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 (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.

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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.

Ends/
Albania: Government needs to take prompt action to ensure protection and respect for victims of domestic violence

Amnesty International calls on the Albanian government to implement without further delay the recommendations of the People's Advocate, made in mid-April, concerning measures to end abuses at the National Centre for Victims of Domestic Violence, and to improve the conditions and treatment of the women - victims of domestic violence - sheltered at the Centre. These recommendations include the dismissal of the Centre's Director, and other measures to ensure protection and respect for the women sheltering at the Centre.

Amnesty International recalls that this Centre was founded with public and international funds (UNDP) to protect some of the most vulnerable members of Albanian society, and to ensure their enjoyment of their human right to freedom, dignity and to family life free of violence. The abuses that have been revealed at the Centre highlight the urgent need for vigilant monitoring of public institutions and for the enforcement of recruitment criteria which ensure the appointment of staff with the necessary professional qualifications, experience, integrity and competence.

Amnesty International is deeply concerned about the findings of the People's Advocate following an inspection of the Centre from 10 to 12 April 2012. These confirm complaints made earlier by women sheltered at the Centre.

They include:
- Illegal and unconstitutional ‘disciplinary’ measures have been imposed on a number of these women, such as denying them meals, or refusing them permission to visit their children.
- Restrictions on their right to communicate in private with their families and to use mobile phones within the Centre.
- Disrespectful and insulting behaviour by the Director towards certain of the women at the Centre.
- Failure to ensure the women’s security when they leave the Centre to attend court sessions, leaving them open to further attack by their partners.
- The lack of regulations fully setting out the rights and duties of staff and women sheltered at the Centre.

Amnesty International further notes the lack of relevant qualifications and experience of the Director and the presence on the staff list of a person who seemingly does not come to work and is unknown to other staff and to the women at the Centre.

Amnesty International is informed that since the women’s complaints were first made public in early April the only measures which have so far been introduced have been the appointment of a part-time jurist and psychologist and the accompaniment of their children to and from a nearby school.
Albania signs the Council of Europe Convention on preventing and combating violence against women and domestic violence

Amnesty International welcomes Albania’s signing today of the Council of Europe Convention on preventing and combating violence against women and domestic violence. The organization considers it a very welcome step in the country’s progress in addressing domestic violence.

Between January and September 2011 some 1,683 reports of domestic violence were made to the authorities, 260 more than for the same period in 2010. Eighty-two per cent of the victims were women. Most incidents, including those involving violence against children, went unreported.

In 2006, in response to pressure from local women’s organizations and other NGOs, Albania adopted the law “On Measures against Violence in Family Relations” (Domestic Violence Law). The law enabled victims of domestic violence to apply for protection orders, and required relevant ministries to cooperate in the identification and prosecution of domestic violence and in the coordination of support for victims.

Since the introduction of this law women have felt more confident in reporting domestic violence to the authorities. However much more remains to be done: 17 women were killed this year in Albania as a result of domestic violence.

In September, Servete Karoshi was killed by her husband, who had repeatedly ignored protection orders. In most cases proceedings for protection orders are stopped, often because the victim withdraws her petition due to intimidation, social pressure or economic dependence on the perpetrator. Perpetrators who break the terms of protection orders are liable to fines or up to two years’ imprisonment, but the courts rarely impose custodial sentences.

Amnesty International, while welcoming the commitment made by Albania in signing the convention, calls on the authorities to take further measures to ensure the full implementation of the domestic law and measures required to enable the country to ratify the Convention. Amnesty International further urges Albania to make domestic violence a specific criminal offence.

Background
The Council of Europe Convention is a comprehensive, legally-binding international treaty with provisions for prevention, protection of victims and prosecution of offenders. Amnesty International welcomed the adoption of the Convention in May 2011 as a major step towards ending violence against women in Europe.

The ministerial session of the Council of Europe’s Committee of Ministers, in Istanbul, on 10-11 May 2011 adopted the Council of Europe Convention on preventing and combating violence against women and domestic violence.

The Convention will enter into force once 10 countries have ratified it. The Convention is open to Council of Europe member states; however other countries can equally join the treaty.

To date only 18 countries including Albania, have signed it and no country has yet ratified the convention.
AMNESTY INTERNATIONAL
PUBLIC STATEMENT

28 March 2012

Albania: All members of parliament should support the Pride flag parade

Amnesty International today welcomed the Albanian Prime Minister’s support for the first Pride event in Albania, planned to be held in Tirana on 17 April.

Prime Minister Sali Berisha’s statement on Monday – confirming the right to freedom of expression and assembly of the lesbian, gay, bisexual and transgender (LGBT) community in Albania - follows a series of homophobic and discriminatory statements by members of the government and parliamentary parties.

LGBT activists had not planned a full-scale Pride March for 17 April, but according to the LGBT organization, the Pink Embassy, they plan to raise the LGBT rainbow flag beside the Albanian flag in a main public square, and then carry it to the Prime Minister’s Office to request the government to do more to ensure the respect of LGBT rights. The Pink Embassy also aims to celebrate diversity and raise public awareness about the rights of LGBT people.

Following the announcement of the Pride event, Ekrem Spahiu, the Deputy Minister of Defence, stated in an interview in the daily Gazeta Shqiptare on Friday 23 March “My only comment on this gay parade is that they deserve the stick.”

LGBT activists from the “Alliance against Discrimination” and “Pro-LGBT” have also called for the Deputy Minister to be prosecuted. Amnesty International notes that on 26 March they filed a formal complaint with the Prosecutor of Tirana District against Ekrem Spahiu for inciting hatred under Article 266 of the Criminal Code. The Anti-Discrimination Commissioner, Irma Baraku, has also responded by launching of an ex officio investigation. The Ombudsperson's Office condemned the remarks, on the basis that such statements incited hatred and violence.

Some 48 non governmental organizations and activists have reportedly added their support.

In February 2010 Albania adopted anti-discrimination legislation which includes the prohibition of discrimination based on sexual orientation and gender identity. Under both domestic and international human rights law, therefore, Albania has a duty to respect, protect and fulfil the right to be free from discrimination on the grounds of sexual orientation and gender identity.

The Delegation of the European Union to Albania on 27 March recalled that Albania had made a commitment to combating discrimination, and criticized Enver Spahiu’s statement for being in contradiction with the implementation of anti-discrimination policies and fundamental rights of the EU.

However, following his remarks, Ekrem Spahiu’s party, the Legality Movement Party, declared that “Homosexuality is a sexual deviation, a vice, a misfortune or a curse that undermines national values”. The Demo-Christian Party and Republican Party subsequently issued statements, objecting to same-sex relationships and same-sex marriage.

In the context of the Pride, Amnesty International reminds the Albanian government that it is obliged under international and domestic law to guarantee the rights to freedom to assembly, expression and association to the LGBT community and their supporters.
Any threats against the rights of LGBT people, and which amount to incitement to discrimination, hostility or violence against organizers or participants must be promptly and effectively investigated by the Albanian authorities.

Amnesty International reminds the Albanian authorities of their obligations to ensure the protection and safety of the Pride organizers and participants. The police have a duty to identify possible security threats from counter-demonstrators. Effective security measures must be put in place to protect participants, including an adequate police presence at and around the chosen venue.
Albania: Temporary solutions are no solutions for evicted Roma families in Tirana

The Albanian authorities must immediately provide adequate housing for around 35 Roma families who face imminent forced eviction or have already been forcibly evicted, Amnesty International said today.

“Dozens of Romani people, including the elderly and small children, are facing winter on the streets – without a roof over their heads, without any certainty about their future security or adequate assistance from the authorities. Adults will find it difficult to support their families, the infirm – to access healthcare, children will not be able to go to school,” said Jezercja Tigani, Europe and Central Asia Deputy Programme Director.

“This is the result of decades of failure by the authorities to provide adequate housing to Roma, and other vulnerable groups in Albania, despite their national and international obligations.”

Sixteen families face an imminent forced eviction from a site near an artificial lake where they took refuge after they fled a site near Tirana railway station, together with a dozen other families, after being attacked by outsiders a year ago.

The authorities did not offer protection from the attacks or adequate housing but instead offered the Roma families alternative tented accommodation at a riverside site at Babrru, on the outskirts of Tirana.

The majority of the families refused to go to Babrru which they considered to be dangerous for children, lacking necessary facilities, and offering inadequate protection from bad weather. Instead they built sheds near an artificial lake in Tirana, alongside seven Roma families who had already settled there several years ago.

On 21 January 2012, officials from Tirana Municipality reportedly visited the site and told them to leave, without offering any alternative accommodation. The Roma families pulled down their sheds to save the building materials from the bulldozers and left on 24 January. On 27 January 16 of these families, unable to find another site, returned to the artificial lake and rebuilt their sheds and now face another forced eviction.

10 families from the Tirana railway station side did move to the Babrru tented site but have since been forced to leave due to a dispute over unpaid rent between the Ministry of Labour and Social Affairs, and the landowner.

On 1 February, these families sought shelter and assistance from the People’s Advocate (Ombudsperson) who had found living conditions at the site to be very poor, lacking water, electricity, heating and medical supplies for children many of whom had suffered from ill health and malnutrition during a period of sub-zero temperatures.

They set up their tents in the courtyard of the Ombudsperson’s office and on 2 February, it was reported they would be temporarily re-housed in a school gymnasium.
None of these families was consulted or provided with adequate or formal notice of eviction.

“The Albanian authorities are violating international law when they force people out of their homes without legal protection or alternative accommodation,” said Jezërca Tignani.

“Thirty-five families are in urgent need of adequate homes. A school gymnasium is not adequate housing and nor does this address the issue of compensation for the destruction of homes, possessions and loss of income which the authorities have a duty to provide.”

Under international law, evictions may be carried out only as a last resort, once other alternatives have been explored in consultation with the affected communities. The authorities should then provide them with adequate and formal notice of eviction. The authorities must ensure that no families are made homeless or vulnerable to the violation of other human rights as a consequence of eviction.

See also AI Urgent Actions on forced evictions of Roma families:

Albania: Further information: Forced eviction for Roma families
30 May 2012  Urgent Action  EUR 11/007/2012

Albania: Further information: Inadequate housing for Roma families

Albania: Further information: Roma families get temporary accommodation
15 Feb 2012  Urgent Action  EUR 11/003/2012

Albania: Romani families made homeless in Albania
2 Feb 2012  Urgent Action  EUR 11/002/2012

Albania: Stop forced evictions of Roma in Albania
1 Feb 2012  Urgent Action  EUR 11/001/2012