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against Racism and Intolerance

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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF ALBANIA
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where specifically indicated, any developments which occurred after 8 September 2017, the date on which the response of the Albanian authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on Albania (fifth monitoring cycle) published on 9 June 2015, ECRI again recommended that the authorities ensure effective access to justice for victims of discrimination through a functioning and properly funded legal aid system.*

The authorities informed ECRI that a draft law on legal aid was submitted to the parliament on 28 December 2016 and the public consultation process ended in October 2017. ECRI takes positive note of the enactment of the new Law no. 111/2017 on State Guaranteed Legal Aid on 14 December 2017; it will enter into force in June 2018.

According to Article 10 of the law, Albanian citizens and also foreign nationals can benefit from legal aid. The law contains provisions on free primary legal aid (legal assistance in the form of practical information, counselling, advice for mediation, assistance for requesting secondary legal aid and representation before authorities, Article 3.b) and on secondary legal aid (legal assistance with a view to initiate court proceedings, counselling and representation before the courts, Article 3.c), which is provided, upon request, to persons with a low level of income. According to Article 11, legal aid shall be granted to several categories of citizens regardless of their income and assets, including victims of domestic violence, sexually abused victims and victims of human trafficking, minors, persons benefiting from payments for disability and beneficiaries of social protection programmes. ECRI is particularly pleased to note that victims of discrimination have been joined to this list during the very last stages of the legislative process (Article 11.h). This is fully in line with paragraph 16 of ECRI's revised General Policy Recommendation No. 2 on Equality Bodies.

Requests for secondary legal aid shall be submitted to the court, which in principle shall decide within five working days. The court can order the relevant state administration to submit the necessary documentation, if the applicant cannot provide for it him/herself.

ECRI is pleased about this new regulation of the legal aid system. As ECRI cannot yet assess whether the second part of its recommendation – that the system functions and is properly funded – has also been implemented, ECRI considers at this stage that this recommendation has been partially implemented.

2. *In its report on Albania (fifth monitoring cycle), ECRI recommended that the authorities ensure that all Roma, as well as other persons, who may be evicted from their homes enjoy all the guarantees that international texts provide for in this connection; they should be notified of the planned eviction well in advance and benefit from appropriate legal protection; and they should not be evicted without the possibility of being rehoused in decent accommodation.*

ECRI is deeply concerned following several new reports about potentially illegal evictions of Roma, which took place after the adoption of ECRI's monitoring report.

The Council of Europe Commissioner for Human Rights expressed in a letter of 26 January 2016 its concern about the October 2015 evictions of about 200 Roma and Egyptians, including children and elderly persons, from the irregular settlement near the Artificial Lake in Tirana. The evicted people were not offered adequate alternative accommodation before the eviction, even though the Albanian People's Advocate and other organisations had repeatedly called for such rehousing.¹

In its report of 18 April 2016, the Albanian People's Advocate found that the Municipality of Tirana had not issued any administrative act, which would have provided a legal basis for the eviction of several other Roma families and the demolition of their dwellings on 18 February 2016. According to this report, the families were informed about the planned demolition only orally and merely three days in advance. The People's Advocate recommended the initiation of criminal investigations

¹ Commissioner for Human Rights, Letter of 26 January 2016 to the Albanian Minister for Urban Development, [https://rm.coe.int/ref/CommDH\(2016\)8](https://rm.coe.int/ref/CommDH(2016)8), accessed on 08.02.2018.

against the responsible persons for abuse of office under Articles 248 and 25 of the Albanian Criminal Code.²

Amnesty International reported on another case of June 2016, during which the local authorities in Tirana threatened to forcibly evict over 80 families – mainly Roma and Egyptian – which were living in the area of Bregu i Lumit, an area at risk of being flooded by the Tirana River. According to the People's Advocate, the authorities announced the eviction only five days in advance and without providing the inhabitants with alternative shelter. Following the intervention of housing activists and the People's Advocate, evictions were temporarily suspended at the end of September.³

The authorities informed ECRI that they have addressed the issue of forced evictions in the Action Plan on the National Social Housing Strategy 2016-2025, which was approved by the Council of Ministers on 1 June 2016. This action plan provides for the review of the existing and the drafting of new legislation that ensures rehousing for every evicted family under any circumstances. On 12 April 2017, the Council of Ministers approved a draft law on social housing which subsequently was submitted to the Albanian Parliament. In February 2018, the parliament's Committee on Labour, Social Affairs and Health held a hearing on the bill.

ECRI notes with satisfaction that Article 5.2 of the bill strictly forbids any eviction, which is defined as the permanent or temporary removal from housing without consultation and without providing appropriate alternative housing (Article 2.11). The bill also contains rules about displacement, which Article 2.53 defines as a permanent or temporary removal of a family from their home based on a consultation and accompanied with the provision of appropriate alternative housing. To stop evictions and limit displacements, the bill provides that such measures need to be approved by a decision of the Council of Ministers. Furthermore, it also contains provisions on an emergency programme "Temporary Shelter", through which evicted and displaced families can be re-sheltered and provides for the possibility to help families which have been evicted or displaced prior to its entry into force.

Under the bill, certain groups of people are eligible for a subvention of up to 100% of their rent. Among these are families receiving social aid or fulfilling the conditions for receiving social aid, and people who became homeless due to eviction or displacement. Civil society however points out that people can only obtain rental subventions if they are registered in the civil registry of the municipality. This would precisely exclude those persons, which are most in need of protection, and in particular a substantial number of unregistered Roma and Egyptians.⁴

ECRI notes that the series of potentially illegal evictions seems to have come to a halt in June 2016 after the adoption of the National Social Housing Strategy 2016-2025. Pending the adoption of the above-mentioned bill on social housing, which contains a strict prohibition and additional safeguards against any eviction, ECRI concludes that this recommendation has been partially implemented.

² People's Advocate (2016), The People's Advocate recommends investigations against Tirana IKMT's inspectors, <http://www.avokatipopullit.gov.al/en/content/18042016-people%E2%80%99s-advocate-recommends-investigations-against-tirana-ikmt%E2%80%99s-inspectors>, accessed on 04.12.17.

³ Amnesty International (2017), Amnesty International Report 2016/17: 62; CoE Opre platform (15.06.2016), People's Advocate: Tirana River rehabilitation to leave 70 Roma families homeless, http://a.cs.coe.int/team81/opre_platform/Lists/indents_or_hate_speeches/AllItems.aspx, accessed on 08.02.2018.

⁴ Radio Televizioni Shqiptar 2018, <https://www.rtsh.al/lajme/projektligj-per-strehimin-social/>, accessed on 12.02.2018.

