



REPUBLIC OF ALBANIA
MINISTRY OF URBAN DEVELOPMENT
MINISTER

Adress: Str. "Abdi Toptani", nr.1, Tirana

Nr. 544/1 Prot.

Tiranë, 11/02/2016

MR. NILS MUIŽNIEKS
COMMISSIONER FOR HUMAN RIGHTS
COUNCIL OF EUROPE

Dear Mr. Commissioner,

In response to your letter, Ref: CommHR / EB / sf 003-2016, dated 26th of January 2016, related to the forced eviction of the residents of Roma and Egyptians community, from their home near the Artificial Lake in Tirana, as well as their right for housing, please allow me to inform you as follows:

The Albanian Government and the Ministry of Urban Development (MUD), had continuously been concerned on all the issues related to the forced removal of Albanian citizens, and in particular members of the Roma and Egyptian communities, referring to and taking into consideration all the provisions of the International Convention in Economic, Social and Cultural Right (ICERSCR) and of the Convention on Anti-Discrimination.

Regarding the case of the Roma and Egyptian communities' residents, living near the Artificial Lake of Tirana, whose dwellings have been subject to demolition for public construction work "Construction of the Ring Road Tirana", please allow me to make known that we have treated, with high priority, finding affordable housing for them.

The representatives from the Directorate of Urban Services and Housing in MUD, have held several meetings with representatives of the General Directorate of Housing in the Municipality of Tirana and with those of the National Housing Agency, an institution under the dependency of MUD, to discuss and adress the issues of this community and find the proper solution.

In reference to the Law no. 9232, date 13.05.20014, "On Social Housing Program", amended; the municipalities have the exclusive authority to administer the requests and find alternatives for their housing. Based on the above, the Ministry of Urban Development had paid attention to the issue and collaborated with Tirana Municipality, by raising respective working groups, to find the potential alternative solution for their housing. From the identification and evaluation carried out by the working group, 50 Roma families were identified. The majority of these families were from different districts of Albania, such as Elbasan, Berat, Pogradec and Bilisht. The identified families were managed by the respective local governments, where they were registered. Families of this community, registered in the Municipality of Tirana, were settled in the rehabilitation centers of this Municipality.

Meanwhile, referring to the above mentioned Law no.9232, these families must apply for housing in the local governments where they are registered. MUD remains committed to cooperate with all local government units that are involved in this process.

The Municipality of Tirana has asserted that such solution to these families will be temporary, until finding the adequate and proper housing.

The Law no. 9482, dated 03.04.2006, "On legalization, urbanization and integrating of illegal constructions", amended, is technically the imposing one, since the legalization procedure itself is directly connected with the informal buildings. The evictions do not result from the Law on legalization, but they are part of the process of immovable property expropriation for reasons of public works constructions. Concerning the legalization process, we need to clarify that every object, built without permission, must meet the legal provisions, of the sustainability, of residential, etc., as this procedure finalizes the registration process in the Local Office of Registration of Immoveable Property (LORIP).

I would like to bring to your attention, as well, that the process of legalization is legally functional for all those in possession of an object, built without permission, which meets the conditions of sustainability and occupancy (if it is dwelling) and which entered into process registration in local offices of registration. All those, who live in buildings that do not fulfill the conditions of residence or dwelling by law, are included in the social programs.

Based on the above mentioned legal procedures and illegal constructions of Roma and Egyptian communities, which meet the requirements of sustainability and housing are equally included in the process of legalization.

Given that, the process of legalization is a technical process focused on the illegal object and not on its owner, please allow me to inform that all the illegal constructions, which are subject to legalization, will be treated and evaluated according to the legal procedures in force and not by the social categorizations.

Thanking you for your good understanding and collaboration,

Sincerely Yours,

MINISTER

EGLANTINA GJERMENI



Appendix:

Additional information to that of the Ministry of Urban Development, provided by the Municipality of Tirana on the issue of “forced evictions” raised in the letter of the Commissioner for Human Rights of the Council of Europe.

The Municipality of Tirana has addressed officially, through the public means of communications and via direct meetings the persons who were subject to be moved from the settlements, informing them on their transfer from the current settlements and on the purposes and the legal reasons of this decision. Furthermore, various alternatives for the implementation of this decision were provided, in full agreement with the respective community families.

The staff of the social services of Tirana Municipality, has held meetings on a daily basis with the community, in order to provide them with concrete information and possibilities meeting the needs of every family and the alternatives of their movement from the current settlements, which were under deplorable conditions and presented a real danger for their lives.

Throughout the meetings with the community concerned and with the cooperation of the social partners of Tirana Municipality, it was provided an estimation of their socio-economic situation, referring, particularly, their ownership, the need for shelter for the un-sheltered families and other first-hand services.

The public hearings, in the presence of the partners, aimed primarily at the presentation of the plan for their transfer, settlement, employment, education, and health care services. The Municipality of Tirana did not undertake any immediate proceedings against this community, providing them with the adequate timing and opportunities to decide for their transfer to the new shelters.

Partners of Tirana Municipality were social actors from the civil society, involved in the protection of human and minority rights. Together with the Municipality of Tirana, they have informed the community on their rights, the legal framework based in, starting with the registration in the Municipality’s Civil Register to the decision taking.

Every individual or institution, either local or central, national or international, has had the opportunity to monitor the process from the initial consultation till the transfer of the families.

The families were recommended by Tirana Municipality to follow up the process of application for the programs of Social Housing, being assisted into the process. Social partners provided different alternatives of housing, by putting at the disposal of coping with the situation emergency funds for temporary housing for these families.

The new shelters were in compliance with the criteria for proper housing, meeting human rights standards, providing clean water, electrical energy for lighting and heating, sanitation, health care, education, centers for child care and other social services.

The Municipality of Tirana has informed all the members of the Roma and Egyptian concerned community, non-resident of Tirana, to be transferred to their native places, where they are registered, providing them transport, and giving them the possibility to apply for social housing, being agreed.

In order to eliminate such kind of situations, the Municipality of Tirana will be focused in:

- Establishing an effective inter-institutional mechanism, on national basis, to cope with such kind of situations;
- An extra budget programming of the municipalities to address situations as such;
- Establishing a local emergency center for families that have moved from one Albanian dwelling place to another and have encountered difficulties in terms of documents required to apply for social housing, as well as for other public services such as employment, health care, education etc.
- Facilitating the legal procedures concerning documents required when people move from one living place to another, to be registered at the municipalities' in which they are currently residing.
- Raising the awareness for non-discrimination of the individuals/families of Rome community.