

AMNESTY INTERNATIONAL

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Albania must suspend discriminatory measures against Roma

Amnesty International is concerned at potential violations of Roma families' right to earn a living caused by local authorities in Tirana prohibiting them from collecting recyclable waste.

Since the prohibition came into force in June by the end of July at least 92 individuals had been fined for collecting waste by the Tirana Municipal police, who also seized and confiscated their tools, vehicles and the waste they had collected. An estimated 700 Roma families living in Tirana rely on waste collection and recycling as their only source of income.

Amnesty International considers the police action amounts to unjustified discrimination against the Roma on the basis that the ban disproportionately impacts on them since no other group or individuals earn their living through waste collection. The police action has also been criticized by the Albanian Group for Human Rights, and well as by Romani organizations.

According to the authorities, the justification for the ban on waste collection is based on reported complaints by residents about the dirt and smell; the Municipal police have justified its actions by saying that it is done to protect the environment. Amnesty International believes that the authorities should consult and work with all those affected, including the Roma, to come up with appropriate solutions that respect both sets of rights, including the Roma's right to earn a living. The organization does not consider an immediate ban on the collection of recyclables to be an appropriate way to address the situation, as it results in an immediate deprivation of livelihood.

On 2 July, members of the Romani community raised their concerns with the People's Advocate (Ombudsperson) about the seizures, confiscations and fines. They reported that they had been prohibited from collecting recyclable materials for the previous three weeks. They also alleged that they had been verbally and physically abused by the Municipal police during the seizure of their property.

The Municipal police have failed to respond to any of the three letters sent by the Peoples Advocate, requesting copies of the order and administrative acts authorising the police actions, and have refused to meet with representatives of the office of Peoples Advocate. In a letter dated 24 July, the Advocate called for an immediate end to the action by the police against members of the Roma community. He has also recommended that the municipal authorities identify alternative means of resolving the issue, including by providing access to alternative sources of income, in full consultation with the Roma, and resolving their concerns.

Amnesty International urges the Tirana authorities, including the head of Tirana Municipal Police, to respond to the Ombudsperson's recommendations, as they are obliged to do, under the Law on the People's Advocate. In the interim, the organization also calls on the police to immediately stop their current action against the Roma until a solution can be reached, and in particular, to refrain from the use of violence, including against children, as reported by a number of Roma and Egyptians (see below).

Further information

The right to earn a living included in the right to work as framed under Art 6(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)
In 2006, the UN Committee for Economic, Social and Cultural Rights, in their concluding observations on Albania's state party report on implementation of the ICESCR stated:

"The Committee is concerned that ethnic minorities in Albania, in particular the Roma and the Egyptian communities, suffer from discrimination and serious disadvantages in access to services and only enjoy a limited protection of their economic, social and cultural rights. The Committee is also seriously concerned about the reports of ill-treatment and excessive use of force by law enforcement officials vis-à-vis these persons, notwithstanding the explanation provided by the State party that they are isolated incidents (paragraph 20).

The Committee expresses its concern about the high levels of unemployment that continue to persist in the State party, especially in rural areas and among members of ethnic minorities, including the Roma and the Egyptian communities (paragraph 23)".

The lack of work opportunities for the Roma were highlighted by the UN Committee for the Elimination of Discrimination in August 2011 when it requested Albania to provide information related to discrimination against of Roma and Egyptians, including in the field of employment, in advance of their consideration of Albania's report on their implementation of the International Covenant for the Elimination of All Forms of Racial Discrimination, later this year.

Egyptians identify themselves as a separate and distinct group from Roma; their ethnic identity is not recognized by the Albanian government.

Public Document

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