

URGENT ACTION

ROMA FAMILIES AT RISK OF FORCED EVICTION

Around 37 Roma families in Albania are being threatened with forced eviction. The land where they live is about to be redeveloped. The landowner has not respected procedures set out in law, and the authorities have not taken measures to provide the Roma with any alternative housing.

The Roma families, some of whom have lived for 10 years on the site of the former Centre for the Realization of Works of Art in Rruga Kavaja, Tirana, the capital, are due to be forcibly evicted. They have been told their homes will be demolished on 7 August by the development company, Park Construction Albania. Some have already left after their homes were demolished.

According to information received from the People's Advocate (Ombudsperson), construction work has already started on part of the site, and the company has restricted access to parts of the site for which planning permission has been obtained, which means that Roma cannot freely come and go. The company informed the People's Advocate that they will close off the rest of the site as soon as final planning permission is granted, and they want the Roma families to be gone by then. Despite requests by the People's Advocate that the landowner follow relevant legal and judicial processes, the company claims that it has no obligations to the Roma, who are occupying the land and have no legal title to it.

However, international standards for forced evictions apply irrespective of whether a person is occupying the land lawfully or unlawfully. Further, although Albania does not have a law preventing forced evictions, under Albanian law, the owner of the land is obliged to provide the Roma living there with 10 days notice. None of the families has yet been provided any adequate or formal notice of eviction. Instead they have been threatened by construction company workers, and several Roma have already filed complaints with the local police station.

Please write immediately in English or your own language to:

- Urging the authorities to ensure that some 30-40 Roma families currently living in the Rruga Kavaja in Tirana are not forcibly evicted without a judicial decision, due advance notice, and information about legal remedies available;
- Calling on them to ensure that any eviction is carried out in accordance with international standards, including the UN Guidelines on Development-Based Evictions and Resettlement, and in accordance with Albanian law, following a decision by the relevant court.
- Urging that they provide alternative housing, which meets international standards for adequate housing, for these families, after having duly consulted with them;

PLEASE SEND APPEALS BEFORE 30 AUGUST 2013 TO:

Mayor of Tirana
Z.Lulzim Basha
Blvd. Dëshmorët e Kombit, Tirana,
Albania
Email: kabinetit@tirana.gov.al
Salutation: Dear Mr Basha

Minister of Labour, Social Affairs and
Equal Opportunities
Z.Spiro Ksera
Ministër i Punës, Cështjeve Sociale dhe
Shanseve te Barabarta
Rruga e Kavajës, Tirana, Albania
Email: spiroksera@yahoo.gr or
klevesbitro@yahoo.com

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

A spokeswoman for the development company, Park Construction Albania, told the People's Advocate that it has asked the state police to intervene and remove the Roma. However, in order to do so, the company must apply to a court. The police may only act to assist the court bailiffs in an eviction, and only after a judicial decision for enforcement proceedings has been issued. The company have said that if the state police fails to act, it will call on the services of private police.

According to Article 296 of the Albanian Civil Code: "The owner has the right to bring action against in order to demand his property from any possessor or holder. This right belongs also to any joint owner for the joint property, in order that it be delivered to all joint owners". In this case only the court may issue decide to evict individuals from a certain property. If the court considers that the area belongs to the owner, then in that case the court may request the intervention of bailiffs to free the area.

The Albanian government has a duty to abide by international law including the International Covenant on Economic, Social and Cultural Rights, ratified by Albania in 1991 (Article 11.1) and General Comment 4 on Article 11.1 of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Furthermore, Albanian has undertaken to fulfil the objectives of the "Decade of Roma Inclusion 2005-2015", an initiative of 12 European countries to improve the socio-economic status of Romani communities, and has adopted a (Albanian) National Strategy "For the improvement of the living conditions of the Roma minority".

Under international law, evictions may be carried out only as a last resort, once other alternatives have been explored in genuine consultation with the affected communities. The authorities then have a duty to provide them with adequate notice. The authorities must ensure that no families are made homeless or vulnerable to the violation of other human rights as a consequence of eviction. This includes providing them with legal remedies, including provision of compensation for the destruction of their homes, possessions and loss of income.

Name: 30-40 Roma families living Rruga Kavaja, Tirana.
Gender m/f: both

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