against Roma? How are these measures enforced?

While awaiting a reply, we urge that all necessary interim measures be taken to safeguard the rights of Roma Families from the settlements located near Artificial Lake in Tirana, in compliance with the above international instruments.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Rita Izsák
Special Rapporteur on minority issues

Leilani Farha
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context