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Housing Policies and Practice for Roma in Albania

Background Study





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THIS STUDY IS COMMISSIONED BY UNDP ALBANIA IN THE FRAMEWORK OF REGIONAL SUPPORT FACILITY FOR IMPROVING STAKEHOLDER CAPACITY FOR PROGRESS ON ROMA INCLUSION FUNDED BY SDC AND OSI AND IMPLEMENTED BY UNDP IN THE WESTERN BALKANS.

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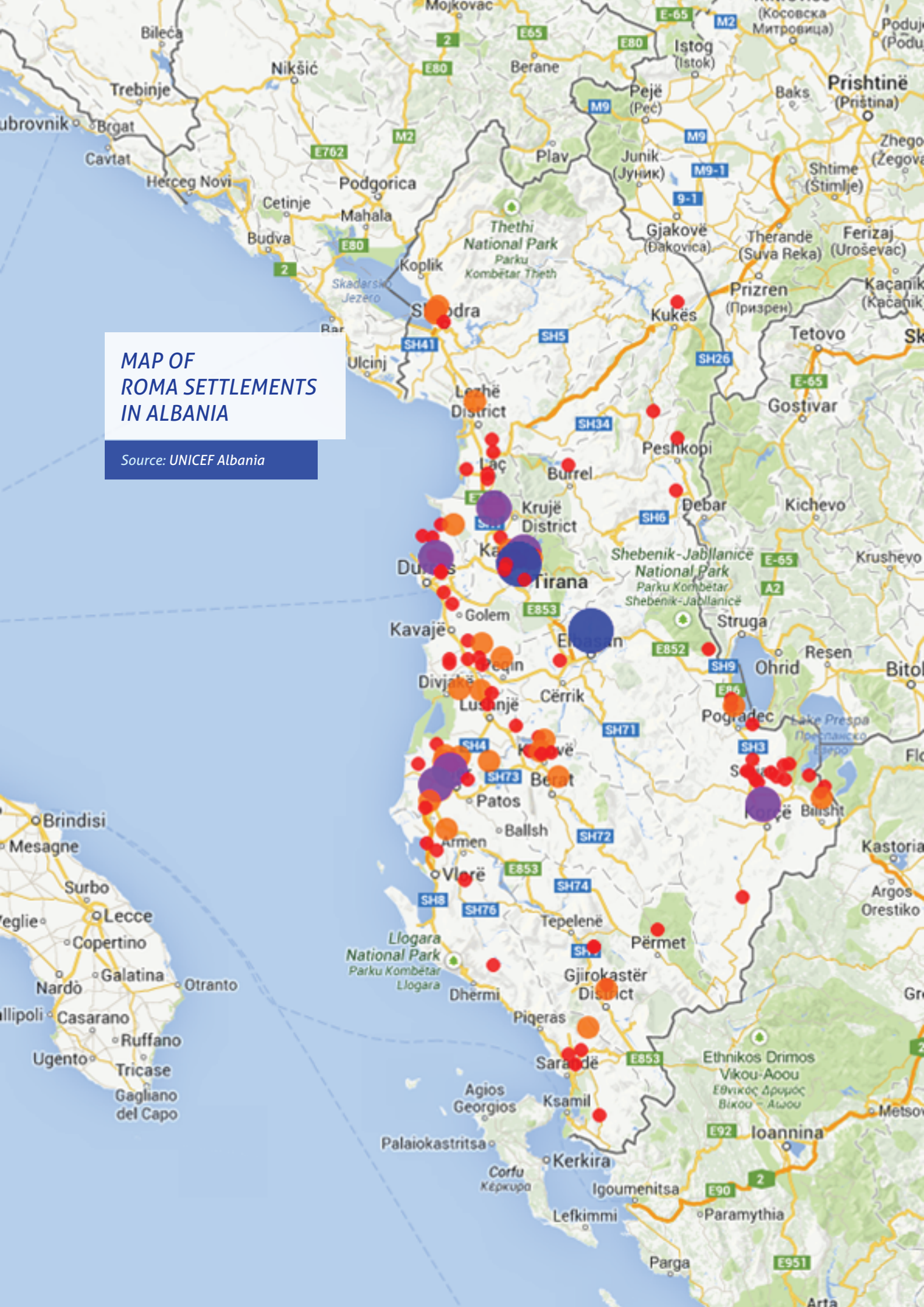
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ABBREVIATIONS

ALL	Albanian Lek
CEB	Council of Europe Development Bank
CESCR	Committee on Economic, Social and Cultural Rights
CESS	Center for Social and Economic Studies
CNH	Construction of New Housing Project
EUD	European Union Delegation
GoA	Government of Albania
ILC	Improving living conditions of Roma community
MPWT	Ministry of Public Works and Transportation
NHA	National Housing Agency
ODHIR	OSCE office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
OSI	Open Society Institute
SDC	SDCSwiss Development Cooperation
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund

MAP OF ROMA SETTLEMENTS IN ALBANIA

Source: UNICEF Albania



EXECUTIVE SUMMARY

Improving the housing situation for the Roma is a precondition for enabling them to enjoy equal rights and thus contribute directly to their social inclusion in Albanian society. There is a broad consensus among various actors that adequate housing has a direct impact in the health of people, conditions their access to health services, fosters educational attainment, and impacts the ability of individuals to utilize vocational trainings and job opportunities. Is this the reason why the Roma Decade to which Albania is signatory, has focused since its inception on the four key areas of housing, education, health and employment¹.

This Background Study is a desk review of the housing situation of Roma population in Albania. The analysis covers the whole housing problematic encountered by Roma population, with a particular focus on those families who live in informality and as such are not directly eligible for standard social housing programmes. The study attempts to provide a comprehensive view of the current situation on the ground by focusing on:

- Housing situation and challenges faced by Roma;
- International and national legislation and policies guiding and regulating housing issues and Roma inclusion and the status of their implementation;
- Public work to improve the Roma housing situation; and
- Examples of successful programs from elsewhere in the world.

Chapter 1 details the poor living conditions of the Roma relative to the non-Roma population in Albania. The Roma live largely in informal settlements characterized by unsafe and unhealthy conditions with poor sanitation and water supply. They suffer from legal insecurity, lack property rights, are forcibly evicted and cannot get their families registered for benefitting from public services.

Chapter 2 presents a detailed description of the international and national legal and policy framework that has direct relevance to addressing the Roma housing situation. It identifies that while Albania is signatory to many international instruments and has legislation in place to address the Roma housing situation, its political will is rarely matched by financial and other resources necessary to improve the situation of the Roma.

Chapter 3 describes a few mechanisms that have been used to address the Roma housing situation in Albania. The overview shows that small grants, new housing and social housing projects have been implemented with mixed results. Their success depends on a thorough understanding of the beneficiaries, their needs and local context.

Chapter 4 forwards cases in which social housing or other models have been used with success elsewhere in the world. Adaptation of any of these models would require close attention to the needs of the local context of Albania.

Chapter 5 provides some conclusions and recommendations for improving legislation, policies and practices to the benefit of Roma communities as well as identifies potential

¹ National Action Plan for Roma Decade, Government of Albania, 2009; See also <http://www.romadecade.org/about>.

intervention programmes for improving the situation. Improving the housing situation for the Roma is a priority issue conditioning access to other basic rights and therefore interventions in the area of employment, education and health should be accompanied by housing support. A human rights based approach should guide interventions designed to this end, giving due considerations to the followings:

(1) While a good legal framework exists, it needs to be further amended in order to ensure eligibility of the Roma living in informality, for standard social services, including the criteria for housing programs.

(2) Awareness on discrimination is not fully achieved. There is a need for awareness raising, training, capacity building and institutional behavioural change of public authorities, leading to avoiding of discriminatory language and attitudes against Albanian citizens of belonging to Roma community.

(3) Solving the housing situation for the Roma needs political will and budget commitment but also cooperation and coordination among various level of central and local governments and international donor community.

(4) While housing is very important, giving it away to families who live in informality and run a street life for years, be they Roma or other, will not solve their problems, unless a multi-sectoral empowerment and integration plan is put in place. Communities need to be involved adequately when discussing housing issues and proposed policies.

(5) Design of social housing programmes that meet the needs of the most vulnerable Roma will include: **Sensitivity to local context.** While formulating adequate policies at the national level is important, it is paramount that within the Albanian law context, social housing policies are located at the municipal level; **Needs assessment.** Development and upgrading of social housing programmes should begin with the identification of the beneficiaries' needs. Beneficiaries should be able to use different programmes to satisfy their needs as well as to combine programmes if needed. Moreover, social housing should also be integrated into sustainable human settlements and contribute to neighbourhood improvement. Specifically, Roma inclusion needs to go beyond housing and requires access to education, employment, health care, etc. Affirmative action (for a specific period of time) can be explored for housing, as it is already applied for Roma in other sectors. **Realistic models.** The proposed financial model should support policy implementation but should also be applicable and realistic for the intended beneficiaries. Further, the development of tenure and management models that support the financial model are suitable for the intended beneficiaries.

(6) Cases of eviction are evidenced and no solutions are yet offered. Local authorities should systematically organize 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.

(7) Whereas this background study identifies the housing issues affecting Roma communities and particularly those living in informality, the real size and extend of the problem, may need further analysis. Evidence should guide the future diversified housing policies. Within this framework a comprehensive assessment and analysis of housing needs of the Roma and non-Roma would contribute to a more comprehensive understanding of these needs and inform approaches to address them.

A crucial limitation of the study is the knowledge base and the gaps in its evidence base, i.e., the availability of systematic empirical data as well as complete information on projects implemented on the ground. Albania has a poor functioning institutionalised framework for monitoring Roma situation and measuring housing performance. A more comprehensive assessment would have included a country report, providing insights into commonalities and differences in housing outcomes and the experiences of Roma groups versus non-Roma, official statistics and reports, in-depth academic research, voluntary sector information, and complaints and case law records. We remain hopeful that future studies will benefit from more varied data sources whose use would add to the robustness of findings and conclusions.

CHAPTER 1: HOUSING SITUATION OF ROMA COMMUNITIES

Introduction

The Roma constitute an ethnic-linguistic minority in Albania. Although the 2011 Census caps them at 8,300 people, other official reports estimate between 15,000 and 120,000 people.² The Roma population is present in all of the country. However according to the 2003 National Strategy for Roma Inclusion, they are more concentrated in Tiranë, Elbasan, Korçë, Lushnjë, Fier Fushë-Krujë and Berat.

Various institutional reports consistently show that Roma population encounters persistent discrimination, social exclusion and are at very high risk of poverty and unemployment. Roma communities are amongst the poorest and most vulnerable groups of the population. This is due to historical reasons, but also ineffective government policies. In most of the cases Roma communities continue to live in isolation and extreme poverty having the lowest level of education participation and employment rates. UNDP's 2012 *Needs Assessment Study on Roma and Egyptian Communities in Albania* shows that majority of Roma are unemployed and this unemployment is long term. In absence of formal jobs, most Roma work informally in the sectors of small trade of used clothes, and increasingly in individual collection of recyclable waste and begging.³ In addition, they are the most affected group by a combined form of discrimination due to race, poverty, way of living, level of education and other indicators. Being forced to run a life in the streets for years with no access to housing, school, healthcare, employment services has locked these families in the vicious circle of informality, thus being unable to access standard social services including social housing programs.

The living conditions of Roma community should be seen and considered within the general economic and social context of the country. The economic development model of Albania in the past 20 years has generated wealth, but at the same time has increased social and economic disparities and polarisation. For example, if we refer to *the value of UNDP Human Development Index for 2012, it was 0.749. However, analysis conducted through an inequality lens shows that the 2012 value, when adjusted for inequality, decreases to 0.645. Such a change underscores critical development challenges in terms of inclusive sustainable human development*⁴. Reports of different international organisations refer to rural communities as the poorest, and within this community, those of northeast Albania facing the worst conditions due to many factors including poor connection with the rest of the country. However, rural communities are not threatened by evictions, due to ownership on land and housing inherited or acquired from land reforms.

Access to affordable and good quality housing is one of the biggest challenges for the Albanian society in general. Poor and vulnerable groups of the population find it difficult and in many cases, impossible to afford housing. Alternative self-help solutions bring needy

² The estimated size of Roma population in Albania has been very controversial and never accepted by all parties. The World Bank Study in 2002 refers to 120,000 Roma in Albania, while a UNICEF Study (Mapping Roma Children in Albania, <http://www.sidalbania.org/romacom.html>, page 22) in 2011 estimates round t 15,000 Roma in the surveyed communities all over Albania.. However, the 2011 Census counted only 8000 Roma. Despite the huge differences, these figures do not reflect the number of the Egyptian population which alone is estimated to be over 200,000.

³ Needs Assessment Study on Roma and Egyptian Communities in Albania, UNDP 2012

⁴ Government of Albania and United Nations Programme of Cooperation 2012-2016; Progress report 2012

population into informal and inadequate housing conditions. The consequences of this situation are, among others: insecure tenure and risk of evictions, unhealthy living conditions and higher mortality rates, risks for the life from flooding, landslides and industrial pollution of the site, etc.

Different groups of population are faced with these risks, including migrants that live in informal settlements, rural inhabitants that live in old and dilapidated housing, low-income families that usually end-up living in overcrowding dwellings, people with disabilities that are trapped in physical barriers, orphans, which are abandoned from social care after leaving the institutions and Roma communities that live in different precarious situations.

However, among the Roma, poverty and lack of adequate housing are more prevalent. For example, in a 2011 regional survey on Roma housing situation, in Albania, 8% of Roma participating in the study experience multiple housing deprivation, as compared to less than 1% of non-Roma, while 30% of Roma respondents had no improved water, sanitation and electricity as compared to 7% non-Roma. Albania is not unique in this case. About 45% of Roma participating in the survey lived in households that lacked at least one of the following facilities: indoor kitchen, indoor toilet, indoor shower or bath and electricity. This figure was 5.5% in EU 27 Member States⁵. It also reported that on average, more than two people lived in one room, which is far beyond the OECD average of 0.8 people per room⁶.

Challenges faced by Roma communities to access affordable and adequate housing

Roma communities in Albania face various challenges with regard to accessing affordable and adequate housing. However systematic research including continuous monitoring of the situation is lacking. The 2003 *Strategy for Improving the Living Conditions of Roma* revealed that some Roma communities in Baltëz of Fier lived in good houses and owned plots of land. About 600 Roma families in Kulleiri of Korça live in conditions comparable to Albanian citizens. A 2006 survey conducted by the National Housing Agency (NHA) to identify the needs of Roma families located in the main areas inhabited by Roma in Tirane, Berat, Fier, Korce, Elbasan and Vlore also showed that some Roma communities, especially those engaged with second hand clothes trade in Tirana had good living conditions with stable and rather big homes connected to the infrastructure.

However, good living conditions for the Roma remain the exception and not the norm. In general, the situation remains dismal. The 2006 NHA survey found that approximately 440 families needed rehabilitation of their houses/shacks, 450 families were in need of housing, due to the insecure and/or unhygienic conditions, while some communities in Gjirokastër, Korçë, Delvinë needed investment in infrastructure and protection from flooding, especially for the community living on the banks of river Manasder (Elbasan). The total cost for this investments was estimated roughly ALL 500 million.

⁵ EUROSTAT, Housing Statistics, 2011; accessible at: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Housing_statistics

⁶ www.oecdbetterlifeindex.org/topics/housing/

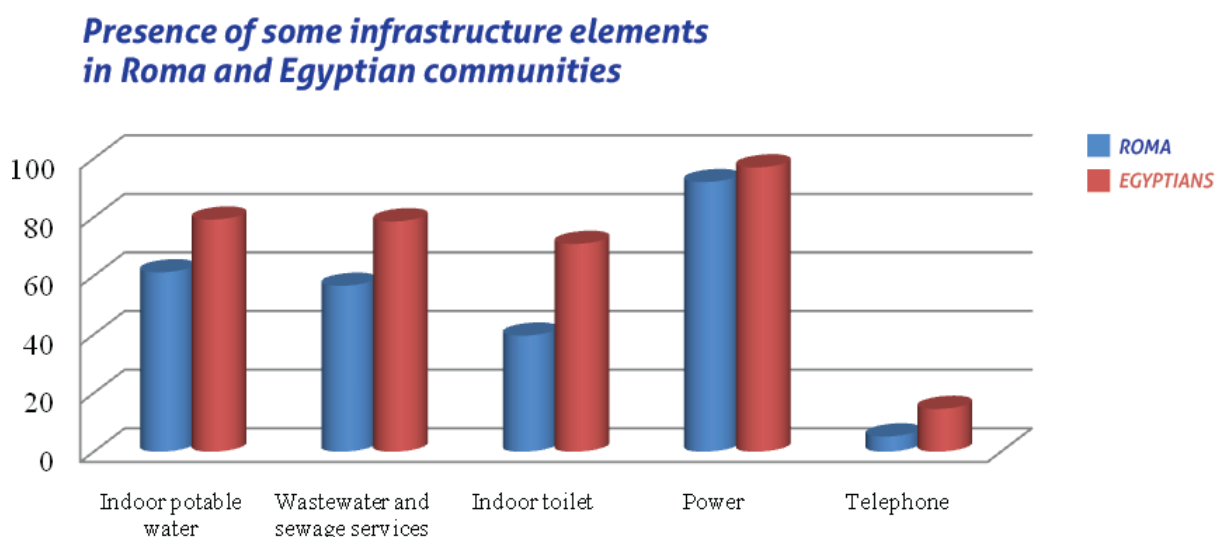
Informal Settlements

Most of Roma communities live in informal settlements. The NHA survey of 2006 showed that only 4.3% of Roma families owned the land on their housing, 87% had occupied private land (subject to property restitution) and for the rest the housing was located on public land. Such finding indicates that generally the Roma live with insecurity of tenure, especially those located on private land, in vicinity of cities that are subject to development. A significant part of these families live in shacks or improvised huts with no access to basic housing conditions.

Lack of indoor water and sanitation

A UNDP survey⁷ conducted in 2012 by the Centre of Economic and Social Studies (CESS) showed that lack of indoor water and sanitation is typical for the Roma settlements. Close to 38.8% of Roma population do not have indoor running water while 43.4% have no toilets at homes. The number of people who say they have indoor toilet facilities and those who have outdoor toilets is almost equal (34% and 37.4% respectively). The situation with access to potable water is similar; although a large number of respondents say they have access to potable water at home (61.2%), there is still a considerably large number who say they don't (38.8%). As regards access to wastewater services, 56.6% of the respondents say they are connected to the sewage network while 43.4% report they are not. Lack of water and sanitation is the main source for infective diseases and high child mortality rates. A rough estimation of needs for investing in providing water and sanitation to Roma settlements is ALL 100 million.

Graph 1. Presence of infrastructure services in Roma and Egyptian communities



Source: 2011 Roma and Egyptian Social Economic Survey

⁷ UNDP, 2012; *A Needs Assessment Study on Roma and Egyptian Communities in Albania*

Unhealthy and unsafe living conditions

The same study revealed that over 38 per cent of Roma families live in old decrepit buildings, and 21 per cent live in shacks built with plastics, metal panels or makeshift tents⁸. Unhealthy living conditions contribute to physical and mental disorders, reflected mostly in respiratory diseases, depression and aggressive conduct. For example, incidences of asthma and lung diseases are 3 times higher in Roma than non-Roma population. The same ratio stands also for the incidence of anxiety and depression⁹. Furthermore, the Roma are plagued by unsafe living conditions, due to location in some cases, close to riverbanks. Roma families living in these areas are threatened by flooding and risk for their life, not to mention the risks from diseases that can be spread because of flooding. For example, the investment costs for improving the Manasder riverbanks near Elbasan, where Roma community live are estimated roughly ALL 300 million.

Inability to access social housing programmes

Reports show that Roma may not be able to access low-cost housing and mortgage interest subsidy programmes. This is mostly due to:

- Roma do not receive additional points in the selection criteria for being Roma and even if they do, there is not any document that they can provide to prove that;
- Roma cannot prove their income, since generally they are not formally employed;
- They do not earn at such levels to afford paying a rent or paying back a subsidised loan;
- Most or some of them are not registered in the civil registries of local government where they actually reside for years;
- They lack information about public policies and also often the required documentation for applying to social housing programs. This is particularly the case with those Roma living in informality and in risk of eviction, which are not able to follow the required procedures;
- Location is not taken into account when deciding for housing solutions for Roma, which are not willing to move to an area without easy access to waste bins and/or begging.

Forced eviction

Eviction is a sobering reality for Albanians. A typical case is that of tenants in private houses, whose ownership is given back to the original owner, due to property restitution law or court decisions. There have been cases, where the municipality has issued a construction permit for redevelopment of the area and the tenants that were living in these houses were evicted. Last year, the government, approved a normative act, by which the tenants living in houses returned to the original owners, should vacate the houses within the 1st of November 2012. This act can be considered as a mass eviction (although the Constitutional Court rejected the request of the tenants to repeal it as incompatible with the Constitution), however the situation is more complex in this case.

In the case of the Roma however, forced evictions are a norm due to their access to insecure housing (see discussion above). Roma families which generate income in collection

⁸ UNDP, 2012; *A Needs Assessment Study on Roma and Egyptian Communities in Albania*

⁹ UNDP, 2011; *The Housing Situation of Roma Communities: Regional Survey 2011*

of recycle waste and begging are settled in urban areas where these activities are possible, usually in land or premises that does not belong to them and for which they do not pay rent. As a result, this category of Roma families is in continual risk of eviction whenever public works or private investments are started in these territories. In the last three years, there have been repeated cases of forced evictions of Roma families in Tirana, allegedly lacking due process and not providing in advance alternative housing or shelter for the affected families. Efforts to find shelter alternatives after the evictions have taken place, without a realistic operational plan, have been refused by evicted Roma families, who among others were concerned on whether the proposed place made it impossible or difficult for them to collect recyclable materials or beg. For example, in 2006, four families were evicted from their homes in a Roma neighbourhood in Elbasan and their houses were demolished to clear the land for the construction of social housing. After the eviction, the families did not receive any assistance, in spite of promises they would have priority in social housing. In February 2011, 45 Roma families were forcibly removed from their settlements near Tirana train station. An unknown individual set fire to the settlement forcing the Roma to leave. The area was soon transformed into a construction site.

Recognizing this situation, the joint seminar between EU Delegation and GoA on 15 December 2011 in Tirana, Albania issued a recommendation that the local authorities should systematically organize 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. There is no evidence to show that this recommendation was heeded; reality shows little has been done to change the situation. To illustrate, in August 2013, 38 Roma families living in living in Tirana in the area known as "Ish Dekori," were forced to leave their barracks as they were all demolished by a construction company. The 38 families moved outside the surrounded territory and up to this date have settled in the pavement next to the construction site¹⁰. Having informal scrap collection and begging as their sole alternative for surviving, Roma families are forced to accept the hardship and degrading conditions in improvised huts near major streets and risk of evictions, rather than transfer into allegedly shelters (Sharra center) which are lacking a clear operational plan and where the said income generation activities become impossible or too difficult to carry out.¹¹

¹⁰ The new government that took office in September 2013 stated the importance of immediate solution to Roma leaving in Ish-Dekori. A new site has been identified in Shtish Tufina area and reconstruction work and development of operational plan for relocation of Roma families have started.

¹¹ Recommendation to Ministry of Social Welfare and Youth on Establishment of Transitory Reception Center and of Public Enterprises on Recyclable Waste Management, Institute of Romani Culture in Albania-IRCA 2013;



Photo 1: Process of destroying Roma settlement, August 2013.

Photo from People's Advocate Office



Photo 2: Roma settlement in the pavement next to destroyed site, August 2013.

Photo from People's Advocate Office

CHAPTER 2: LEGAL AND POLICY FRAMEWORK FOR ROMA HOUSING

International Framework

The right to housing is addressed directly and indirectly in a considerable number of international legally binding documents, which Albania has ratified. Article 25 of the United Nations Universal Declaration of Human Rights states that: *“Everyone has the **right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control**”*¹².

The International Covenant on Economic, Social and Cultural Rights and in particular, Article 11 states: *“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”*

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 4, explains the understanding of the **right to adequate housing**, as referred to Article 11 of the Covenant. It includes the following elements:

- **Legal security of tenure:** Regardless of the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;
- **Affordability:** Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs (for example, food, education, access to health care);
- **Habitability:** Adequate housing should provide for elements such as adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors;
- **Availability of services, materials, facilities and infrastructure:** Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, etc.;
- **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account (such as the poor, people facing discrimination; persons with disabilities, victims of natural disasters);
- **Location:** Adequate housing must allow access to employment options, health-care services, schools, child-care centres and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources;
- **Cultural adequacy:** Adequate housing should respect and take into account the expression of cultural identity and ways of life.

In addition, the 2007 Report of the Special Rapporteur on adequate housing as a component

¹² United Nations General Assembly Resolution 217a (Iii), Universal Declaration of Human Rights 10 December 1948, Article 25.1.

of the right to an adequate standard of living, Miloon Kothari to the Human Rights Council outlines a set of *Basic principles and guidelines on development-based evictions and displacement*. These guidelines aim to assist States in developing policies and legislations to prevent forced evictions at the domestic level¹³.

The International Convention on the Elimination of All Forms of Racial Discrimination, especially article 5, states that: “...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights ... **the right to housing** (included into the Economic Social and Cultural Rights)

Articles 30 and 31 of the European Social Charter (revised), call for measures and coordinated approaches to promote effective access of persons who live or risk living in a situation of social exclusion or poverty, to (among others) **housing**. It also urges Parties of the Charter to take measures for promoting access to **adequate** and **affordable housing** and **reducing homelessness**.

Finally, the Council of Europe Committee of Ministers (CM), in its Recommendation¹⁴ “on improving the housing conditions of Roma and Travellers in Europe”, recommends a set of principles to be followed by member states, among which integrated housing policies targeted for Roma, freedom of choice between sedentary or nomadic lifestyle, equal access to adequate housing for Roma through proactive policies etc. This document makes further recommendations on the legal framework with particular reference to the right for adequate housing and antidiscrimination, implementation and monitoring. It also provides recommendations on protection and improvement of existing housing through, inter alia, ensuring security of tenure and legalisation. The recommendations of the CM are not binding however member states are required to inform the CM on the actions taken to improve a particular situation as recommended by CM.

Albania has signed and ratified the above mentioned international instruments and the Millennium Declaration of United Nations and has obligations towards their implementation. Lastly, Albania is also one of the nine countries that launched the Decade of Roma inclusion initiative which is supported by a number of international organisations, including United Nations Development Programme (UNDP). Albania expressed the will to join the Decade in 2007 and became a member with full rights in July 2008¹⁵.

National legislation and implementation

The Constitution of Albania provides a constitutional guarantee for the observation of the international housing standards and right to adequate housing. Although, the Article 59 of the constitution enumerates housing among the social objectives, Article 122 recognizes international agreements ratified by law, as part of internal legal system, directly applicable

¹³ <http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx>

¹⁴ Council of Europe, Committee Of Ministers; 23 February 2005; Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe; accessible at: <https://wcd.coe.int/ViewDoc.jsp?id=825545>

¹⁵ UNDP and Government of Albania 2011, The Decade of Roma Inclusion National Action Plan 2010-2015

and prevailing over the domestic legislation. This said, the ICESCR, which guarantees the right to housing is directly applicable in Albanian courts and prevails over any other ambiguous domestic legal provision. Further, Article 18 of the Constitution guarantees the right of equality before the law and protection against discrimination for any reason, including race, ethnicity, language, economic conditions, etc. Paragraph 3 of Article 18 allows for the implementation of positive discrimination, which ensures protection for specific groups, if objective reasons exist. These two Constitutional provisions are the basis for enacting specific legislation on access to housing and anti discrimination. The latter is also bound by international treaties on protection against discrimination.

Decentralised housing responsibilities

According to the integral law on decentralisation, housing is a function of local self-government (Law no. 8652, of 31.7.2000, on the organization and functioning of local governance, article 10). Based on the housing law, national government, through the responsible ministry (formerly known as the Ministry of Public Works and Transport - MPWT), provides financial support to local authorities, based on certain criteria. There are several challenges that hamper local authorities to exercise their functions in the housing sphere, including the followings:

- a) **Low capacities of human capital**, which lack specific knowledge to plan, develop, implement and manage housing programmes. Usually housing projects are considered as investments to provide a number of dwellings, neglecting vital services that should be provided, such as education, health care, public transport, recreation areas, good connection with labour markets, public spaces and a sustainable system for their management;
- b) Addressing a relatively small number of individuals (as compare to roads, water and sanitation) housing programmes give **low political credits** to local elected officials. On the other hand, being a service benefiting individuals rather than communities, it is often difficult to capture the public interest in housing. Therefore, housing receives **low political priority** at local (including national) level.
- c) Housing is an **expensive investment** to provide and also maintain. Eliminating the burden of housing maintenance from the state budget was one of the reasons for the privatisation of the public housing stock in the early '90's. Local government revenues and the need for investments in other priority areas limit very much their capacities to invest in housing programmes. Their capacities to leverage funds from other sources are also limited. The law on local borrowings (No.9869, of 4.2.2008) allows local authorities to borrow funds from the market, under very strict conditions. However, there is not yet any example of **local borrowing** for developing housing programmes.
- d) The pending and unresolved **property issues** aggravate the problems of local authorities. The housing law specifies that public objects that, due to structural reforms are no more used for their primary function and are abandoned (former military zones, ex-industrial sites, warehouses, dormitories, etc.), to be transferred to local authorities. The latter, should invest for adapting them into social housing. However, the law of restitution of properties requires that public objects or state owned land to be used for compensation purposes. In some cases, the Council of Ministers takes decisions to privatise state owned objects. Also, the transfer of state owned properties is not yet completed to local authorities and, therefore they cannot have a clear vision for the development of their territory and the function that they

can attribute to these buildings.

Social programmes for housing

Policy instruments to address access to housing as a social objective, are embedded into the **law No. 9232 of 13.05.2004 “On Social programmes for housing”**, as amended (further, for abbreviation purposes, to be mentioned as “housing law”). The objective of the law is the establishment of administrative rules, procedures and modalities for planning, provision, allocation and management of housing for social groups. The aim of the law is to ensure possibilities for access to adequate and affordable housing for the needy households.

The law establishes the criteria for the selection of beneficiaries from the state supported housing programmes. The criteria are grouped into 4 categories that specify: (a) *housing conditions* (such as overcrowding, housing in risk of demolition, etc); (b) *family conditions* (such as divorced, female headed family, family with many children, etc); (c) *social conditions* (such as disabled, elderly, orphans, migrant workers, etc.); (d) *economic conditions*.

To be preselected for the scoring system, the family should comply with two conditions:

- Monthly income should not be higher than 100% of the area average for social housing and 120% for low-cost housing;
- Families should not own a house, or live in a house, which size is not bigger than the minimal standards established by law.

Local authorities are responsible for establishing the scores, according to their priorities and predominant needy groups. Although, government had recognized the need for positive measures targeting Roma, the law on social housing programs did not specifically identify Roma among the prioritized social group and therefore they could not get additional scores, despite their vulnerable status. The need to amend the law and include Roma among the prioritized categories thus allowing special quotas, has been requested also by People’s Advocate in his recommendation to former Ministry of Transport and Public Works.

The recent amendments to the law¹⁶ approved in early 2012 touch directly the Roma community:

:

- Article 24, on the rent subsidy, where Roma community is identified as a priority group for benefiting rental subsidy; and
- Article 25/2, on small grants, which is addressed specifically for projects that support improvement of living conditions of Roma community.

In addition, the condition that only 50% of rent can be subsidised by local government is amended in 2012 (article 24). According to article 24, as amended, if the rent is more than 25% of family’s income, the family is eligible for a rent allowance that covers the difference between the real rent and the one that the family can afford. What the law does not say is the case when the family have extremely low income, and if the full rent can be subsidised 100% in this case.

¹⁶ Law no. 54/2012 of 10.05.2012 “On some amendments to the law 9232 of 13.05.2004 “On social housing programmes””

Legalisation, urbanisation and integration of informal buildings

The law no. 9482/2006 “On the legalisation, urbanisation and integration of informal buildings” applies to all the buildings, constructed without permission. There are almost no restrictions for legalisation, except for those constructions built in touristic areas, which should be verified by specialists for complying with the law on tourism development. The law also restricts the legalisation of informal constructions within the cities, which are done on private land and in areas, where the regulatory plan foresees the construction of buildings with more than 5 stories. Most of the cities, affected by informal development, at the time that the law on legalisation was approved had regulatory plans dating before the ‘90ies. At that time, the maximum height of the buildings were 5-6 stories, therefore potentially every informal building is eligible for legalisation.

The State Agency for Legalisation of Informal Settlements, (ALUIZNI) under the Ministry of Public Works and Transport (now Ministry of Urban Development and Tourism), completed the registration of self-declaration in 2007, according to which, 350,000 claims for individual property were registered for legalisation, extended into an area of 300,000 ha. ALUIZNI planned to finalise the legalisation of properties within 2010. However, until the end of 2011 only 4% of the properties were legalised, while 50% was still in process of verification and documentation.

One claimant can legalise only one property, which in rural areas should not be more than 500m², while in urban areas 300m². The price for legalising the land is set based on the surface occupied and varies, in rural areas, between ALL100.000 for a plot of land up to 100m² to ALL400.000 for a plot up to 500m². In urban areas the legalisation fee is double. Later amendments to the law, allow for the payment of the 70% of the amount with privatisation bonds.

Based on the law, Roma communities that have occupied informally an area are eligible for legalisation, if they comply with minimum requirements of the law. There are no evidences from ALUIZNI, if Roma communities have benefited from the legalisation law, since ALUIZNI does not register the claims according to any specific social, including ethnic criteria. However, it can be assumed that few Roma may have benefited from the legalisation. This may be due to several “lacks” such as knowledge and information on legalisation, financial means, inability to prepare the required documentation, discriminatory attitudes of public officials and lack of self-confidence in approaching public institutions, etc.. Another factor is highlighted by UNDP¹⁷, which refers to the fact that living for long time in a place made Roma communities believe that they have gained rights over it.

Expropriations and evictions

Article 41 of the Constitution guaranties the right to private property. It states that private property can be expropriated only for public purposes and towards a fair (right) compensation. Those that disagree on the amount of compensation may appeal in the court. It means that the law allows only the repealing of the amount of compensation and not of the expropriation itself.

¹⁷ UNDP 2012, *A Needs Assessment Study on Roma and Egyptians in Albania*

Law no. 8561/2000 on expropriation for public interest regulates the rights of state for expropriation for public interest and protects the rights of private owners. The law defines 8 cases of public interest, when expropriation can take place. It does not provide urban development and public housing as a rationale for expropriation. However, specific laws (housing law and urban planning) provide the possibility for local governments to apply expropriation, based on the main regulations set by the law no. 8561/2000. The most common case of expropriation are investments in big infrastructure works, hospitals and alike. Compensation of the properties is done based on market value and regulations provide details of methodologies for calculating.

Since expropriation deals with private ownership on real estate that should be proved by cadastre documents, informal dwellers are excluded by this provision. Exception is done for those rural families that have built houses without permission on their land, which are compensated for the value of land and the cost of the house. It is not clear how the law regulated the cases, when the informal settler has not legal ownership on land.

There are no regulations on how eviction should occur. As well, there is no provision on how to address the informal settlers on urban land that will be developed. It is also not clear how “forced evictions” are translated in Albania and if it refers to expropriation for public interest (see Annex 2 on OHCHR guidelines regarding forced evictions). The term “expropriation” refers to the property and therefore it leaves out the informal dwellers.

Protection from discrimination

The law No.10 221, of 04.02.2010 “On the protection from discrimination” adjusts the implementation of and compliance with the principles of equality in relation to (among others) gender, race, colour, ethnicity, language, economic, educational or social situation, etc. The law provides protection against discrimination in employment, education and provision of goods and services.

The law does not specifically provide protection against discrimination in housing. However, this provision is assumed to be included into the third one, provision of goods and services. The Commissioner for Protection against Discrimination (The Commissioner) was established in 2010 with the mandate of ensuring the effective protection against any kind of discrimination. The Commissioner is considered as an independent body in exercising its duties, yet a relatively new institution, which has to challenge a long-standing lack of anti-discriminatory prudence from the part of public administration as well as private parties.

Plans for National Action for the Roma

In 2003 the GoA approved the “**Strategy for Improving the Living Conditions of Roma**”. The Strategy identifies 5 priority areas for developing future priority actions: (1) schooling and awareness; (2) cultural heritage and family; (3) economy, employment, poverty reduction and social welfare; (4) health and infrastructure; (5) public order, justice, public administration. For each of the five areas, the Strategy defines priority actions. Housing was included into the third priority area – Health and Infrastructure. Three objectives are directly related to improving housing and neighbourhood conditions:

- 1) Meeting minimum housing conditions;

- 2) Coverage of the entire Roma residential sites with water supply and sewage pipes and electricity grid;
- 3) Providing Roma residential sites with access to national roads.

To meet the minimum requirements for Roma housing, priority measures were identified, which included three main categories of activities: (i) identification of needs; (ii) cost estimation and (iii) construction/improvements of houses and shacks to reach some minimum living standards.

Further to these policy efforts, in 2009 the Government of Albania, supported by UNDP, prepared and adopted the **Roma Decade Action Plan 2010-2015**. The Action Plan sets six priority areas including education, employment, health, housing, cultural heritage and equal opportunities.

To monitor the implementation of the Strategy, in 2004 the Government established the Technical Secretariat on Roma as a structure of the Ministry of Social Welfare and Youth. However this structure, being an entity within a ministry, does not have the authority to coordinate policies between Ministries¹⁸. The monitoring system is supported by UNDP and managed by the Ministry of Social Welfare and Youth, through an online registration and statistical database. The Technical Secretariat on Roma needs a better monitoring and reporting mechanism from both line ministries and local authorities.

Roma Decade Action Plan in 2009 was a step forward from the 2003 Strategy in setting clear targets and indicators, timeline and responsibility, outcomes as well as costs and potential financial sources. Despite such improvements, the progress towards achieving the objectives has been reported relatively low due to lack of line Ministries' ownership over the sectorial measures, followed by no or little fund allocation for sectorial measures, and poor coordination between central and local governments, as well as a weak positioning of the Technical Secretariat on Roma, under MSWY for pressuring line responsible ministries.

The European Commission progress report on Albania in both 2011¹⁹ and 2012²⁰ observe that despite the expressed political commitment, the government has provided very limited financial resources for implementation of the National Action Plan. The government has approved administrative decisions to facilitate birth registration procedures; however, there continues to be insufficient coordination between different institutions involved in the registration of births. Roma have benefited from the distribution of free textbooks for compulsory education but financial constraints lead to continued high rates of school drop-out and low enrolment of Roma children in pre-school education. The implementation of the national strategy on improving Roma living conditions, the national action plan for the Roma Decade and the operational conclusions of the December 2011 seminar on inclusion

¹⁸ Cabiri, Y., Hasantari, A. and others; Civil Society Monitoring Report on the Implementation of the National Roma Integration Strategy and Decade Action Plan in 2012 in ALBANIA; supported by SOROS Foundation

¹⁹ European Commission, Brussels, 12.10.2011 SEC(2011) 1205 final; COMMISSION STAFF WORKING PAPER ALBANIA 2011 PROGRESS REPORT, accessible at:

http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/al_rapport_2011_en.pdf

²⁰ European Commission, Brussels, 10.10.2012, Albania 2012 Progress Report accompanying the document Communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2012-2013. Document accessible at: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf

of the Roma and Egyptian communities in the framework of Albania's EU integration continues to be very slow, due to inadequate resources and insufficient coordination of the institutions involved at local and central level. There is a need to upgrade the status of the Technical Secretariat for Roma to enhance its capacity to effectively enforce and coordinate implementation of policies. Technical working groups on Roma are established in 10 regions to monitor, evaluate and make plans to improve Roma living conditions. However, local government units are still insufficiently involved and aware, with critical services for Roma still being largely provided by civil society organisations and financed by international donors, which may put into question their sustainability in the medium term. The Roma still face very difficult living conditions and frequent discrimination, particularly regarding access to employment and adequate housing, leading to marginalisation. Despite much attention from the international community, civil society and the People's Advocate and some limited efforts by the government, the response of the central and local authorities' towards relocating and assisting the remaining Roma families from those forcibly removed from their settlement near Tirana train station in February 2011 has been largely inadequate. Preparations for infrastructure projects are heightening the risk of such evictions. Central and local governments need to develop intervention plans to address forced evictions and ensure alternative housing for families in vulnerable situations.

CHAPTER 3: PUBLIC PROGRAMS IMPLEMENTED IN SUPPORT OF ROMA HOUSING

Overview of Financial Instruments and Programmes

The law on social housing offers a variety of financial instruments and programmes that can be implemented to support access to adequate housing of groups in need. Table 1 lists these.

Table 1: State supported housing programmes

Nr.	Name of the programme	Description	Potential target group	Minimum income*	Implementing agency
1.	Low-cost housing	New construction	Workers, low-to medium income	ALL33,000	National Housing Agency, or Local authorities
2.	Mortgage interest subsidy	Loan is given by private banks for buying housing in the market; the state budget subsidizes the interest	Teachers, public employees, Medium income	Depends on market prices in different cities. In Tirana ~ALL75,000	Public-Private partnership
3.	Social housing	New construction	Low income	ALL28,000	Local authorities
4.	Housing bonus (allowance)	Grant for market rent payment	Low-to middle income	Depends on market prices in different cities. For Tirana ~ ALL42,000	Self-arrangement, local authorities
5.	Housing allowance for social housing rent	Grant from local government to cover rent payment for low income	Very low income	ALL14,000	Local authorities
6.	Land development for housing purposes	Site and service	Low-to very low income		Local authorities
7.	Small grants	Improving housing conditions	Roma community	No minimum limit	Local authorities
8.	Lump-sum grants	Eliminating architectonic barriers	Disabled persons	No minimum limits	National Government and local authorities

** The minimum income was calculated based on provision of the law and several indicators, such as cost of construction by NHA, average market prices and mortgage terms. These are only indicative data and should not be considered as final.*

Of the different mechanisms, this report comments generally on the first three mechanisms due to lack of information on the others. **The “Low-cost housing”** (LCH) project has been implemented by NHA only on public land and in cooperation with municipalities that own public land and that are willing to cooperate with NHA. The houses are sold to the beneficiaries selected by local governments with a price equal to the cost of construction for 25 years and with 3% annual interest. Therefore, the beneficiaries should provide proof of their income in order to be eligible in this project.

The **“Mortgage interest subsidy”** (MIS) makes use of houses in the free market and is implemented by private banks. Municipalities select the lists of beneficiaries, based on project standards (maximum and minimum income and housing conditions). MPWT monitors the implementation of the programme, through pre-identified indicators. One of the conditions that the beneficiary has to comply with is the minimum income. This is to ensure the bank for the repayment of the loan. The programme is addressed to middle-income families, such as public employees, workers, teachers, etc.

Social housing was, for the first time, implemented through cooperation between MPWT and participating municipalities and a combination of financial resources, using a loan from the Council of Europe Development Bank (CEB). The project, which started in 2008, targeted categories of families that have lower income than those that could benefit from LCH. However, the social housing project is an expensive endeavour and very difficult to be replicated by municipalities. The management of the social housing stock will be another big challenge for the municipalities and, once they have registered the property they may be tempted to privatise them so as to get rid off the management and maintenance.

Being an expensive investment and challenging in management, housing families with no or extremely low income would increase the financial burden to municipalities and would seriously put in risk the sustainability of the social housing project.

These challenges make local governments not particularly interested in housing programmes, which require considerable financial and specialised human resources, but have little political gain.

On the other hand, it is not sufficiently clear how social housing is understood. In particular where it translates from national to local government and to beneficiaries. It is therefore important to engage in a discussion on how social housing is and/or should be understood in Albania, in terms of:

- **What should be its objectives?** – a mechanism to provide shelter, or to provide security of tenure, or to build neighborhoods, etc?
- **Who should be the target groups?** – specific income groups, or vulnerable groups, or for specific **locations rather than people**, and how do you prioritize if the intended group is large, etc.
- **Who should be involved and how?** – role of local government (provider), national government (financing?/legal?), private sector (management), community groups (selection?), council of municipalities (selection?), etc.
- Should the selection criteria make provision for Roma and Egyptian communities?

National Housing Agency

The National Housing Agency (NHA) was the main housing provider until 2007, when the law 9232/2004 “On Social housing programmes” entered into force. NHA is a self-sustained organisation, which should provide affordable housing, but at the same time recuperate the investment funds for using them in other projects. The legal status of NHA is not clear and its performance depends on interferences from the government, the latter often deciding on priority interventions on the basis of political criteria. As by law, NHA should not receive funds from state budget, which should be allocated to local governments. However, this provision of the law did not impede the state budget to allocate funds to NHA for the Roma housing project (see below).

NHA can be a useful tool for implementing project for Roma community. However, NHA is oriented towards managing projects from the technical point of view and it has no experience in addressing social issues. In addition, since its creation in 1993 it has implemented only one typology of project – multifamily apartments. It procures the investments based on these typologies developed. NHA is a self-financing enterprise that operates through generating 4% from investments, while the invested funds should be paid by the beneficiaries as a lump-sum. However, NHA has very good technical expertise that should be utilised. Making NHA part of housing programmes for Roma, would need training and capacity building. It may also need some changes in legislation and methodologies of operation.

Projects that address Roma housing situation

The contents of this section are based on a presentation by Doris Andoni, Director of Housing Policy Department, MPWT at the joint seminar between EUD and GoA on 15 December 2011 in Tirana, Albania. However, the information on these projects is sketchy and does not allow for conclusive statements. It is important to underline that practices exist; strengthening the monitoring system for the implementations of projects is key.

Small Grants: Improving living conditions of Roma community (ILC)

The project was identified by the Ministry of Public Works and Transportation (MPWT), based on the outcomes of the survey conducted by NHA in 2006 (see information on this in Chapter 2). Conceived as a pilot project, it aimed to improve the living conditions of Roma communities. At a cost of ALL 30,000,000, the project was covered by the 2008 budget of the MPPT as a “competing grant for local government” and was implemented within 2008.



Photo 3: Roma community engaged in the public works, Kucova

Of the 11 local governments that were invited in the competition, 8 expressed the interest to participate and 5 won the competition. The criteria included match contribution by local budget and the engagement of Roma communities in the implementation of the project. The grant was used for one or combination of the following works:

- Construction of new houses (was not rated as a high priority, since the amount of the grant was relatively small);
- Improvement of houses that did not meet the safety and health standards;

- Adaptation of improvised shelters (installing windows, doors, building a roof, etc.);
- Intervention in houses that lacked amenities including tap water, sanitation, WC, lavatory and shower);
- Connection of the settlement to streets, piped water supply and sanitation.

The implementation of this pilot project showed some weaknesses. These were mostly related to time management from the MPPT. Initially, the proposal intended to finance both local governments and/or NGOs. Clarifying the method of financing led to a delay in the call for proposals which in turn deterred entities from applying. The announcement of the winners was also delayed. This impacted the project of housing construction in Korça, which failed in the first round of tender and did not have sufficient time to organise a second bidding process.

Between 2008 and 2012 the Housing Department at the MPWT planned to allocate additional funds in the budget for replicating the projects. However, after a series of negotiations with the Minister, they were removed, due to general budget cuts. Insufficient allocation of resources to continue with this project indicates a general disinterest to define the improvement of housing conditions for the Roma as a priority.

Construction of new houses for Roma community by NHA (CNH)

In 2009, the NHA in collaboration with the municipality of Korça invested in the construction of an eight stories building containing 30 apartments in the condominium type of housing. This low-cost housing project was due to benefit Roma families exclusively. The value of investment for the building was approximately ALL 76,000,000. Under the general terms and conditions for use, beneficiary Roma families had to pay back to NHA the value of investment in 25 years – the cost was determined below market price. The monthly payment was approximately 8,440 ALL including 2-3% interest per family and the family had at least a monthly income of ALL 25,000.

A few challenges have been encountered in calling this project a success. The construction of the building finished in 2010 and 30 Roma families were settled in the building. The multi-flour building was dilapidated in a short time, because of a total lack of maintenance and it allegedly didn't fit to the social and economic profile as well as means that Roma families use for generating income (i.e. collection of recyclable waste, ambulant traders to mention a few). Inability to meet the monthly payments agreed on between NHA and the families was another challenge. The law provides a solution for these cases by transferring the ownership of the apartments to the local administration. This, in turn, signs a rental contract with families. At the time when this study was developed, there was no information on whether these families are paying their dues.

Social housing

The "Social housing" (SH) project was, for the first time, implemented through a cooperation between MPPT and participating municipalities and a combination of financial resources, using a loan from the Council of Europe Development Bank (CEB). The project addresses categories of families which have a lower income than those who can benefit from LCH.

Under the auspices of the social housing project, 1,140 apartments were built in cities such as Tirane, Durres, Elbasan, Korce, Fier, Peshkopi, Kavaje and Berat. The total cost of the project, including land value, was approximately Euro 35,000,000. Only in Tirana 400 apartments were finished in 2011. There is no information on how these were allocated.



Photo 4: Social Housing project in Tirana

Although this project does not specifically focus on Roma, the apartments may be used to house a certain number of Roma families that can afford to pay a minimum rent. Depending on the size of the apartment, the rent payment varies between ALL 12,000 and 14,000. This amount is higher than the monthly instalment

for low-cost apartments built by NHA. However, in the case of social housing, low-income families may receive an allowance, based on household income. The maintenance of the apartment is the responsibility of the owner, the local authority. The social economic profile of the needy Roma families and particularly the means they generate income are determinant in deciding whether apartments in multi-floor buildings or low cost houses would be easier to maintain and administer.

Conclusions from the two projects targeted to Roma community

In this section we devote some attention to assessing the two projects, ILC and CNH for their impact in changing the housing situation for the Roma. We focus specifically on the efficiency and effectiveness of these projects. Efficiency is measured through the number of beneficiaries housed (or the cost per beneficiary) as well as with the time for achieving results. The effectiveness is measured through indicators such as affordability, community engagement, risks for evictions, environmental risks) cultural adequacy and ghettoization.

Table 2: Effectiveness and efficiency of housing programmes

+/- Effects	No. beneficiaries	Time needed for implementation	Affordable for the community	Community engagement	Evictions	Environmental Risks	Cultural adequacy	Ghettoization
ILC	High	Short	Yes	Yes	No	Yes	Yes	Depends
CNH	Low	Long	No	No	Yes	No	No	Depends

Desk analysis of the projects shows that ILC project is more effective and efficient than CNH. It addresses better the living conditions of Roma communities, in the areas where they are settled historically. It reaches a bigger number of beneficiaries in a shorter time. It does not involve evictions; it is adequate for those living in large families and it is easier to engage the community in the civil works. This was the case, especially, in the project implemented in Kucove, where Roma males were engaged in the civil works for water and sanitation.

However, in the case of the Roma community settled in risky areas (flooding, landslides, industrial polluted, etc.), other solutions should be explored.

The project was more successful where the Mayor's office was more active and where the project was simpler, such as small housing improvements and provision of sewerage. Yet, the requirements for these projects need to be defined better in the terms of reference. Moreover, the procedures of call for proposals, adjudication of the proposals, announcement of winners as well as monitoring of the implementation should be improved. Possibilities for including NGOs and CBOs as beneficiaries of funds can be explored, by specifying the conditions.

On the contrary, CNH project implemented by NHA does not provide the best housing solution for Roma community because it is neither efficient nor effective. It is expensive for the state budget and beneficiaries to provide and maintain. In addition, it addresses a small number of families. Moreover, the condominium type of housing that is developed under this model, is a relatively new form of ownership and management in Albania, introduced after the privatisation of the public housing stock in the early '90ies. It consists one of the biggest challenges that have not yet been addressed either by homeowners or by public policies. However the model has the potential to adequately modify the typology of houses, financial schemes and forms of tenure .

CHAPTER 4: IMPROVING THE LIVING CONDITIONS OF ROMA COMMUNITIES – THE WAY FORWARD

Experiences from other countries (examples in Annex 1), as well as the analysis of the Roma targeted projects implemented in Albania demonstrate the complexity of problems that need to be addressed. Very often providing a shelter or temporary housing is considered as the solution of the problem. Even building houses only, is NOT the solution. Housing solutions and standards should be realistic and implementable within the budget constraints and the need that other groups of society have. The suggested programmes proposed below are intended to address those Roma families that are not eligible for the current **Social housing** projects, **Low-cost housing** project and **Interest rate subsidy** projects, because do not comply with income criteria. As discussed earlier in the document the Social Housing programmes, their eligibility criteria should be revisited to be more inclusive of Roma.

The proposed directions can be clustered into 3 categories: **(1) Emergency support** to address the consequences of natural and human made disasters and evictions; **(2) Security of tenure** to prevent homelessness; **(3) Improving the living conditions** of Roma population living in unhealthy and unsafe housing situation.

1) Emergency support to address the consequences of natural and human made disasters and evictions;

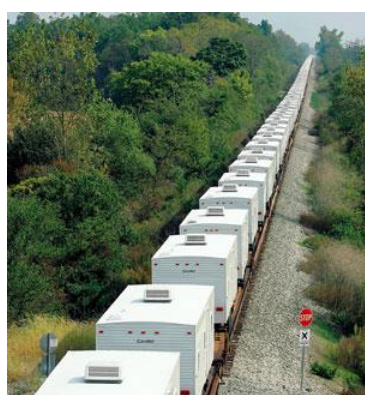


Photo 3: Trailers transportation for the affected people by Katrin hurricane.

Emergency shelters Emergency shelters are used in cases of natural disasters. In different countries they are also used to provide shelter to homeless people. The emergency shelters after disasters are installed ex-post, in safe areas and for a limited time. However, in many cases it takes a long time to provide permanent solutions and families end up living for a long time in temporary shelters. These types of shelters host various population groups and do not target only Roma or other vulnerable groups. Roma populations are quite often more vulnerable towards natural disaster because of poor quality of their homes/settlements, which are easily destroyed even by heavy rain or river flooding. Usually the shelters are managed by Civil Emergency structures and may be set up all

over the country territory. Models or temporary shelters vary from trailers to wooden structures, easy to transport, fix and disengage. The usage of trailers should be avoided for solving cases of eviction. Evictions are predictable and should be managed (see Annex 2)



Photo 4: Emergency house, exposed at the Palais des Nations, Geneva, September 2013.

Transitory centres – Not just houses! Temporary shelter for Roma and other vulnerable groups should provide the full range

of services – water, sanitation, electricity, public transport, kindergarten, elementary school and social assistance. The target groups that are supported in the transitory centres include: Roma and other vulnerable groups suffering the same consequences of eviction, homeless persons, victims of family violence or trafficking, orphans, families living in shacks, etc;

State properties left without a function, should be transferred to local authorities specifying the purpose and adapted to ensure minimum living, health and safety standards. The Roma to be settled in the transitory centres should be supported with an integrated package of social and integrations services for the whole family with the aim of preparing them for moving out of the transitory center and secure a permanent house or linked with standard social housing programs. Men and women living in the transitory centres shall be supported with vocational training programmes and assisted to find jobs and required to respect a code of conduct with clear rights and responsibilities. The transitory centres if agreed may from the start be under the jurisdiction and management of the local governments assisted with financing by Ministry of Social Welfare and Youth. However, experience shows that initially a centralised system would be more appropriate to make the center operational, which is handed over gradually to local authorities as their capacities are enhanced in this direction. The operation and management of the transitory centres can be outsourced or contracted to private for/or non-for profit organisations.

2) Security of tenure to prevent homelessness;

Legalisation - Roma lack security of tenure as they often live in informal dwellings built without planning permission either in public land which often undergoes civil works, or in disputed or private land, all of which put the needy Roma families in continual risk of eviction. While often Roma have been living in their settlements for many years they do not possess title on their house or land. Roma communities settled informally should have the same opportunities for being legalised as other non-Roma majority. Special efforts should be made by local government and central authorities sharing responsibilities for housing and management of territory to assist Roma families complying with regulations and submitting necessary documents. Payment for the legalisation process could be facilitated through several affordable instalments. The objective of this type of support is to provide Roma households with two important aspects: security of tenure and access to public services (water, electricity, sewerage, waste management).

In cases when Roma communities have occupied a land that cannot be subject to legalisation (i.e. touristic area, historical site, natural protected, etc), eviction should follow the international standards (see Annex 2 on the proposed guidelines for evictions). In the cases when the land, where Roma families have occupied informally, is planned to be developed with new housing construction, conditions should be negotiated with the developer, and subsidised by the central and/or local government, for ensuring alternative housing solutions to the affected families. Development or redevelopment of real estate, in areas where families are living, should NOT occur without having solved first the relocation of those living in the area, including informal dwellers. In those cases where Roma families have occupied land which is public and does not conflict with any immediate city planning (as is the case of Roma families in Shkoza), considerations shall be made on case by case basis to provide this as land served with infrastructure (as specified by law), thus allowing

them to build their houses themselves, while respecting minimum standard dwelling conditions as per guidance of local authorities.

3) Improving the living conditions of those that experience unhealthy and unsafe housing situation.

Small Grants. Many of Roma families live in worst housing conditions, lacking water supply, sanitation, electricity and public transport, in improvised shelters, or in ex-industrial objects, faced with health and safety risks. The lack of or very low/ unverifiable income do not allow them to be eligible for social housing, low-cost housing or mortgage interest subsidy. Referring to the experience from Albania and projects implemented in other countries, the most successful projects to address the improvement of living conditions for Roma community are small investments for gradual improvement. These projects can increase their effectiveness if combined with training and employment programmes. The programme can be implemented through the “Small grant” programmes, included as an instrument to address Roma living conditions through the amendments of the law, in 2012. “**Small grant**” programmes can also be used combined with a self-help scheme on land, which is provided beforehand with infrastructure and subdivided into plots of affordable size. The self-help scheme is a model than can draw lessons from informal housing development, but implemented based on legal basis. Local government may assist Roma families with providing materials and vocational training programmes to support with technical assistance for gaining skills. Lessons learned from the pilot project of “Small grants” (explained above), should be used to adapt the project implementation.

Neighbourhood regeneration

This is a more complex intervention in support of Roma housing and neighbourhood development. Neighbourhood regeneration addresses all problems that the community face and not just housing. It addresses: generation of formal employment, crime reduction, primary education, improvement of social services, street pavement and lighting, greening, etc. This type of support is best replicated in big cities such as Tirana. The following instruments may be applied in a programme of this type:

- A neighbourhood management team which is located in the area, and initiates and supports networking between the community and public and private actors;
- An integrated local action plan that forms the basis for interventions;
- A system of neighbourhood funds that are used for micro-projects carried out by the residents themselves. The fund can be established with multiple contributions from local budget, national budget, foreign donations and loans as well as community contribution;
- Neighbourhood councils made up of Roma community and local organizations that oversee the process and ensure participation; Steering groups that ensure the involvement of relevant departments of the public administration

CHAPTER 5: CONCLUSIONS AND OPTIONS FOR POLICY AND PRACTICE

This Background Study has confirmed inadequate attention to addressing housing needs of the Roma population, the importance of addressing the housing situation of the Roma in Albania and reminded that inadequate housing conditions are a manifestation of social exclusion for the Roma. It follows that improving the housing situation for the Roma is a priority issue. Interventions in the area of employment, education and health should be accompanied by housing support. A human rights based approach should guide interventions designed to achieve this. Thus, the study draws the following important general conclusions and these are summarised below. Each conclusion contains also possible options for solutions.

Conclusion 1

A good legal framework is in place. The Housing Law provides a good basis for developing affordable housing programmes for vulnerable groups, including Roma. The combination of antidiscrimination law and this law provides also protection from discrimination in housing allocation and other housing benefits for Roma population.

Solution 1

Amendments to the law are needed to address the followings:

- The right-based approach to housing, as explained in Comments 4 of CESCR;
- Including Roma as a priority category;
- Government's decree No. 53/2005²¹ needs to be amended for giving indications on the type of documentation that Roma can provide and the ways for validating them.

Conclusion 2

Awareness on discrimination is not fully achieved. Legislation on antidiscrimination and the institutional framework ensure good precondition for protecting the evicted persons. But the law by itself does not solve the problems of discrimination, if people that have to implement them discriminate knowingly, or unknowingly. They need to acknowledge that the Roma are entitled to the same rights as the non-Roma and apply these.

Solution 2

There is a need **for awareness rising, training, capacity building and behavioural change** of those who offer services for the Roma. Innovative methods of awareness raising should target both Roma and non-Roma stakeholders implementing various approaches. Some potential areas of consideration include: a- involve universities in research for developing the social and economic profile of Roma communities in the main agglomerations (eg.: Tirana, Korca, Elbasan, Fier) to capture in depth the housing situation and need for intervention;

b- attract acknowledged architects for developing architecture concepts of low-cost housing.

c- organise national competitions on housing solutions for Roma communities, which include sustainable architecture and management

²¹ Decree No. 53, of 28.01.2005 "On determining the necessary documentation, deadlines and procedures for benefiting from social housing programmes"

Conclusion 3

Commitment to regional and international initiatives is not embraced realistically at the local level. There is public awareness on Roma issues, which is embedded in the National Roma Integration Strategy and Action Plan. However the progress of implementation of measures related to housing has been lagging behind, because the government has not deployed enough resources. Some municipalities are also signatories to regional initiatives, but still engagement rest mostly in paper and almost no action is taken. Solving the housing situation for the Roma needs political will and budget commitment but also cooperation and coordination among various level of central and local governments and international donor community. At local level there should be a higher sensibility towards the housing problems of Roma communities and an effective engagement for solving them. Local governments should have a clear picture of the location of Roma enclaves and the specific problems that they face. The National Housing Agency needs to better cooperate with local governments however since it is an agency dependent on the central government, in many cases, its collaboration with those municipalities that are lead by the opposition is very challenging.

Solution 3

Integrate in the central and local government budget categories resources for initiatives that benefit Roma communities. Work with the Technical Secretariat for the Roma to better coordinate efforts at the central and local level. A thorough reform is needed to transform NHA into a grassroots housing development organisation. Neighbourhood regeneration plans at the local level should be prepared based on evidence.

Conclusion 4

Roma do not generally benefit from current social housing schemes. A host of factors contribute to this, but mainly these programs do not take into account local needs, are not affordable and realistic and lack transparency in allocation. Giving housing away to the Roma will not solve their problems, so multi-sectoral approaches are needed to explore several types of options and interventions. Communities need to be involved while discussing housing policies. Integrated approaches on Roma housing should promote desegregation, facilitate access to public utilities and social service infrastructures as well as improve the availability and affordability of social housing.

Solution 4

Improve the social housing framework to be more inclusive of Roma needs, so that more benefit from the programs for the mainstream society. Design of social housing programmes that meet the needs of the Roma will include: ***Sensitivity to local context.*** While formulating adequate policies at the national level is important, it is paramount that within the Albanian law context, social housing policies are located at the municipal level; ***Affordability.*** The diversified social housing strategies should address housing affordability from both supply and demand side factors by ensuring 1) solutions and technologies that lower the costs of housing provision and management and 2) policies that stimulate social and economic empowering of Roma community. ***Needs assessment.*** Development and upgrading of social housing programmes should begin with the identification of the beneficiaries' needs. Needs assessment should include information on the location of Roma

communities, household formation, their way of income generation, level of education and a detailed description of their living conditions. **Diversified housing solutions.** Beneficiaries should be able to use different programmes to satisfy their needs as well as to combine programmes if needed. Moreover, social housing should also be integrated into sustainable human settlements and contribute to neighbourhood improvement. Specifically, Roma inclusion needs to go beyond housing and requires access to education, employment, health care, etc. Affirmative action (for a specific period of time) can be explored for housing, as it is as already applied for Roma in other sectors. **Realistic standards.** The proposed models should be realistic and applicable. They should aim to improve gradually the living conditions, without creating shocks from drastic changes in living culture and tradition. **Sustainability.** long-term sustainability and maintenance of social housing schemes, including the upkeep of infrastructure and reinvestment of resources contribute to longevity and success of the program.

Conclusion 5

Cases of eviction are evidenced and no solutions are yet offered. Roma families are in continual risk of eviction whenever public works or private investments are started in these territories. Efforts to find shelter alternatives after the evictions have taken place, without a realistic operational plan, have been refused by evicted Roma families, who among others were concerned on whether the proposed place made it impossible or difficult for them to collect recyclable materials or beg.

Solution 5

Local authorities should systematically organize 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.

Conclusion 6

Insufficient data impact addressing the situation of the Roma. Surveys data underscore the significance of deeper knowledge of Roma housing conditions, the need for collection of relevant data, further research and showcasing of successful examples of integrated approaches to Roma issues. In fact, a crucial limitation of the study is the knowledge base and the gaps in its evidence base, i.e., the availability of systematic empirical data as well as complete information on projects implemented on the ground. Albania has a poor functioning institutionalised framework for monitoring Roma situation and measuring housing performance.

Solution 6

Expand the evidence base. A more comprehensive assessment would have included a country report, providing insights into commonalities and differences in housing outcomes and the experiences of Roma groups versus non-Roma, official statistics and reports, in-depth academic research, voluntary sector information, and complaints and case law records. Within this framework, there is a need to conduct a comprehensive assessment and analysis of housing needs which should be targeting all vulnerable groups including Roma with the aim of developing new housing policies that responds to the groups needs. It is important that the needs of intended beneficiaries are understood comprehensively, so

that proposed approaches duly meet these needs. For example, a more in-depth analysis of economic and demographic data collected through the census may benefit the future work on social housing policies and implementation of support programme benefiting Roma communities.

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ANNEX 1: EXAMPLES OF ROMA HOUSING PROGRAMMES

Providing homes for 14 Roma, Ashkali and Egyptian families in Roma Mahalla (20/10/2011)²²

This is an EU funded project for supporting the resettlement of fourteen Roma, Ashkali and Egyptian community with the ultimate goal of closing the lead-contaminated camps in North Mitrovica.

These families, together with 50 others resettled earlier, were part of a community of 84 families living in the same contaminated area.

The aim of this programme is not only physical relocation of families into new houses, but includes also vocational training, medical screening and treatment, health education, increasing access to formal education, provision of legal support, and community development projects.

The project includes housing and infrastructure construction and repairs, medical screening and treatment for elevated blood lead levels, income generation, community development initiatives, interethnic dialogue, education, civil registration, legal assistance, and capacity building support for Mitrovica municipal authorities.

Roma Housing project in of Val'kovna, Slovakia

The objective of the project (early 2000) was to construct 17 dwellings for Roma families living in overcrowded private family houses or substandard housing conditions and the relevant technical infrastructure for those dwellings. The project was initiated by the Mayor of the village of Val'kovňa, a small municipality of approximately 360 inhabitants, more than half of which are Roma. This project has some peculiarities, which are worth mentioning:

- 1- The project was opposed and sabotaged in different ways by the non-Roma majority population of the village;
- 2- The determination of the Mayor to implement the project made her lose the elections;
- 3- The project was implemented in cooperation with Roma communities;
- 4- The mayor selected the higher standard housing type, even though this required higher (50 per cent) co-funding by the municipality;
- 5- Location of the houses were within the central zone of the municipality to avoid segregation
- 6- Setting the rent below the level of the housing benefit to make this type of housing affordable by poorer families

However, anecdotal evidences²³ show that this project and other similar ones, which have provided social rental housing for Roma population, are not replicable. It would take more than 60 years to house all the needy Roma families. The question for the Slovak government is: what kind of standards to use? What type of projects to apply? What location, since central areas have high land value and increase the costs of the project?

²² http://www.eeas.europa.eu/delegations/kosovo/press_corner/all_news/news/2011/20112011_en.htm

²³ Personal contact with and information provided by representatives of the Slovak Ministry

Social housing, education and health for Roma communities: the pilot model in Bulgaria²⁴

Deyan Kolev, AMALIPE Center for Interethnic Dialogue and Tolerance

This is a composite project that integrates a “hard component” (social housing) with a “soft component” (education, employment, social services and health care) for a total cost of 11,000,000 Euro (shared respectively 75% and 25% for hard and soft components).

Every project should obligatory contain “hard” and “soft” component with activities for:

- reconstruction of existing buildings or construction of new buildings: municipal owned social houses
- access to employment
- access to education
- social services and health care services
- desegregation activities

The project will desegregated a Roma neighbourhood or part of it without forming new segregated Roma area

Conclusions

- Projects that integrate different components and just housing are more effective in improving the living conditions of Roma.
- Project should not create further segregation;
- Investment costs should be combined with “soft component” for training, education, employment, improving health services, etc.
- Standards should be elaborated and establish and adopt minimum acceptable standards
- When choosing the location for relocation, attention should be given not to create a new segregated community; location should be well connected with services

²⁴ http://www.housingeurope.eu/www.housingeurope.eu/uploads/file_/3-Deyan%20Kolev.pdf

ANNEX 2: GUIDELINES ON FORCED EVICTIONS

Forced evictions are considered a major violation of human rights, by United Nations Human Rights Bodies. They are incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law²⁵. According to UN-Habitat, five of the most prevalent causes of forced eviction are: urban development; large-scale development projects; natural disasters and climate change; mega-events; and, evictions that are economic related, including because of the global financial crisis. Despite of the causes of eviction, the results and the impact on the people affected are the same: homelessness, physical tensions, psychological distress, unemployment, problems with education, loss of social links and community, etc. The report of UN Habitat on forced evictions²⁶ highlights the fact that there is always an element of discrimination with evictions and that the most affected groups are: minorities, women and indigenous people. The lack of security of tenure is a central challenge to the realization of the right to adequate housing.

Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, provides basic principles and guidelines on development- based evictions and displacement. It provides special provisions on the obligations of the states, towards those in risk of eviction. It also provides state actions and strategies (i) prior to evictions; (ii) during evictions; and (iii) after evictions. The *UN Guidelines* address the human rights implications of evictions induced by ‘development’ projects and related displacement in urban and/or rural areas.

General guidelines on force evictions:

1. The state should minimise and avoid at maximum evictions and assess other option, before deciding.
2. The responsible local authority should ensure that the development plan is discussed with the affected people. The procedures of consultation are set in the law no. 10119/2009 “On territorial planning”. This process should include those that have occupied land and/or objects illegally/ informally.
3. The procedures should include:
 - adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
 - information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
 - especially where groups of people are involved, government officials or their representatives to be present during an eviction;
 - all persons carrying out the eviction to be properly identified;
 - evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
 - provision of legal remedies;

²⁵ Commission on Human Rights resolution 1993/77

²⁶ UN Habitat (nd). Forced Evictions, Global Crisis, Global Solutions: A Review Of the Status of Forced Evictions Globally Through the Work of the Advisory Group on Forced Evictions, Un-Habitat and Other International Actors

- Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.
4. When eviction will occur, the use of force should be minimised.
 5. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.
 6. Where those affected are unable to provide for themselves, the government must take all appropriate measures, to ensure that adequate alternative housing, resettlement or access to productive land, is available.
 7. In the cases of urban development, local authorities may negotiate with developers and landowners for providing alternative housing solutions to those that occupied illegally the properties.



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Housing Policies and Practice for Roma in Albania

Background Study

THIS STUDY IS COMMISSIONED BY UNDP ALBANIA IN THE FRAMEWORK OF REGIONAL SUPPORT FACILITY FOR IMPROVING STAKEHOLDER CAPACITY FOR PROGRESS ON ROMA INCLUSION FUNDED BY SDC AND OSI AND IMPLEMENTED BY UNDP IN THE WESTERN BALKANS.

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