

ALBANIA

**SUBMISSION TO THE
EUROPEAN COMMISSION
AGAINST RACISM AND
INTOLERANCE**

**AMNESTY
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CONTENTS

1. Introduction.....	4
2. The right to adequate housing.....	4
Documentation.....	5
3. Forced evictions.....	5
The forced eviction of Roma living on Rruga e Kajaves.....	6
Inadequate alternative housing.....	8
Access to housing, social assistance, health, employment and education.....	9
Previous forced evictions.....	9
Babrru.....	10
Military Barracks at Sharrë.....	10
The artificial lake.....	11
4. Recommendations.....	12

1. INTRODUCTION

Amnesty International presents this submission on Albania to the European Commission against Racism and Intolerance (ECRI) on the occasion of its fifth monitoring cycle.

Amnesty International is extremely concerned about Albania's slow progress in guaranteeing human rights to Roma, without discrimination; these concerns were reflected in the European Commission's 2013 Progress Report, where Albania's implementation of policies aimed at the inclusion of Roma communities was described as inadequate.¹

Amnesty International notes the concerns expressed in ECRI's fourth monitoring report about the denial of the right to adequate housing for Roma, particularly those living in informal settlements without access to electricity, drinking water, sewer and road networks.²

This submission focuses on discrimination against Roma with respect to their right to adequate housing. Particularly, the submission raises concerns about the Albanian authorities' failure to protect Roma from forced evictions from informal settlements in Tirana and to provide them with adequate alternative housing.

2. THE RIGHT TO ADEQUATE HOUSING

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Albania is obliged to respect, protect and fulfil the right to adequate housing as provided by its Article 11(1). The UN Committee on Economic, Social and Cultural Rights (CESCR) has emphasized that "the right to housing should not be interpreted in a narrow or restrictive sense which equate it with, for example, the shelter provided by merely having a roof over one's head or which views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity."³

In October 2013, Amnesty International wrote to the incoming prime minister of Albania, urging him to ensure that the government take effective measures to guarantee the right to adequate housing for socially vulnerable groups, including Roma. The

authorities' failure to guarantee the right to adequate housing to Roma has also been extensively documented by other international organizations.⁴

The organization therefore welcomed the incoming government's programme, published on 11 September 2013, in which the provision of social housing was identified as a priority. In particular, Amnesty International welcomed the undertaking by the new government to allocate vacant social apartments to socially vulnerable groups and to reform legislation so as to ensure adequate housing for all.

Recalling that strengthening the human rights of Roma is a requirement, set out in European Union (EU) recommendation 11, for obtaining EU candidate status, we note that in February 2014, the European Commission committed to increase support for the inclusion of Roma and Egyptians under a new Instrument for Pre-accession Assistance (IPA II).⁵ This followed a review of the progress made in implementing Albania's inclusion policies since 2011.⁶

DOCUMENTATION

Amnesty International notes that the criteria for eligibility to access social housing often excludes Roma. This is particularly because they do not have the required income or are not registered under residency laws. We welcome the undertaking, set out in the government's 2014 programme, to ensure that all children are registered at birth, which will ensure that children and their parents will have access to relevant social assistance and healthcare. In this context, Amnesty International also notes that the People's Advocate has recommended legislative change, including amendments to the laws on civil registration, economic assistance and social housing.

3. FORCED EVICTIONS

Amnesty International has previously expressed concerns about the Albanian government's failure to guarantee Roma the right to adequate housing, without discrimination.⁷ The CESCR, in its General Comment 7, has described how forced evictions violate the right to adequate housing, defining forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection".

The CESCR has also stated that a state "must refrain from forced evictions and ensure

that the law is enforced against its agents or third parties who carry out forced evictions".⁸ These provisions do not apply to evictions which are carried out in accordance with international standards, set out for example in the UN Basic Principles on Development-based Evictions and Displacement.⁹

In December 2011, a *Seminar on inclusion of Roma and Egyptian communities*,¹⁰ concluded that "[t]he local authorities should systematically organise consultations with affected communities prior to performing a relocation or eviction of informal settlements. In case of eviction, it should be an obligation for local authorities to provide substitute accommodation for all affected persons".¹¹ Albania has failed to implement this measure both in terms of organizing consultations and in providing adequate alternative housing.

No measures have been taken to put in place procedures and safeguards required under international law to protect the rights of people facing evictions; these include processes to ensure that people who may be evicted have access to all relevant information and that they are meaningfully consulted about proposed evictions, alternatives to eviction and about relocation in cases where no alternative to eviction is possible.

The government has also failed to ensure that affected people have the right to appeal against their eviction and provide them with effective remedies for the damages and loss they may have suffered as a result of the eviction.

Amnesty International's research has also found that, while some evicted communities have been provided with "substitute accommodation", the resettlement provided to Roma communities who have been forcibly evicted has failed to meet international standards relating to the adequacy of housing including security of tenure, access to services, location and habitability. This has contributed to further discrimination against and segregation of these communities.

Whilst the forced evictions described below were carried out under the previous government, Amnesty International remains concerned that, in the absence of a law prohibiting forced evictions and guaranteeing that all future evictions are carried out in compliance with international standards and domestic law, Roma living in informal settlements with no security of tenure remain at risk of forced eviction.

THE FORCED EVICTION OF ROMA LIVING ON RRUGA E KAJAVES

Some 37 Roma families, including an estimated 88 children, were forcibly evicted on

7 August 2013 from the site of the former Centre for the Realization of Works of Art. None of the protections and guarantees required by international law and standards, or in Albanian law, were put in place prior to the eviction, despite requests by the People's Advocate (Ombudsperson) that the landowner follow relevant legal and judicial processes. The eviction was carried out in violation of Albanian law, under which the owner of land is required to provide the occupants with 10 days' notice.

The forced eviction was carried out by contractors working for an infrastructure development company, who demolished between seven and eight of the makeshift homes, before the police responded to calls from the Office of the People's Advocate (Ombudsperson) and the OSCE (Organization for Security and Cooperation in Europe) in Tirana, and stopped all further forced evictions and demolition. The police also ordered the company to stop work on the site. However, Roma families had by then left the site: even those whose homes were not destroyed were too frightened to go back.¹² Although the police reportedly received orders to intervene if the construction company continued demolishing the homes, pending a resolution of the situation through the appropriate legal process,¹³ the police failed to intervene to prevent the remaining homes on the site from being demolished by construction workers.

In the absence of any offer of adequate alternative housing, the Roma families had no option but to move to the verges and pavement at the side of the road "Unaza e Madhe", where they constructed makeshift shelters. They were forced to live in extremely precarious conditions, without basic access to water and sanitation, and with no adequate shelter during the high temperatures and torrential downpours in summer.

Living on the side of a major road, the families were also exposed to health and safety risks. On 31 August 2013, one of the forcibly evicted Roma children was hit by a car near the makeshift shelters, and subsequently taken to hospital for treatment; on 28 September 2013, another child was severely injured by a bus, whilst crossing the road near their shelter, and taken to hospital in a critical condition.

Neither the Tirana municipal authorities nor the central government took effective measures to assist these families or provide them with effective remedies. Eventually, the Ministry of Labour, Social Welfare and Equal Opportunities offered accommodation in disused military barracks in the Sharrë area of Tirana. In addition, the ministry promised to refurbish the buildings, which lacked electricity and, in some cases, doors and windows. The families refused this offer, because of the inadequate location and substandard condition of the buildings. An inspection carried out by the People's

Advocate (Ombudsperson) following the offer concluded that conditions at the barracks were deplorable, failing to meet even the minimum standards for adequate alternative housing.

Amnesty International noted that similar promises to refurbish the buildings were made in 2012, when Roma families evicted from another site (Babrru, see below) were resettled in the Sharrë barracks in 2012. Amnesty International considered that the disused barracks failed to meet international standards for adequate housing.

INADEQUATE ALTERNATIVE HOUSING

On 16 September 2013, shortly after the new government took up office, Erion Veliaj, Minister of Social Welfare and Youth, met representatives of the 37 Roma families evicted from Rruga e Kajaves. By 20 September the authorities had reportedly identified five alternative resettlement sites for the families, and by end of September the Roma accepted an offer from the government of accommodation in a former military barracks at Shish-Tufinë, Tirana, which was designated as a National Transition Centre, providing temporary accommodation.¹⁴

According to a letter received from the Ministry of Social Welfare and Youth dated 27 September 2013, the Council of Ministers of the Albanian government approved the transfer of the former military barracks from the Ministry of Defence to the Ministry of Social Welfare and Youth. Consultations on the resettlement reportedly took place with the families and the Roma Federation; Amnesty International is unable to assess whether the consultations met international standards. Meetings were also held with non-governmental organizations (NGOs) and international organizations able to provide the families with assistance and support.

Amnesty International urged the government to ensure, in co-operation with the Tirana municipal authorities, that international standards were met during the resettlement, and that in the meantime any temporary shelter offered included access to water, energy, sanitation and healthcare services.

Subsequently, measures were taken to reconstruct and adapt the barracks for private use, although it is not clear how much of this work was completed by the time the 37 Roma families were moved into their new accommodation in October.¹⁵

Amnesty International highlights that the alternative accommodation provided does not meet many of the criteria for adequate housing, as defined in the CESCR's General

Comment 4.¹⁶ International standards for adequate housing, include: legal security of tenure and availability of services and infrastructure, including water, sanitation and energy for cooking, lighting and heating. Adequate housing should also be affordable, habitable, and have access to transport, health centres, work opportunities and schools.

The site of the former military barracks at Shish-Tufinë is located 11km from the centre of Tirana, making access to employment and services difficult for these families. According to General Comment 4.7: "Adequate shelter means ... adequate location with regard to work and basic facilities".¹⁷

ACCESS TO HOUSING, SOCIAL ASSISTANCE, HEALTH, EMPLOYMENT AND EDUCATION

After six months the evicted Roma remain at Shish-Tufinë in temporary accommodation, with no security of tenure, and with little immediate prospect of adequate alternative housing. In February 2014, Social Services staff met with the families to assist them with civil registration, in order to help them access social programmes, and assist those without the necessary documentation to register as homeless.

Amnesty International understands that the Roma families are being encouraged to apply for social housing, through programmes administered by the Municipality of Tirana. However, given the lack of available and affordable social housing,¹⁸ according to the Ombudsperson's Office, it has also been suggested that they apply privately for affordable alternative private accommodation, including by means of subsidized rent payments for private accommodation (*bonus strehim*).¹⁹

Amnesty International acknowledges that the authorities have made efforts to assist the Roma with access to basic rights : the Ministry of Health, for example, have ensured that Roma who lacked medical cards were provided with them, and that young mothers and pregnant women were provided with medical services; children have entered a vaccination programme. Further Social Services are facilitating enrolment in training courses, and ensuring they receive financial assistance. ²⁰

However, the authorities were slow to ensure access to education: children were not enrolled into school in Tufina until concerns were raised by Albanian NGOs, supported by the Roma Education Fund (REF). The REF has also provided financial assistance for the children's transport to school.²¹

PREVIOUS FORCED EVICTIONS

The eviction of Roma from Rruga e Kavajes was not an isolated incident. In February 2011, 40 Roma families were forced to move from their homes at an informal settlement

near Tirana railway station after a series of attacks, including arson.²² The authorities failed to provide them with adequate protection or take any steps to prevent the attacks. In July 2011, two men who had been arrested in relation to these attacks were acquitted of inciting racial hatred and instead sentenced to four months' imprisonment each on a charge of arson.²³

BABRRU

In late March 2011, the authorities offered temporary accommodation in tents to the Roma families from the railway station settlement, in a site at Babrru, on the outskirts of Tirana. This offer was supposedly limited to three months, pending permanent resettlement in former military barracks in the Sharrë area of Tirana. However, most of the Romani families refused to move to Babrru, because it was too far from central Tirana to allow them to carry on their work, and on health and safety grounds. Some of these families chose instead to move to another informal Romani settlement at the Artificial Lake in Tirana, while others dispersed to various locations in Tirana and elsewhere. However, about eight families accepted the offer of the tent site, even though tents did not provide adequate protection in winter months and the location on a steep unfenced river bank presented clear risks for children.

In late January 2012, these eight families (50 individuals) were still at the tent site, in temperatures that were often below zero, and the military barracks had not been renovated. At this point, the owner of the land on which the tents were pitched refused to extend their stay, due to a dispute over rent with the Ministry of Labour and Social Affairs, which was responsible for the families' accommodation and welfare. The families then appealed to the Ombudsperson, and were sheltered for some days at the Ombudsperson's Office, while negotiations took place with the Ministry of Labour and Social Affairs and the Tirana municipal authorities. Another temporary solution was found and, in February, the families were moved to the premises of the Albanian Romani Association, where they were supposed to stay for a month pending renovation of the former military barracks.

MILITARY BARRACKS AT SHARRË

On 8 May 2012, the eight families were brought under police escort to their 'new homes' at the former military barracks in Sharrë village on the outskirts of Tirana. On arrival, their access to the site was initially blocked by protesting local inhabitants who claimed ownership of the land (according to the authorities it is state-owned) and objected to having Roma as neighbours. Police reinforcements were brought in and

several protesters were briefly detained. Police have remained on site to guard the Romani families. However, the Roma continued to fear for their physical safety, as the inhabitants have continued to threaten and harass them. The Roma have also complained that the living conditions in the former military barracks are not in line with those promised by the authorities. According to several press reports, the buildings, have only been partially renovated, and lack access to running water and electricity (the latter may have been cut by the local inhabitants). Further, there were only seven rooms, for eight families, and some rooms, including bathrooms, lacked doors and window panes.²⁴

According to reports received by Amnesty International, on the evening of 23 May 2012, local inhabitants who had earlier protested against the Romani families' being settled at the barracks beat members of the Romani group and threatened them with guns, forcing them to flee. Although police had previously prevented attacks on the Roma at this site, it seems they were not present or their reaction was ineffective. Fearing for their safety, the Romani families began to leave the site and move elsewhere. It seems that the Ombudsperson called on the police to ensure their safe return. Reluctantly, some families returned to the barracks under police guard.²⁵

THE ARTIFICIAL LAKE

The authorities did not offer alternative adequate housing to any of the other families from the informal settlement near Tirana railway station who declined to live in tents at Babrru. Eighteen of these families, who had moved to an informal settlement near the Artificial Lake in Tirana, were forcibly evicted in January 2012.²⁶ On 21 January 2012, officials from the Tirana municipality reportedly came to the site and informed them and seven other Romani families living there that they had to leave. Three days later, officials returned and told them to dismantle their shacks or the authorities would bulldoze them. The families accordingly pulled down their shacks, wishing to preserve the materials, and left. They were not provided with an eviction notice, consulted on any alternatives to eviction or offered any alternative accommodation, but were instead rendered homeless. A week later, about 16 of these families, still homeless, returned to the Artificial Lake site and started to rebuild their shacks. In May 2012, the owner of the land informed them that they must leave within two days, offering them temporary occupation of another site. However, complaints by local inhabitants and the lack of municipal authorization meant that they were also obliged to leave this site within days. Several moves later, only 10 of the 25 families previously living near the Artificial Lake were still in the area; with no security of tenure they remained under threat of further forced eviction.

As far as the organization is aware, no subsequent measures were taken by the authorities to offer them any alternative sites or access to adequate housing, with security of tenure.

In December 2012, another eight Roma families living in shacks close to the railway station reported that they been repeatedly warned to leave their homes by individuals who were allegedly accompanied by police officers in civilian clothes. The families were reportedly in the process of legalizing their homes and, at the time of the threats, were awaiting official publication of their names as the owners of legalized buildings.²⁷

4. RECOMMENDATIONS

Amnesty International is deeply concerned that Albania has so far failed to guarantee the right to adequate housing to Roma, without discrimination, despite obligations set out in domestic law and in international treaties. Albania is a state party to several international human rights instruments that guarantee the right to adequate housing, including the ICESCR and the Convention on the Elimination of all forms of Racial Discrimination, and is therefore legally obliged to respect, protect and fulfil this right.

This requires refraining from forced evictions and protecting people from interferences with their rights by third parties, such as landlords. In addition, this also obliges Albania to adopt appropriate legislative, administrative, budgetary, judicial and other measures to fully realize the right to adequate housing. The government is required to ensure access to adequate housing for all persons and to particularly prioritise the most disadvantaged groups in all programmes and funding. The government also must provide an effective remedy for violations of the right to adequate housing including forced evictions.

Amnesty International has urged the Albanian government to ensure that, within a year of taking office, the relevant ministries initiate effective measures to implement the undertakings made in the September 2013 government programme. Such measures should include the following:

- Drawing up a fully budgeted plan, including with the support of international donors, to increase the stock of social housing in Albania;
- Implementing amendments adopted in May 2012 to the law on social housing²⁸ to

ensure that specific groups including Roma, along with other recognized groups, including registered orphans and victims of domestic violence, have priority in accessing social housing;

- Introducing amendments to the laws on civil registration, economic assistance and social housing, as proposed by the People's Advocate (Ombudsman), to ensure the access of Roma to economic assistance and social housing;
- Pending the establishment of an adequate stock of social housing, to take measures to ensure that Roma, and other discriminated groups, adults with orphan status, and other vulnerable groups, are given priority in access to affordable alternative accommodation of an adequate standard, including by means of subsidized rent payments for private accommodation (*bonus strehim*);
- Committing financial and other resources to the implementation of the Roma National Integration Strategy;
- In addition, Amnesty International calls on the Albanian government to:
 - Introduce a law prohibiting forced evictions, and ensuring that any evictions are carried out in accordance with international standards and domestic law;
 - Ensure that all people who are forcibly evicted are provided with adequate alternative accommodation.

ENDNOTES

¹ "Regarding Roma inclusion, the implementation of policies, including the operational conclusions of the December 2011 seminar on inclusion of the Roma and Egyptian communities in the framework of Albania's EU integration, remained inadequate overall.

Roma and Egyptian continue to face very difficult living conditions and frequent discrimination, particularly regarding access to education, social protection, health, employment and housing. In line with the national action plan, Albania needs to swiftly improve the living conditions of Roma; coordination between the public administration at central and local level is essential in this context. Evictions of Roma families from their settlements in August 2013 have been of particular concern. Another key area to focus on immediately is access to education and integration of Roma children in the education system – from pre-school level to higher education. The state authorities' response mechanism to protect Roma children is insufficient", *Commission Staff Working Document, Albania 2013 Progress Report*, Brussels, 16.10.2013, SWD(2013) 414 final, pp. 45-46, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/al_rapport_2013.pdf

² In its report on Albania (fourth monitoring cycle), ECRI strongly recommended that the Albanian authorities implement tangible measures, in consultation with the communities concerned, to ensure that each Roma family has access to decent accommodation, including through the connection of Roma settlement sites to the electricity, drinking water, sewer and road networks. It also advised them to set clear and ambitious targets in this respect for at least the next two years and to publish regular reports on progress made, *ECRI Conclusions on the Implementation of the Recommendations In Respect of Albania Subject to Interim Follow-Up* <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Albania/ALB-IFU-IV-2013-003-ENG.pdf>.

³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 4, The Right to Adequate Housing, The right to adequate housing, (Art. 11 (1) of the ICESCR), (Sixth session, 13 December 1991) UN Doc.E/1992/23, para. 7, <http://www.unhcr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e?Opendocument>

⁴ UNDP, *Housing Policies and Practice for Roma in Albania*, September 2013, <http://www.al.undp.org/content/dam/albania/docs/misc/Housing%20Policies%20and%20Practice%20for%20Roma%20in%20Albania.pdf>; *Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans*, pp. 19-20, http://bpri-odihr.org/single-news/items/Housing_report.html

⁵ <http://eudelegationalbania.wordpress.com/2014/02/20/eu-albania-policy-dialogue-seminar-on-inclusion-of-roma-and-egyptian-communities/>; http://ec.europa.eu/enlargement/pdf/albania/ipa/2011/pf_6_roma.pdf

⁶ *Seminar on inclusion of Roma and Egyptian communities in the framework of Albania's European Union integration 15 December 2011, Tirana, Operational conclusions*, <http://www.osce.org/odihr/91132?download=true>

⁷ See <http://www.amnesty.org/en/region/albania>

⁸ CESCR, General Comment 7, *The right to adequate housing (art. 11.1 of the Covenant): forced evictions*, see esp. Articles 1,3 and 8, <http://www.unhcr.ch/tbs/doc.nsf/0/959f71e476284596802564c3005d8d50?Opendocument>

⁹ *UN Basic Principles on Development-based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, A/HRC/4/18, http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

¹⁰ *Seminar on inclusion of Roma and Egyptian communities in the framework of Albania's European Union integration 15 December 2011, Tirana, Operational conclusions*, <http://www.osce.org/odihr/91132?download=true>

¹¹ *Seminar on inclusion of Roma and Egyptian communities in the framework of Albania's European Union integration 15 December 2011, Tirana, Operational conclusions*, p. 5.

¹² The CESCR in General Comment 7 has highlighted that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and appropriate procedural safeguards are in place. These include genuine consultation with those affected; adequate notice for affected people, information on the proposed evictions and provision of legal remedies and legal aid to people who are in need of it.

¹³ Under Albanian law, the owner of the land was required to provide the Roma living there with 10 days' notice. The police may only act to assist court bailiffs in an eviction, and only after a judicial decision for enforcement proceedings has been issued by the relevant court.

¹⁴ For reports about the disputed ownership of the site, *Shqiptarja*, 29 September 2013. Letter to Amnesty International from EU Delegation to Albania, 26 November 2013.

¹⁵ According to the Ombudsperson's Office, as of April 2014, there are now 52 Roma families, including from other forced evictions, at the site.

¹⁶ CESCR General Comment 4 sets out a number of criteria for "adequate housing", which include "habitability" at (4.8 d): "Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors".

¹⁷ Furthermore, Principle 56 of the United Nations Basic Principles and Guidelines on Development-Based Evictions (Basic Principles), which sets out the procedures and safeguard required in any case of resettlement, states that: (f) "The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of

low-income households”.

¹⁸ *Housing Policies and Practice for Roma in Albania*, pp.13-19.

¹⁹ Under Law no. 54/2012 of 10.05.2012 “On some amendments to the law 9232 of 13.05.2004 “On social housing programmes”, Roma have been identified as a priority group for subsidized rents. For the difficulties faced by other social groups identified in law as having such priority in exercising their right to housing, see *Albania: In search of shelter: Leaving social care in Albania*, <http://www.amnesty.org/en/library/info/EUR11/004/2010/en>

²⁰ Information received from the People’s Advocate and Council of Europe office, April 2014.

²¹ “Specifically, from 29 children under age 5, 8 are attending kindergarten thanks to REF’s intervention; from 33 children between ages 5-10, 11 are currently attending preschool or primary school and REF will enrol another 22; and 34 children between ages 10-15 are also attending school with REF’s assistance”, *Emergency Funding Keeps Kavajesian Children in School*, <http://www.romaeducationfund.hu/news/ref/news-and-events/emergency-funding-keeps-kavajesian-children-school>

²² <http://www.balkaninsight.com/en/article/albania-absolves-roma-camp-arsonists-of-racism>

²³ *Panorama*, “Djegia e banesave të romëve, për zhurmën e muzikës në një dasmë”, 18 July 2011.

²⁴ *Albania: Further information: Inadequate housing for Roma families*, 15 May 2012, <http://www.amnesty.org/en/library/info/EUR11/006/2012/en>

²⁵ *Albania: Further information: Forced eviction for Roma families*, 30 May 2012, <http://www.amnesty.org/en/library/info/EUR11/007/2012/en>

²⁶ <http://www.amnesty.org/en/news/albania-temporary-solutions-are-no-solutions-evicted-roma-families-tirana-2012-02-03>

²⁷ *Shqip*, [“Roma families in danger of being evicted”, trans] p. 20, 6 December 2012.

²⁸ Law no. 9232/2004, “On Social Programmes for Housing the Residents of Urban Zones”.

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