

**The Openness, Transparency and Participation in the Consultation Process
between the Albanian Public Authorities and the Roma Community: Cases of
Forced Evictions and Public Investments that Affect Housing.**

By Xhenson Çela

Submitted to Central European University

Department of School of Public Policy

In partial fulfilment of the requirements for the degree of Master of Arts in

Public Policy

Supervisor Professor Violetta Zentai

Budapest, Hungary 2017

Copyright in the text of this thesis rests with the Author. Copies by any process, either in full or part, may be made only in accordance with the instructions given by the Author and lodged in the Central European Library. Details may be obtained from the librarian. This page must form a part of any such copies made. Further copies made in accordance with such instructions may not be made without the written permission of the Author.

Abstract

A considerable number of the Roma families in Albania live under insecure housing tenure and unacceptable living conditions. Forced evictions and displacement are among the most concerning issues that the Roma face. Evictions are caused by private actors or public authorities to use the territory that Roma live on for the construction of public buildings and investments purposes.

The aim of the thesis is to dig deeper and describe the consultation process between the Albanian public authorities and the Roma community regarding the cases of evictions triggered by public and private investments.

The consultation process should be the initial stage of decision to intervene for the government.

In the four cases of evictions that I investigated in this study, I found very limited and even absent signs of consultation, which violated the human right, the legal procedure, and the international framework.

Acknowledgments

My sincere gratitude goes to the following for their contribution and support during the research: Open Society Foundation with special thanks to Dritan Nelaj, Institute of Romani Culture in Albania, the Albanian Helsinki Committee, TLAS, Respublica, Olsid Mema ARRSH's Engineer, Emiliano Aliu, Rudina Kiptiu, Arlind Lugji, Adriatik Lapaj, and Immense thanks to all my fellow activists.

I am grateful to my Professor and Supervisor, Violetta Zentai, for her suggestions, and supporting my ideas. I would like to express my thanks to the Professors of Public Policy Department, who I had the honor to learn from. A special thanks goes to my peer Diana for her suggestions and support.

I would like to express my gratitude to the Roma Education Fund for supporting my BA and MA studies in Albania.

Studying at Central European University has been a dream come true! I would like to thank this amazing university for the opportunity for being part of School of Public Policy. Big thanks to my Master friends as well, I learned a lot from you all. My gratitude goes also to the Deborah Harding Scholarship, with special thanks to Roma Initiative Office.

I am highly grateful to my parents and sister, they have been always proud of me and have supported me and my studies in every step. I won't be never able to thank you for everything you have done for me.

My Master studies here has been great because Cute Smile was here with me, thanks to you I had a wonderful time. You were the person who endured my frustration during my studies, and a great everything to me.

Last but not least, I would like to dedicate this work to all the Roma families that have struggled and endure violence and unfair treatment during the forced evictions. And I wish to the Roma of Selita to win their right for compensation.

Table of content

Contents

The Openness, Transparency and Participation of the Consultation Process between the Albanian Public Authorities and the Roma Community: Cases of Forced Evictions and Public Investments that Affect Housing.	i
Abstract	ii
Acknowledgments.....	iii
Table of content	v
List of abbreviations	vii
Introduction.....	1
Chapter 1. Context	9
1.1 Historical Background.....	9
1.2 An Overview of the Housing and Living Conditions of the Roma in Albania...	12
1.3 Cases background of forced evictions between 2011 – 2015 in Tirana.....	13
1.5 Albanian legal framework and the international standards.....	17
Chapter 2. Literature Review & Conceptual Framework	19
2.1 Literature Review.....	19
2.2 Conceptual Framework.....	23

Chapter 3. Objectives and Methodology	28
3.1 Collecting Data: Interviews and Focus Groups	28
3.2 Limitations	31
Chapter 4. Analysis of Findings.....	32
4.1 Critical analysis of the consultation process	32
Conclusions.....	41
References	43

List of abbreviations

ALUIZNI- Agjensia e Legalizimit Urbanizimit dhe Integritet te zonave/ndertimeve informale

MZHU- Ministry of Urban Development

IRCA- Institute of Romani Culture in Albania

AHC- Albanian Helsinki Committee

TLAS- Tirana Legal Aid Society

OSFA- Open Society Foundation Albania

ARRSH- Albanian Road Authority

KMD- Commission for Protection from Discrimination

MMSR- Ministry of Social Welfare and Youth

ECHR- European Court of Human Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

IFC – International Financial Corporation

Introduction

Forced evictions and displacement of the Roma population in Europe and the Balkan is a wide-spread phenomenon that is still happening. (“European Countries Must Stop Forced Evictions of Roma” 2017) In Albania in the last five years at least six cases of displacement and evictions have occurred. Two cases are recorded in Elbasan and four have been recorded in Tirana, and more cases are expected to occur in the near future affecting other cities as well (“Albanian Authorities Must Prevent Forced Evictions of Roma Families” 2017). As a result, many essential rights were violated and therefore affecting the lives and the integration of the Roma families. On the one hand, the right to a permanent and sustainable housing, right to dignity and the right to family life and privacy were violated by the actions or neglecting of the public authorities. On the other hand, these are as the result of lacking a legit procedure, and a meaningful consultation process. In the end the remedy for affecting the Roma settlements or housing did not meet the proportion of the damages inflicted by the actions or non-actions of the public authorities.

The public authorities, failed to take into consideration the claims of the Roma families. This situation occurred due to public investments such as road constructions by the government or private investments of the landowners that are crossing over and taking place on informal or quasi-informal settlements of Roma people. Moreover, these public investments are legal and for a public interests, whereas there is no legal framework for the protection of the Roma affected by such interventions, having to bear a huge load of problems after the eviction or displacement.

The thesis refers to various concepts such as forced evictions, public investments and even housing interventions. In order to make them less theoretic and broad, the definition is narrowed down per each case in order to describe the various cases that occurred in Tirana, and that do not

share exactly the same features. Some of the cases can better be described under the condition of forced evictions because of the theoretical and practical definition that defines them. While, other cases have not experienced the brutality of the forced evictions, however, they are still affected by public investments implemented by the public authorities and still lack a consultation process. For illustration, the case of Selita that occurred during 2014 – 2015 represents a pure case of public investments of road construction or urban reconstruction that affected the houses of both Roma and non Roma. Roma families in this district had modest but decent houses for almost 25 years. Unlike Selita, the other case of Roma families living in the area of the artificial lake of Tirana who were displaced in 2015 by Tirana Municipality, and the Roma families living at the Former Factory of Decorations along the “Kavaja” street who were displaced in 2013 by a private company. Were under harsher conditions, less informed, and even had to face forced eviction. In addition, the eviction of 2013 at the Former Factory of Decorations was not affected by public investments at all, but by a private investment of private land owners. Forced evictions occur only on certain conditions, it is manifested by the government and its excessive forceful actions after it fails to provide a real, inclusive, and participatory consultation between itself and the Roma community.

Various scholars and non-governmental organizations have contributed either on the issue of evictions in the Roma settlements or on the lack of public consultation between the public authorities and the target group (Cin and Egercioğlu 2016); (Okely and Houtman 2011); (*Forced Evictions--towards Solutions?: First Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT*. 2005); (“Romani Community Is Fighting Forced Evictions and Housing Segregation in Romania - ERRC.org” 2017), (“NGOs Call for End to Forced Evictions of Roma in Freezing Temperatures - ERRC.org” 2017); (Maestri 2014); (Nolan 2011)). Also, the violation of human rights principles and international standards are being emphasized.

The existing literature highlights the principle of proportionality in a sense that the consequences of the intervention by the government should be in proportion with the damage inflicted, it should not worsen the situation weighted with the benefits of the public investment (Xhillari and Cici 2016)

For instance, Krstić Ivana, (2013) argues that the public authority before deciding to undertake unnecessary actions manifested as evictions or forced evictions, must consider the principle of legality and the principle of proportionality (Krstić 2013). Thus, the principle of proportionality implies respect for a number of procedural requirements, for instance holding consultations with the population affected, means of compensation as a remedy from the damages such as the demolished house, psychological trauma, and the provision of alternative accommodation.

Other scholars, Xhillari, Lindita, Cici and Juliana (2016) have approached the problem on a different angle, bringing into the discussion the lack of a legal framework. In other words, the legal framework would indicate if there is any law for protection from forced evictions. For instance, the Albanian legislation does not have a law for protection from forced evictions, therefore, no legal protection is provided for families in such circumstances. These authors argue that sometimes there is a lack of the legal framework of the right to housing as a consequence of several issues. These issues might be either due to living in informal settlements and not having the right to property, or due to the typology of the houses that do not qualify for law protection, and in some other cases the requirements to access social housing are not feasible (Xhillari and Cici 2016).

Nevertheless, the existing literature did not look deep into the consultation process in the case of evictions, public investments or housing, between the Roma community and the public

authorities. The consultation process is an important tool for engaging the Roma families in a democratic litigation process in order to be familiar and take in consideration their consent. It also keeps the Roma families in this case, consistently informed, and updated on each phase of the policy formulation and decision-making process so to boost their incentives in shaping the policies.

Most of the literature on forced evictions and displacements focuses on the consequences of such actions that related to human rights violations, and the international standards. It mentions the lack of consultation, but it does not dig deep in the development of the process itself. Therefore, I will look at the consultation based on elements like openness, transparency and participation, and who were the actors involved in, and what effect did they had.

The participation and the consultation process do not have a single definition and it depends on the context in place. For the purpose of the analysis and to answer the research question, the consultation is envisaged as a continuous step by step communication and consultation of the Roma families in the decision making process. Henceforth, it is crucially connected to the right to information without which the policy cycle will be blinded. Moreover, the right to information enhances the principle of transparency. Although transparency is a broader concept, in this context it is related to the obligation of the government to disclose information especially on time.

Targeting adequate policies that meet the community needs requires empowering the role of participation of this community in the public and political domains, and one of the components is through an open, inclusive and transparent consultation process. Herewith, the analysis describes in detail each case, and the phases of consultation and participation of the Roma families, including the role and support of some of the actors involved in the process.

The importance of this research is multidimensional. Firstly, it points out the dynamic and effectiveness of the consultation process. Secondly, the consequences of forced evictions in

affecting basic human such as the right for a permanent accommodation, and the risk to slowdown the Roma integration in the society, worsening even further their vulnerable position. Thirdly, the topic is important for civic engagement and citizen empowerment. Lastly, the research will provide insight on shaping the policy intervention on housing by the government and local authorities based on the people needs.

The research consist on primary and secondary sources of information. It is designed to review the literature concerning on forced evictions that lacked consultation with the inhabitants, and the international and national framework that focuses on the states obligation to priory consult with the Roma families. Moreover, a road map of documents, reports and governmental decision that talk about the situation of the Roma living conditions and housing, and the correspondence of decisions made by the government, including the communication with the civil society organizations. Furthermore, ten interview with various actors form the NGOs, lawyers, and experts, and two focus groups one with some of the Roma families from Selita and the other with the Roma and non Roma activists. Lastly, my own work experience on housing and forced evictions during three years in the grassroots working especially on the cases of “Kavaja Street”, and Selita.

The consultation process is a delicate but remarkable point within the policy cycle of deciding the agenda, identifying the problem, and framing the policy intervention on the specific topic. My assumption regarding the consultation process between the public authorities and the community does not depend only on the consultation per se. definitely, the consultation constitute an important tool to push the agenda and achieve the desirable outcomes. However, it is not enough if we consider a superficial consultation without a proper participation and consideration of the voice and the recommendations from the Roma families. Thus, if the consultation comes as a result

of powerful driven forces that have enough political or social power, then the result would be different, and first of all would diminish the asymmetry of power relation between the Roma community and the public authorities. Moreover, an effective consultation has the components of public participation, requires an open and transparent government, and an inclusive approach. In addition, it is not enough to provide information and be transparent if there is not an adequate infrastructure to make the information and transparency accessible for all. It would also hold into account the public authorities of the Albanian government to respect all the stages of the policy process framework, especially the policy formulation and implementation. Moreover, I think that it would increase the chances of the families to go through a legal procedure in order to legalize on time the houses so that the remedy could be the compensation one. Finally, it would give to the Roma' bigger chances in engaging beforehand in the local policies of social housing and tailor them in advance so that the social housing could be more accessible.

The first chapter, public authorities affect housing of the Roma community in Albania. Starts with a general overview of the historical background of the housing issue in Albania during three distinctive periods of time. It talks about housing during the communism era, and the development of the early years of democracy and how did it affected the housing for Roma. The second subsection aims to give a general overview of the housing, social, and economic situation of the Roma community in Albania nowadays, with a special focus in Tirana. Within this chapter, the complexity and variety of the reasons why the Roma community is living under such unacceptable conditions. The third subsection, gives a concise description of the selected cases from 2011 to 2015 some of which clearly manifest the use of forced eviction practice by the public authorities, while other cases are less severe and described as public interventions for a common good. Lastly, the national and international framework, and the voluntarily accepted commitments.

Its purpose is to provide a clear understanding if whether the Roma minority in Albania might have the right for protection and the state the duty to protect, provide shelter to the people, consult and intervene.

The second chapter, gives deep insight of the existing literature review that talks about the forced evictions and the effects on human rights, Romani integration, and worsening of the living conditions. Furthermore, the conceptual framework narrows down the scope of the consultation process, and explains the concepts of forced evictions, public investments, transparency, inclusiveness, and openness based on the purpose of the research and the context of the study.

The third chapter, gives a detailed explanation of the research design and methodology. It justifies the research methods of semi-structured interviews, and focus groups that were used to obtain the data needed in order to answer the research question. The number of interviews and focus groups, and the rationale behind the selected interviewees. Moreover, the limitations of obtaining the data and what was used instead.

The fourth chapter, talks about the critical analysis of the findings. Here I analyze each case study in terms of the consultation process that took place. In addition, what were the outcome brought by such processes and why would be important to stick to an open, participatory, and step by step consultation process. Whether, the attempts to seek for a consultation process brought any positive changes, and what pushed the consultation to take place.

The conclusion talks about the main findings of the research. Basically, it responds to the research question. It also encompasses a summary of the thesis.

Chapter 1. Context

1.1 Historical Background

Before the socialist regime the Albanians perceived the Roma as nomadic groups, implying that living in shanties and traveling instead of a permanent accommodation was a voluntary choice. Particular Romani subgroups had a mobile lifestyle due to their economic activity like most of the Roma in Europe (“Roma Rights 2, 2004: Ethnic Statistics - ERRC.org” 2017, 2). This perception led to a wide spread stereotype against Roma which still exists nowadays, considering them as not fit to live and work permanently in one place. However, it should not constitute an argument to infer that all Roma are homeless by choice, nor it should be taken as a norm, and certainly it is not a reflection of the culture as such lifestyle was imposed to Roma by circumstances.

In the early years of the socialist regime (1945 – 1970) the Roma housing conditions in Albania improved significantly. The Roma also benefited a permanent employment, education, health, and social services (Gëdeshi and Jorgoni, n.d.). During the second and third decades of the regime, many of the Roma settled themselves and adjusted to a more permanent lifestyle; the state took care of their accommodation by providing flats and desegregating them, some were segregated in deep rural areas in order to restrain them from free movement.

Emiliano Aliu, one of the interviewees, states that before the 90s the housing situation for Roma was improved, and approximately 98% of them were sheltered. However, many people from the same family ties were sharing the same living space. As Albanian citizens,

Roma benefited permanent employment, although most of them worked as unqualified workers mainly in the public services sector, construction, farming and handicrafts (Gëdeshi and Jorgoni, n.d.). Albania was not an urban developed country, most of the population was settled in the rural areas and the economy was heavily centralized and based in the domestic production. The centralized regime provided all the services including housing, which many people thought was free of charge. Moreover, the state determined their accommodation in a flat or gave permission to construct a home on the state property land only for living purposes. The Roma people had to adjust with this system as well. Based on the employment type, many Roma families were settled as farmers in the rural areas of the South-West of Albania long time before the socialist regime came in power. However, other Romani groups engaged in trading had to travel in order to sell their handicrafts products such as basket weaver and horses.

During the post-communist period, the Roma found themselves less prepared than the Albanians to adjust to the new conditions of the democracy. The collapse of the socialist regime brought many challenges in employment and housing especially for the Roma community. The closure of the state-owned enterprises caused shortage in the public sector employment, this left many Roma and non-Roma unemployed and made them compete in the limited employment market (Roma Active Albania 2012), (admin 2016). However, the Roma were unable to compete because unlike the majority of Albanians, they were less educated, not politically supported, had weak network and lack of specialization (admin 2016).

Many Roma moved to Tirana and other large cities during the urban rapid growth, followed by the illegal squatters. The turmoil following the collapse of the socialist regime, as well as the lack of institutional support, unemployment and social protection policies led many people to migrate to the largest cities in search for new opportunities (Pojani, 2009).

According to Popojani (2009) “Many of the migrants to the cities had the financial means to afford regular housing in the capital and other cities, but others occupied (public and private) land in the city fringes, which was devoid of infrastructure, creating larger squatter zones”. Most of the Roma who faced unemployment, and lack of institutional support, relied on their own forces. To survive most of them started informal activities such as second-hand clothes trading, playing instruments, singing, begging, recycling iron and plastic; they also returned to the early professions such as handicraftsmen and horse salesmen (Kaciu, 2016). Nevertheless, these informal activities were not a rational, but a “forced” choice, for the sake of survival. In addition, this pushed the Roma to travel to the more developed urban areas in Tirana for the purpose of trade and reaching better life.

The Roma who migrated from small cities to the bigger urban areas constructed temporary shanties, instead of concrete and permanent houses. They created new settlements alongside Tirana River, at old abandoned factories, and at Shkoza area. Those coming later were settled in the already existing settlements which were the temporary shanties. Lack of financial means, and the fear of the possible intervention of the institution to demolish their houses made the Roma to live in shanties for many years (Open Society Foundation Albania 2014).

Bujar, part of the focus groups arranged with the Roma families claimed that they had to migrate, and occupy a land due to the lack of space within the family. Bujar is a Roma who during the socialist era lived in a state owned flat with his family in the Selita area. When he and his siblings grew up and got married it was impossible for the extended family to live together in a small flat. Therefore, after 1992 they moved a hundreds of meters away within the same area, and occupied the land where they constructed decent houses.

Many Roma lost their apartments during the pyramid scheme crisis from 1992 to 1997, and ended up being homeless. According to E. Aliu, the Pyramid scheme fraud was fatal to most of the people who invested their money and belongings in order to increase their profits, but the Roma suffered from it more than anyone else. Thus, they had to migrate, occupy land in the urban areas, especially in Tirana, and live in shanties.

1.2 An Overview of the Housing and Living Conditions of the Roma in Albania

“The right to social housing should not be equated with having a roof over head, but should be seen as the right to live somewhere safely and with dignity. The right to social housing should be provided to all people regardless to their income and implemented in a manner consistent with their resources”. – International Covenant on Economic, Social and Cultural Rights

According to the OSFA census (2014), the Roma population in Albania lives under temporary and insecure housing tenure (Open Society Foundation Albania 2014). Lack of housing, its reconstruction, infrastructure, legalization, and issues with the right of house ownership are among the most serious concerning problems that the Roma community faces (Open Society Foundation Albania 2014), (Roma Active Albania 2012). A part of the Roma community lives in decent dwellings, and in good living conditions. There are families that live in their legalized houses, but in bad living conditions, lacking monetary incomes, and the adequate infrastructure. However, a considerable number lives in shanties erected in unoccupied spots, which are probably state or public property, such as by the river shores, without a legal permission by the local authorities. The OSFA census on Roma housing reveals that approximately 60% of the Roma families feel insecure without an access to housing (Open Society Foundation Albania 2014). On the one hand, they are unsure regarding the legal status of their houses. On the other hand, they

are unable to access the social housing programs due the irrelevant criteria that excludes Roma and any poor citizens that are unemployed or earn not enough incomes (Roma Active Albania 2012). In some cases, the shanties are constructed in a private land and the Roma pay a fee to the landowner. The hazards of this situation are insecure tenure and the risk of evictions, caused by construction of public works or the expulsion from the landowner (Andoni and Orgocka 2013).

Access to affordable and adequate housing is the main challenge that led the Roma community into informal and unacceptable living conditions. Approximately 15% of the total Roma population lives in unacceptable living conditions, in barracks made of pieces of wood, carton, and plastic. These informal settlements lack indoor running water and sanitation. The toilets are outdoor, almost in the middle of nature, and lack the sewage network. Lack of water and sanitation is the main source of viral and infective diseases, and contribute to the high child mortality rates(Andoni and Orgocka 2013).

The living conditions in the shanties has endangered several times the life of the Roma through flooding, extreme temperatures, and fire waves. In autumn of 2016 sixteen Roma families living in barracks alongside Tirana's River were evacuated due to the heavy flooding ("Del Nga Shtrati Lumi I Tiranës, Evakuohen Banorët | Gazeta SHQIP Online" 2017). In December 2015, the case of the death of two newborns caused by freezing, was recorded in Shkoza area, part of Municipality, unit No.1 ("Oranews.tv - Vdes Një Tjetër Foshnjë E Komunitetit Rom – Ora News" 2017). Moreover, in January 2016, an electric glitter caused fire and destroyed teen shanties in the same area. Fortunately, none of the people got injured. However, living in these conditions exposes them to everyday hazards and vulnerability ("Digjen Barakat E Romëve – Vizion Plus" 2017).

1.3Cases background of forced evictions between 2011 – 2015 in Tirana

“Displacement or warning forcible eviction of such families was a repetitive phenomenon for communities of Roma ethnicity, or Egyptian one established in suburbs in bigger cities of the country”. – Respublica, 2015

According to the interview with IRCA, there have been repeated cases of evictions of Roma families between 2011 and 2015 in Tirana, characterized by total lack of priory consultation and offering alternative housing to the evicted people. Following the interview, there are about 175 Roma families that live in shacks or improvised shanties in different areas in Tirana. These families are considered homeless, having low or absent skills, being long term unemployed, who have the informal activity of plastic collection and begging as the only income source. Nonetheless, not all the cases fall in the same categorization. For instance, the Roma from Selita had decent homes instead of shanties, and generate their incomes via second hand merchandise trading, even though it is still an informal activity.

Approximately 45 Roma families coming from different cities, were living in a settlement made by shanties in the former train station near Tirana for at least 5 years. The housing conditions were miserable, lacking running water, and sanitation. In February 2011, they were forcibly removed. The settlement was attacked by two people with arson, forcing the Roma to leave. The area was soon turned into a construction site(“Bashkia E Tiranës Do Të Kthejë Në Qytetet E Tyre Romët Që Nuk Janë ‘tiranash’ - Reporter.al” 2015).

Around 100 Roma families were living for 15 years in Tirana in the areas known as “Ish Dekori” (Ex-Decoration Factory). Some of them were accommodated inside abandoned warehouses, but most of them were living in shanties. Few of the families were residents of Tirana, while the majority had migrated from other cities like Elbasan, Berat, and Shkoder. The living conditions were unacceptable: limited living space, lack of the basic services such as water and sanitation. Most of the families were deceived by the landowner to give up the shacks for low

prices, around 40 – 50 Euros. The rest, 38 families who did not accept the sum of money to leave, were forcibly removed in August 2013, and their shanties were demolished by a construction company (aktivistja 2016).

In the area known as Selita in Tirana, there used to live approximately 200 Roma and non-Roma families in decent houses for more than 20 years. All of them were residents of Tirana, and constructed their houses after 1992 without a proper permission from the local authorities. A. Muretaj, Lawyer at the Albanian Helsinki Committee claimed, around eight families constructed their house before August 1991. In addition, 46 Roma families had started the process of legalization based on self-declaration since 2005 based on the Law no. 9482/2006 for the “Legalization, Urbanization, and Integration of formal Objects” (“aluizni » ligj nr. 9482 për legalizimin, urbanizimin dhe integrimin e ndërtimeve pa leje” 2017). However, in 2015 they were evicted by the public authorities due to the construction of a public infrastructure on their settlement area.

The informal settlement in the area of the Tirana’s Artificial Lake was made up with Roma families that were forcibly evicted three times between 2011 and 2015. In 2011 they were attacked and forcibly evicted from the former train station in Tirana. In 2013, from the “Kavaja Street”, the former decoration factory (“Bashkia E Tiranës Do Të Kthejë Në Qytetet E Tyre Romët Që Nuk Janë ‘tiranat’ - Reporter.al” 2015).

Most of the Roma families are from the cities of Berat, Korçë and Elbasan who came to Tirana to work as recyclers because Tirana has better living standards and provides more recycled garbage. The shanties of approximately 44 Roma families lacked basic sanitation conditions such as the sewage network, decent outdoor toilets, and running water. Despite this, the area of the camp turned into a giant source of collection of plastics and iron for them. On 5 October 2015, the Tirana

Municipality started to forcibly evict the families in order to open the way of a public investment in the artificial lake of Tirana(“Albania: Temporary Solutions Are No Solutions for Evicted Roma Families in Tirana” 2017).

1.5 Albanian legal framework and the international standards

This subsection aims to demonstrate the right and duty of the Albanian government to protect the minority rights, whether the state has the right to intervene, or whether the state has a duty to consult and provide alternative housing, shelter, and food. Moreover, the political obligation of the Albanian state toward the international and human rights law. Furthermore, the driving forces that would probably urge the government to consult and respect the minorities.

The Law no.9482/2006 for the “Legalization Urbanization and the Integration of formal Objects was drafted to tackle the squatters and legalize illegal construction, but it discriminates the Roma settlements. According to Matlija et al (2014), the Albanian legislation does not recognize the existence or the status of the permanent homes such as the huts, or shanties (Matlija, Dule, and Theodoros 2014). According to the OSFA census on housing and roma population, (2014) approximately 15 % of 4363 Roma families live in huts. Implying that the Roma are the most vulnerable and unprotected group in front of forced evictions (admin 2014).

However thanks to the consistent advocacy of the Roma families and the activists, and the pressure of the Open Society Foundation in Albania, the international factors, U.S embassy, the government is amending the law of housing that envisage a provision to protect the huts from forced evictions.

Law No.9232/2004 “On social housing programs for resident in urban areas”, provides various categories on social housing for homeless people, but most of low income Roma cannot access it. The law requires citizens to have the status of homelessness, also stable and sufficient incomes earned by a regular job. However, According to Kaçiu (2014) most of the Roma families earn their incomes from informal economic activities collecting and selling iron and plastics, and begging, which are not stable to produce permanent incomes (Kaciu, 2016). In addition, the

majority of Roma living in the shanties cannot register as homeless in order to apply for social housing. However, ICESCR envisage the right to housing as not only having a roof, but as a right to live safely, and with dignity, and this provision should be guaranteed by the state to all people regardless their income (HABITAT 2003).

Moreover, ICESCR sees housing in relation to various components such as security of tenure, affordability, livability, and accessibility, the location that should guarantee access to public services, employment, and the infrastructure (HABITAT 2003). Albania as a member state of ICESCR has the obligation to undertake legal, financial and social step to ensure the right to housing. In the context of my case studies, one of the steps should be public consultation with the Roma families, and to consider their conditions.

The Ombudsman office based on its role to guarantee human rights and protection to minorities, has made a series of recommendation to the Albanian government regarding the improvement of the housing and living condition of Roma. Review and amendment of Law no. 9232/2004 “On social programs for sheltering inhabitants in urban areas to make them accessible by the community. Some improvements in Law no.10221 date 4.2.2010 “For protection from discrimination” in a way to meet the full protection in conformity with provisions of Frame Work Convention of Council of Europe “For the protection of minorities”.

Article 5 of the International Convention on the Elimination of all Forms of Racial Discrimination call upon member countries to eliminate racial discrimination in all its forms, and to guarantee the right to everyone the enjoyment of rights, including the right to housing (“OHCHR | International Convention on the Elimination of All Forms of Racial Discrimination” 2017).

Chapter 2. Literature Review & Conceptual Framework

This literature review is divided into two parts. The first is a review of the scholarly work on cases of forced evictions affecting Roma in Europe, and the international standards and agreements which concern evictions.

The second part aims to introduce the basic concepts that will explain the process of consultation for each case study. Each of the concepts is defined and fleshed out with reference to the definitions and categorizations provided by various white papers concerning European governance: World Bank, Karel van der Zwiep (1994), Bianca Ambrose-Oji and Bob Frost (2011), Maguire and Mage (2012), Desmond M. Connor (1988), Fung (2013), Brüggemann, Friedman (2017), Rostas, Rövid and Szilvási (2015), Koutouki and Farget (2012), and Andrei, Martinidis, Tkadlecova (2014)

I shall also define various features of consultation processes, in ways appropriate to the case studies.

2.1 Literature Review

“Forced evictions are permanent or temporary release against the will of individual, family, community, of homes and/or land which they occupy, without offering and without providing legal ways and other ways of protection”. – The United Nations Committee on Economic Social and Cultural Rights.

Eviction is a process that does not take into account a regular legal procedure, and which lacks practices such as disclosure of information to the public, consultation, legal protection guarantees, and provision of affordable alternative accommodation that is fit for human habitation.

Andoni and Orgocka (2013) claim that forced evictions in the case of the Roma in Albania are a sobering reality, and almost a norm due to their lack of access to secure housing. Roma who

generate their income from collecting plastic and iron are usually settled in the urban areas where the activity is most profitable, typically on land which is not privately owned or with disputed ownership. New public and private developments create a significantly greater risk of eviction for those who are living in such situations (Andoni and Orgocka 2013).

The European Court of Human Rights has assessed that the state has a constant obligation to provide all citizens with certainty in possession of a dwelling, regardless of whether they possess a title deed. Hence, the state must guarantee legal protection to the people who might face forcible evictions or other inducements to leave, such as intimidation by private actors. The Special Reporter to the United Nations for housing gives clear guidelines to state officials and policy makers for procedures and measurements in case of forced evictions. However, the primary focus should be on conformity with international law.

In any case, the international framework regarding forced evictions is not enough to guarantee and protect the right to housing of members of the Roma community so long as it is not legally binding. Although the international framework plays a significant role in pushing the state to consider steps such as requiring information and consultation of residents before evictions can take place, a mere principle is not enough. In order to prevent violations of people's right to housing, there should be a law that sets out a procedure and rules and regulation which concretely guarantee this and other related rights, including legal protection from any unlawful action by the public authorities.

"A home set up without lawful authority could still be a home" – The ECHR, Chapman v United Kingdom article 8

According to the ECHR local authorities should consider their actions before intervening to displace a community, even in cases of public investments. Moreover, they should consider the right to respect for private and family life, home and correspondence under Article 8. Furthermore,

any action undertaken by the public authorities should be proportionate to the legitimate aim that the authorities are pursuing (Johnson et al, 2005).

International Law demands the public's right to participate in the decision-making process. There should be a genuine and robust consultation process, since forced evictions risk causing human rights violations (Rubinson, 2014).

The Albanian government has voluntarily agreed to implement the Roma Decade (2005 – 2015). This undertaking is primarily concerned with integrating the Roma, but also makes provisions relating to housing. This document clearly states the commitment of the Albanian government, among other goals, to improving the living conditions and housing of the Roma. This document has a special relevance in shedding light on Roma inclusion policies in general.

“The Right to Information” law was adopted by the Albanian Parliament in 2014. This law states the main principles of an open and transparent government, the duty and obligation of the government to disclose information to the public in any lawful form, and the procedure of requesting the information, including legal deadlines and penalties.

Preventing forced evictions and improving Roma housing is one of the five recommendations in the European Union's framework for Albanian accession. Albania's interest in joining the European Union has been seen, since its emergence as a democracy, as a national priority. The Albanian government, therefore, sees this as a strong incentive to comply with its voluntary-adopted obligations toward the Roma community.

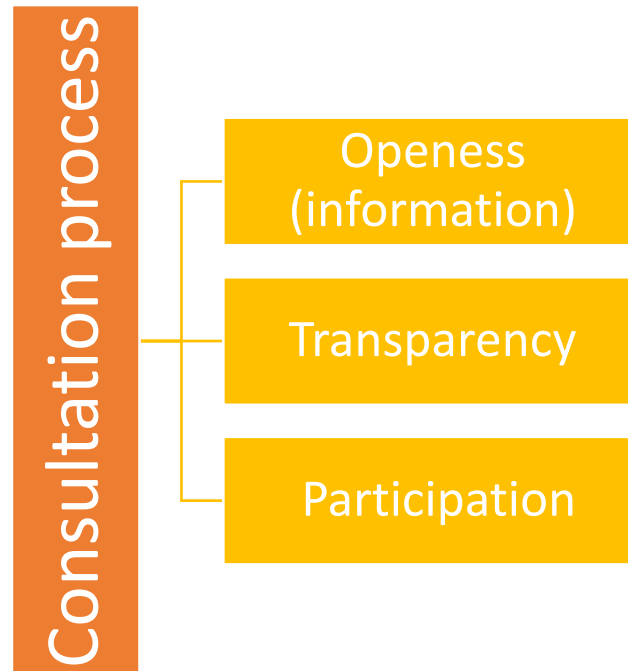
Article 25 of the United Nations Universal Declaration of Human Rights states that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control

According to the white paper “European Governance”, openness, participation, accountability, effectiveness and coherence are the five important principles that underpin a more democratic governance and which strengthen the rule of law. Political institutions should work in

a manner which is transparent to the public, and should actively communicate with the public regarding the policies and decisions that affect people's lives. In addition, the language used in public institutions should be simplified so that it is understandable to the general population. The quality and effectiveness of the decision-making process depends crucially on the level of participation throughout the policy chain: improved participation builds greater confidence in institutions and achieves more satisfactory results for the community ("European Commission - PRESS RELEASES - Press Release - European Governance A White Paper" 2017). Participation is closely tied to the inclusive approach that the central government should practice before it comes to a decision upon an issue such as housing or forced evictions. Both the central government and local authorities should be accountable for any action or policy that has an impact on the community. Thus, the principle of accountability indicates that the role, powers, and responsibilities of every public institution should be clearly and publicly stated. However, in cases of multilevel decision making processes where many actors are involved and must cooperate with each other at multiple levels of governance, the issue of accountability is challenging due to the lack of institutional communication and cooperation.

2.2 Conceptual Framework

The conceptual framework of the analysis is based on the themes of openness, transparency, and participation.



Different organizations and scholars use different definitions and categorization on these concepts, sometimes they use different terminology to express similar concepts. For instance, the pyramid of public involvement is composed by the themes of information, consultation, engagement and collaboration (“going the distance together: section 4.1 - what can communication, collaboration, and consensus accomplish?” 2017). However, the typology of eight level of participation has another pattern and participation constitutes the basis of the analysis, (“A Ladder of Citizen Participation - Sherry R Arnstein” 2017) I will provide definitions for the concepts based on the literature review, and I will select the relevant elements that fit to the context of my cases studies.

According to IFC World Bank, Consultation is a process of dialogue between two groups of people in order to create a series of opportunities, to consult, and to establish an understanding

about policy interventions that might affect the interest of someone. Consultation is an opportunity to get more information, to be up to date on the recent development of state decision making. Moreover, it gives to the people the opportunity to raise concerns, ask questions and potentially shape the decision making process. Sometimes, consultation and participation are used interchangeably for the same elements that they have such as the opportunity to get more information, communicate and impact the decisions.

Informed participation is used to describe a more intensive form of consultation, it usually involves a more in-depth exchange of views and information, and it leads to a co-analysis of the policy intervention and decision making. In addition, important at this stage is a well-informed community encouraged to participate (Coenen 2008).

Karel van der Zwiep (1994) acknowledges that public participation is the “voice of the people”, and it constitutes an important tool in the political decision making processes. Moreover, he states that participation is not necessarily bounded by laws or regulations but is guaranteed by the international standards, and it should be exercised by peaceful means such as protests, or letters to the politicians (BREZOVSEK 2017).

According to World Bank, participation is a process between stakeholders to influence the decision making process, the source allocation and access to public services. In addition, it helps to enhance the principle of transparency and accountability, and finally it improves the effectiveness of the policy or project (“Participation & Civic Engagement - Participation at Project, Program & Policy Level” 2017).

Bianca Ambrose-Oji and Bob Frost (2011), consultation is part of the participation spectrum. The government has the obligation to keep the public informed, acknowledge their concern, and listen to public’s feedback (Forestry Commission 2017). Whereas, information is

defined as the right to be informed on a regular basis, to approach the community, understand their problems and provide alternatives in a meaningful language. Clearly, the information has to be communicated effectively in order to reach the people.

Maguire and Mage (2012), define information as way to exchange information, raise awareness, and collect public opinion. The information should be delivered in an understandable way to the people. Whereas, the consultation as processing information to educate people, and trigger public debates. (“going the distance together: section 4.1 - what can communication, collaboration, and consensus accomplish?” 2017).

The ladder of citizen participation is another categorization of eight rungs of themes. The two first rungs manipulation and therapy constitute non participation. Informing, consultation, and placation, constitute tokenism. Whereas, partnership, delegated power and citizen control constitute citizens power, and reflects the highest level of participation (Connor 1988).

Desmond M. Connor (1988) claims that informing citizen about rights and options is the first and most important step toward citizen participation (Connor 1988). However, in my case studies the flow of information was not transparent, goes in one direction or it is not face to face with the Roma community. As a result, people would have less chances to influence the outcome of the decision makers in order to obtain the most effective housing alternative, or to prevent on time the forced evictions. Whereas, consultation is the process of inviting the people to draw their opinions regarding the decision making process. However, consultation is a transitive phase of information and comes before participation. In simple words, consultations should be combined with other modes in the ladder of participation (Connor 1988).

Karel van der Zwiep (1994) shares the same opinion as Desmond M. Connor (1988). Both of them agree that access to information is essential to public participation. In addition, Karel van

der Zwiép raises the questions how the public can reach the information generated by the institutions, and how the information is disclosed for the public. The simplest way can be citizen demanding for information. However, this approach makes the government passive, and sometimes it lead to delays (BREZOVSEK 2017).

The concept of transparency is developed by Fung (2013) who states that this concept is vital for the democracy as it serves to the people to reach the right to know. According to him there are three types of transparency. First, information on demand, the government or private companies has do disclose information upon the requests. Second, the “naked government” (open government) states that government should disclose information on a daily basis. Third, targeted transparency, the government should approach and provide information to its citizen based on specific issues that are important for the community (Fung 2013). Furthermore, transparency consist on the principles of availability, proportionality, accessibility and Actionability (Fung, Gilman, and Shkabatur 2010).

Brüggemann, Friedman (2017) claim that inclusion or inclusiveness is highlighted in the Roma Decade document in the Roma Inclusion policies, or Roma integration and implies the idea that Roma should integrate in the broader society (Brüggemann and Friedman 2017). In addition, Rostas et al (2017) claim that Roma inclusion sees the community as a vulnerable group that needs to be assisted in their inclusion, for instance in social, education, and housing policies (Rostas and Rövid 2017).

Inclusion requires the full participation of the communities in the decision making processes that affect their lives, an important aspect of the inclusion is the direct contribution of the habitants in each of phase of the policy. However, according to Koutouki and Farget (2012) the legal normativity that establishes a right to participation in the decision making process for

minorities “tends to reproduce the illusion of inclusion...” Whereas, Andrei, Martinidis, Tkadlecova (2014) claim that policies or initiative do not have a significant impact if are designed in a top-down approach with little or without consultation. (“Challenges Faced by Roma Women in Europe on Educat...: Findit@CEULibrary Result” 2017). Furthermore, based on the interview with Mrs. Doris Andoni, ex-director of EKB, she claims that Roma need a holistic integration not only on housing, and crucial is their own contribution and negotiation with the government.

"People today have an urge - an impatient urge - to participate in the events and processes that shape their lives. And that impatience brings many dangers and opportunities" (UNDP, 1993: 1)

Chapter 3. Methodology

3.1 Collecting Data: Interviews and Focus Groups

Regarding the methodology, the research consists of various techniques and qualitative analysis such as, research desktop, semi-structured interview with Roma civil society organizations and public authorities, and focus groups with Roma families and Roma and non-Roma activists, interviews with experts of law and Romani issues, and lastly my knowledge and observations based on my work experience. Each of the techniques is used to gather factual data information and mainly opinions and points of view; and most importantly to deliver to public authorities a descriptive background of the cases concerning my research, and the experience of the actors involved in the process.

The targeted group of this study are four categories of actors. First, the governmental institutions and independent governmental bodies. Second, Roma and non-Roma experts and lawyers. Third, Civil society organizations, both national and international, operating in Albania. The fourth group are Roma and non-Roma activists, and Roma families from Selita.

In addition, to obtain the necessary data and deduce the findings I created a road map of data accessed by reports, press releases, recommendations, and governmental decision produced by the civil society organizations, independent governmental institutions, and the government institutions.

In addition, my working experience was useful for this paper. I have been working for at least two years on the topics of housing and evictions that affected the Roma community in Albania. Hence, I was involved directly in the process, attended a meeting at the Ministry of Urban

Development, ALUIZNI, ARRSB, Tirana Municipality, and the Ombudsman. Furthermore, I have prior knowledge on the background of the cases, its trajectory and the requests from the inhabitants.

This study looks on the role, work, opinions and arguments of the governmental institutions, Roma and non-Roma experts and lawyers, national and international civil society organizations, Roma activists and Roma families. I have conducted 13 semi-structured individual interviews with key people that were or are still working on these cases. Depending on the interviewee there were 4 to 10 questions asked. In addition, I have arranged two focus groups with Roma and non-Roma activists and Roma families. I wanted to keep the discussion open and to have further information. The aim was to look into their arguments, opinions, point of view and feelings toward the cases. Although, I myself worked on these cases and tracked the process, the interviews contributed to my research questions with further information regarding the development of the cases, and especially with the diversity of opinions regarding the paradigm of a consultation process. The interview discloses factual information, as well as personal or professional opinions and arguments.

Regarding the governmental institutions, I attempted to interview the Ministry of Urban Development, the former director of the National Housing Office, the office of public compensation that is part of the Albanian National Road Authority, the National Housing Office, the Ombudsman office and the Commissioner of Protection from Discrimination. Each one of these institutions play an important role on this matter and worked directly with some of the cases, particularly on the Selita's one. The Ministry of Urban Development is in charge of the national housing policies, the process of legalization of the houses that need the certificate of ownership is responsibility of ALUIZNI. The National Housing Office is in charge of the execution of housing

schemes. The Albanian National Road Authority is an office under the authority of the Ministry of Urban Development and was in charge of measuring the project of road construction in the case of Selita and the compensation process. The Ombudsman assessed that the case of Selita and every other case of this study were under unlawful procedures, and the decision taken would affect the families by worsen their situation. The commissioner of protection from discrimination managed the case of Selita and concluded that it was a discriminatory practice.

Regarding the second group of interviews, I interviewed a former employee of the Ministry of Social Welfare and Youth coming from the Egyptian community in order to understand her role, and how much she was involved in the consultation process. I also interviewed a Roma expert that worked at the Ombudsman office in order to understand the role and participation of Roma experts in the decision making process. Furthermore, I interviewed two freelance lawyers and activists, who have practical knowledge on the cases and have strived to achieve benevolent outcomes. However, the case of Selita is still in the process.

Regarding the civil society organizations, I decided to interview five of them. Three which operate from the legal perspective. I learned about the legal challenges that each case faces. Lawyers can disclose information which is difficult to obtain and disseminate through other channels, as they are expert in their field. Furthermore, I learned about the opinions and arguments of the lawyers regarding openness and participation of the consultation process. Two other organizations are the Institute of Romani Culture in Albania and the Open Society Foundation in Albania. From the first one I learned about the recommendations sent to the governmental institution regarding the management of the housing issue. While, OFSA provided knowledge about all the cases.

The fourth group is represented by Roma and non-Roma activists and the Roma families of Selita area. I conducted focus groups with a representative sample of 5 – 7 people per each focus group. I asked factual information about the cases, and what the local government or the central government is working on with the families. Both activists and families are in a continuous attempt to retain the right for a permanent housing for the Roma Families. The activists are working in the grassroots and served as a first source of information for my work, while the families shared factual information and their feelings.

3.2 Limitations

I could not conduct some of the interviews either because lack of transparency and unwillingness of the public institution such as in the case of Ministry of Urban Development, or due to the absence of the interviewee in the case of the KMD and the Ombudsman. The possible shortcoming of the analysis might be the unbalanced range of opinions which assess the absence of the consultation process, and are less disputed.

Regarding the analysis, each of the cases is complex in itself, and it requires deep research and sophisticated indicators to measure the level of the consultation process. Whereas, my analysis sees at the development of the openness, transparency and participation themes in order to and essential moments of the cases whether the themes were respected properly as stated in the theoretical framework. In addition, not every stage of the consultation process lack openness, transparency or participation, in the analysis there are also successful developments.

Chapter 4. Analysis of Findings

The critical analysis covers each case in detail in terms of their accordance to the conceptual framework of the consultation process. The analysis assesses the overall opinions of the interviewees regarding the effectiveness of the consultation process. It also assesses the disparities and similarities between the case studies. Referring to the consultation process, the analysis spots the potential driving forces that could make the government answer the needs of the Roma community.

4.1 Critical analysis of the consultation process

“Before determining whether an overriding public interest justifies forced evictions, all feasible alternatives, taking into account for eviction impacts, must be considered in consultation with affected people” – Robinson, 2014

For the purpose of my analysis, consultation is defined as a two-way step by step dialogue that aims to communicate to the government the Roma concerns related to forced evictions, displacement and alternative housing. The consultation process is based on the specific context of each case, and a good consultation process should be communicated, planned early enough and documented. Moreover, consultation is regarded as a face-to-face and step-by-step dialogue between the public authorities and the Roma community, in order to establish a greater understanding on the policy interventions or decision making process and to be able to shape it. Whereas, openness refers to the willingness of the public authorities to disclose the information that affects the community on time. In terms of transparency, the Albanian Authorities had the obligation to effectively deliver information about sequence of their actions to the affected community. I define participation as the active and concrete involvement of the Roma families in

shaping the decision-making process after the evictions, with further solution of their alternative housing.

In general, most of the interviewees' claim that the Albanian authorities failed to engage in a meaningful consultation process with the Roma community. However, three of the interviewee stated that in the cases of the Roma settlements at "Ish Dekori" and Selita there were a series of meetings between the public authorities and the community, but none of the recommendations were taken into account. According to R. Kiptiu (Specialist on Roma and Egyptian issues at MMSR), D. Andoni (ex-director of EKB) and A. Metalla (Lawyer at TLAS) lack of transparency is a widespread issue in Albania. E. Aliu and R. Kiptiu confirmed that the public authorities arranged meetings with Roma civil society organizations in order to discuss issues of evictions and housing. However, they were not transparent enough, and the community was not involved in the matter.

During the focus group, the activists said that there was a delay of information and the announcement was not delivered in an understandable language to the Roma community. The Roma were not consulted effectively at any stage of eviction process, in every case the decision was made without involvement of the Roma community. Two of the interviewees claim that in some cases face-to-face consultations were not useful, but were arranged just to be covered by media.

The Roma settlement at the ex-Train Station, Tirana.

The Roma community at the ex-train station were not approached by the public authorities, nor were they consulted regarding the alternative housing. Based on the interview with IRCA's director, the 34 Roma families were forcibly evicted by the self-declared landowner.

Openness/ Information. The public authorities intervened too late, and were incentivized by the Roma civil society, the European Delegation in Albania, and the Ombudsman. They were sheltered temporarily at the Ombudsman's office until the Ministry of Labor could find another permanent solution.

Participation. The Ministry of Labor took the decision to provide shelter at an abandoned cantonment in the outskirt of the town that was adjusted as an Emergency Shelter for the Roma families ("Oranews.tv - Dëbimi I Romëve, Totozani Të Martën Tryezë Të Rrumbullakët, Merr Pjesë Dhe Sequi" 2017) facing isolation, poverty and discrimination. The Roma families were not asked any opinion or suggestion regarding the decision, thus, they could not raise their concerns in front of the Ministry. However, some of the civil society organizations had meetings and discussed with the Ministry of Labor, and officials from the Tirana Municipality, but again the Roma NGO's concerns regarding the location, lack of public services, and displacing them in a segregated area were not considered. The decision was justified as consulted with the Roma civil organizations, while it was not a proper consultation which takes into account the concerns, claims of the families represented by the NGOs (Rubinson 2013).

Transparency. No information was provided to the Roma families regarding the timeframe of this permanent solution. In addition, 11 families moved to other settlements where they could access the informal employment. The Ministry of Labor did not make any statement related to a permanent housing in the future. In other forced eviction events, the minister claimed that they had already provided an alternative housing solution.

The Roma settlement at Ex-Decor Factory, "Kavaja Street".

The Roma families were forcibly evicted by the private landowner and the construction company under severe circumstances, the public authorities such as the Ministry of Labor did not

intervene on time to support the families and guarantee the lawful procedure of displacement. This case has lasted for a few weeks and was developed also by the new government that came in power in June 2013.

Openness/Information. The families were living for almost 15 years informally in huts. Instantly, in August 2013 they were notified by the private company construction that within a few days they had to move Xhenson (aktivistja 2016a). During the interview with E.Aliu there were 100 families, but 43 of them were manipulated and offered money to leave. Based on the interview with B.Taho director of IRCA, the families were not officially notified by the public authorities. The families were not provided with information regarding the legal procedure that first they had to be warned, and that they could leave only after the alternative solutions are provided.

The activists, civil society organizations, Amnesty International, the Ombudsman, the European Union and the OSCE in Albania asked for urgent measures for the 37 remain families with no place else to go. According to these actors, the eviction was lawless and infringed basic human rights, such as right to dignity, security and family life. For more than two months the Roma were settled in the pathway close to the Ex-Decor factory, in which the construction company was building private apartments.

Transparency. After the Albanian parliamentary elections in June 2013, the new Ministry of Social Welfare and Youth immediately approached this issue promising the Roma a permanent housing solution. The Minister that time was Mr. Erion Veliaj, who arranged two consultations with the families, activists and some of the Roma organizations aiming to consult about the issue and the most suitable housing alternative. Hence, on the meeting which I attended myself in 2013, the Minister suggested four locations to be adjusted for living purposes. Basically, he was open

and willing to consult, and to provide assistance to the evicted families, so they could in the future apply for social housing apartments.

Participation. IRCA's director B. Taho during the interview claimed that his NGO offered the needed expertise regarding this issue to the Ministry of Labor before the new government, claiming that the real issue is the generation of incomes. Lacking a decent job, Roma will be forced to live in huts under extreme living conditions. Unfortunately, their recommendations were not considered. The approach of the Ministry of Social Welfare and Youth first by engaging into a consultation process with the families, and then providing a temporary housing alternative makes the participation meaningful. Nonetheless, two of my interviewees claimed that the participation was a media show. According to them, the decisions were already taken months before, the families and organizations participation was fictive, they sat in the meeting and were introduced to the temporary housing. Moreover, one of the interviewees added that the families could not participate properly in the consultation process due to lack of understanding the sophisticated language used to introduce them to the decision.

Selita case

According to lawyer interviewees the case of Selita is considered as a forced eviction, and did not abide to the international agreements. Based on the interviews with TLAS, AHC, and two of the OSFA lawyers A. Lugji and A.Lapaj, the decision to not legalize and compensate the families before evicting them was discriminatory. The discriminatory practice was also confirmed by the investigation of the Commissioner for Protection from Discrimination decision for eight of the families who had their houses built before 1991. Approximately 76 inhabitants of Selita, applied at ALUIZNI based on the Law provision of Legalizations, Urbanization and the Integration of the Informal Squatters to have their houses legalized.

Openness/Information. During the focus group with the seven members of the Roma families, the group stated that they had been aware of the public investments of “Unaza e madhe” by the government, but were not informed officially by the public authorities. Recalling the interview with E.Aliu, the project of “Unaza e madhe” was changed and revised several times, people were not aware if they would be affected by the project.

Although they initiated the process of legalization of their dwellings at ALUIZNI, no information was provided until the day they were informed to leave due to the public investments. Some of the families did not had to apply for the legalization process, because according to the interview that I had with the lawyer of AHC, and TLAS they were in the conditions of the governmental decision no. 608/2012. This legal act, regulates the procedure to privatize real estate of before 1991, when the holder does not have the certificate of ownership. However, the Municipality did not respected the decision. 608/2012, nor the legalization process was considered by ALUIZNI in order that ARRSH could initiated the procedure of compensation that was the main request of the families.

Transparency. In the interview with R.Kiptiu she claimed that during the time she worked as a specialist at the Ministry of Social Welfare, she was not provided with information by the office and the collaboration between the institution was weak and without coordination on this case. The Selita families during the focus groups affirmed that they were seeking if their houses would be affected, or whether they could legalize them. But, the institution of MZHU and ALUIZNI were not transparent to them. Pivotal was the intervention of the activist who were constantly at the community raising awareness and seeking meetings with the public authorities in charge with the case. As part of the activist group, I remember we had a series of meetings with the institution seeking information and raising the concerns of the Roma families to have their

dwellings legalized. To achieve this purpose, we organized a series of protests in order to get the attention of the public authorities. Anyhow, the attempts helped to echo the voice about the issue, in the end the Roma families were treated unfairly with 2 years of subsidized rent paid by the government. In the interview with the lawyers A. Lugja and A.Lapaj they claimed that this practice was discriminative due to the fact that the government should not have treated the Roma with a temporary solution that might worsen their situation.

In the interview with B.Taho of IRCA, he stated that there were a series of consultation with the habitants, but the institution were not transparent to them. In addition, the language used by the institution does not reach the understanding of the undereducated Roma.

In the interview with R.Kipitu, she stated that the Albanian institutions lack communication and cooperation with each other, and the transparency has been always an issue especially regarding the money spent on the Roma issues. Moreover, she claims that decision developed by the public authorities are made transparent only upon the requests from the habitants. Hence, they should make decisions public and inform the Roma on decisions that affect their lives. Most importantly, they have to consult with the activists and Roma experts in order to work on a more holistic approach that takes in consideration the specificity of the Romani issues.

Participation. The decision to provide two year of subsidized rent for the families was not consulted with the habitants. In the interview with E.Aliu and R.Kipitu they claimed that on the one hand the NGO's proposed some recommendations, but on the other hand they lack Roma policy specialists that could participate meaningfully and propose outstanding recommendations.

The Roma at the Artificial Lake of Tirana.

The Roma who lived at the Artificial Lake of Tirana were evicted in 2015 due to a public investment from the Municipality of Tirana. None of the stages of consultation were respected, the

Roma families were not notified prior to the eviction, and they did not had a say in the decision making process.

Openness/information. The Tirana Municipality was willing to facilitate the displacement of the inhabitants and sent the Roma that were not residents of Tirana to their original cities. While Roma who were residents of Tirana could for social houses. However, the Municipality was not open enough to work closely with the Roma, and to find other alternatives to provide better houses, instead they implemented less costly solution.

Transparency. The decision to move the Roma to their cities of origin, and to provide assistance with the application to the social housing scheme was not transparent. Neither the Roma, nor the NGOs were informed on the decision on time, thus they could not act upon and challenge it. There was not transparency regarding the follow up of the decision like how the Municipality would assist the Roma to apply for social housing. Neither, how to assist the Roma who are forced to migrate from poor cities into urban areas to generate incomes. This was one of the main reasons why Roma are in this situation juxtaposed IRCA claims. D. Andoni stated that housing is not the main concern, but the way how Roma generate incomes is of major importance.

Participation. The decision was taken solely by the Tirana Municipality without consulting the Roma families or the NGOS. They did not even take into consideration the international standards of human rights or the recommendations by Amnesty International and the Ombudsman.

Conclusions

The aim of the thesis was dig deep and describe the consultation process between the Albanian public authorities and the Roma community regarding the cases of evictions triggered by public and private investments. The consultation process is analyzed in two aspects. Firstly, how open, transparent and participatory is the interaction and the communication between the public authorities and the Roma families whose houses were affected by the interventions or who were neglected by the local and/or central government. Secondly, whether the consultation could be a serious investment within the context of Albanian state protecting Roma people.

The responsibilities and duties of the Albanian government based on the national legal framework, the international standards of human rights and the voluntarily commitments toward the Roma community. The driving forces that urged the government to engage in the consultation process with the Roma community regarding alternative housing after the evictions.

Based on the analysis, I can conclude that there was not a solid and meaningful consultation process that has respected the themes of openness, transparency and participation. Although, in some stages of the cases there is a certain consultation in terms of openness and, transparency. However, the overall assessment of my interviews point out the lack of an open, transparent, participatory and inclusive consultation process between the public authorities and the Roma community. In addition, most of the lawyers in my interviews agree that the government actions of evictions and the decisions of alternative housing were not priory consulted. Moreover, they have violated the international standard and the legal procedure. The approach of the government to react on evictions occasions and to consult with the families, although not effectively, was urged by the activists, the international factor, the European Delegation, the international and national organizations, and the Ombudsman.

To conclude, in the four cases of evictions that I investigated in this study, I found very limited and even absent signs of consultation, which violated human right, the legal procedure and the international framework.

References

- “A Ladder of Citizen Participation - Sherry R Arnstein.” 2017. Accessed June 20. <https://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html>.
- admin. 2014. “Censusi i Banesave dhe Popullsise Rome.” Text. Fondacioni Shoqëria e Hapur për Shqipërinë - Soros. July 23. <http://www.osfa.al/publikime/censusi-i-banesave-dhe-popullsise-rome>.
- . 2016. “Hulumtim mbi Profilin Socio-Politik të Popullatës Rome në Shqipëri.” Text. Fondacioni Shoqëria e Hapur për Shqipërinë - Soros. March 16. <http://www.osfa.al/publikime/hulumtim-mbi-profilin-socio-politik-te-popullates-rome-ne-shqiperi>.
- aktivistja. 2016. “Forced Evictions in Albania, Promoting Human Rights.” Barrakjaime. March 7. <https://barrakjaime.wordpress.com/2016/03/07/forced-evictions-in-albania-promoting-human-rights/>.
- “Albania: Temporary Solutions Are No Solutions for Evicted Roma Families in Tirana.” 2017. Accessed June 22. <https://www.amnesty.org/en/latest/news/2012/02/albania-temporary-solutions-are-no-solutions-evicted-roma-families-tirana/>.
- “Albanian Authorities Must Prevent Forced Evictions of Roma Families.” 2017. Civil Rights Defenders. Accessed February 16. <https://www.civilrightsdefenders.org/news/albanian-authorities-must-prevent-forced-evictions-of-roma-families-and-ensure-alternative-housing/>.
- “Aluizni » Ligj Nr. 9482 Për Legalizimin, Urbanizimin Dhe Integrimin E Ndërtimeve Pa Leje.” 2017. Accessed June 22. <http://www.aluizni.gov.al/ligj-nr-9482-per-legalizimin-urbanizimin-dhe-integrimin-e-ndertimeve-pa-leje/>.
- Andoni, Doris, and Aida Orgocka. 2013. “Housing Policies and Practice for Roma in Albania.” UNDP.
- “Bashkia E Tiranës Do Të Kthejë Në Qytetet E Tyre Romët Që Nuk Janë ‘tiranat’ - Reporter.al.” 2015. October 4. <https://www.reporter.al/bashkia-e-tiranes-do-te-ktheje-ne-qytetet-e-tyre-romet-qe-nuk-jane-tiranat/>.
- Brezovsek, Marjan. 2017. “The Modernization Processes of Citizen’s Participation In Local Government.” Accessed June 20. http://paperroom.ipsa.org/papers/paper_5046.pdf.

- Brüggemann, Christian, and Eben Friedman. 2017. "The Decade of Roma Inclusion: Origins, Actors, and Legacies." *European Education* 49 (1): 1–9. doi:10.1080/10564934.2017.1290422.
- "Challenges Faced by Roma Women in Europe on Educat...: Findit@CEULibrary Result." 2017. Accessed February 7. <http://resolver.ebscohost.com/openurl?sid=EBSCO%3aa9h&genre=article&issn=18578799&ISBN=&volume=4&issue=&date=20141201&spage=323&pages=323-350&title=Balkan+Social+Science+Review&atitle=Challenges+Faced+by+Roma+Wom en+in+Europe+on+Education%2c+Employment%2c+Health+and+Housing+--+Focus+on+Czech+Republic%2c+Romania+and+Greece.&aulast=ANDREI%2c+Roxan a&id=DOI%3a&site=ftf-live>.
- Cin, Mehmet Melih, and Yakup Egercioğlu. 2016. "A Critical Analysis of Urban Regeneration Projects in Turkey: Displacement of Romani Settlement Case." *Procedia - Social and Behavioral Sciences* 216 (January): 269–78. doi:10.1016/j.sbspro.2015.12.037.
- Coenen, Frans H. J. M. 2008. *Public Participation and Better Environmental Decisions: The Promise and Limits of Participatory Processes for the Quality of Environmentally Related Decision-Making*. Springer Science & Business Media.
- Connor, Desmond M. 1988. "A New Ladder of Citizen Participation." *National Civic Review* 77. doi:10.1002/ncr.4100770309.
- "Del Nga Shtrati Lumi I Tiranës, Evakuohen Banorët | Gazeta SHQIP Online." 2017. Accessed June 22. <http://gazeta-shqip.com/lajme/2015/11/23/del-nga-shtrati-lumi-i-tiranes-evakuohen-banoret/>.
- "Digjen Barakat E Romëve – Vizion Plus." 2017. Accessed June 22. <https://www.vizionplus.tv/digjen-barakat-e-romeve/>.
- "European Commission - PRESS RELEASES - Press Release - European Governance A White Paper." 2017. Accessed June 22. http://europa.eu/rapid/press-release_DOC-01-10_en.htm.
- "European Countries Must Stop Forced Evictions of Roma." 2017. Commissaire Aux Droits de L'homme. Accessed February 16. http://www.coe.int/fi/web/commissioner/view/-/asset_publisher/ugj3i6qSEkhZ/content/european-countries-must-stop-forced-evictions-of-roma.

- Forced Evictions--towards Solutions?: First Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT. 2005. UN-HABITAT.
- Forestry Commission, G. B. 2017. "Toolbox." Accessed June 18. <https://www.forestry.gov.uk/forestry/infid-5xkj6p>.
- Fung, Archon. 2013. "Infotopia: Unleashing the Democratic Power of Transparency." *Politics & Society* 41 (2): 183–212.
- Fung, Archon, Hollie Russon Gilman, and Jennifer Shkabatur. 2010. "Impact Case Studies from Middle Income and Developing Countries." London, UK: Transparency and Accountability Initiative.[online]. Available from: [Http://www. Transparency-Initiative. Org/wp-content/uploads/2011/05/impact_case_studies_final1. Pdf.](Http://www.Transparency-Initiative.Org/wp-content/uploads/2011/05/impact_case_studies_final1.Pdf) http://www.transparency-initiative.org/wp-content/uploads/2011/05/impact_case_studies_final1.pdf.
- Gëdeshi, Ilir, and Elira Jorgoni. n.d. "Mapping Roma Children in Albania." Centre for Economic and Social Studies (CESS).
- "Going The Distance Together: Section 4.1 - What Can Communication, Collaboration, and Consensus Accomplish?" 2017. Accessed June 18. https://www.fhwa.dot.gov/context/practitionersguide/4_1.html.
- HABITAT, UN. 2003. "UN HABITAT." Guide to Monitoring Target 11: Improving the Lives of 100 Million Slum Dwellers. Progress towards the Millennium Development Goals. http://www.crin.org/en/docs/UN_Factsheet_Housing_en-1.pdf.
- Krstić, Ivana. 2013. "Forced Eviction - Universal International Standards. (English)." *Anali Pravnog Fakulteta U Beogradu* 61 (2): 92.
- Maestri, Gaja. 2014. "The Economic Crisis as Opportunity: How Austerity Generates New Strategies and Solidarities for Negotiating Roma Access to Housing in Rome." *City* 18 (6): 808–23. doi:10.1080/13604813.2014.962895.
- Matlija, Dorian, Irene Dule, and Alexandridis Theodoros. 2014. "Legal Analysis on Housing for Vulnerable Groups." Open Society Foundation Albania.
- "NGOs Call for End to Forced Evictions of Roma in Freezing Temperatures - ERRC.org." 2017. Accessed February 22. <http://www.errc.org/article/ngos-call-for-end-to-forced-evictions-of-roma-in-freezing-temperatures/3965>.

- Nolan, Aoife. 2011. "Aggravated Violations, Roma Housing Rights and Forced Expulsions in Italy: Recent Developments under the European Social Charter Collective Complaints System [Article]." *Human Rights Law Review*, no. 2: 343.
- "OHCHR | International Convention on the Elimination of All Forms of Racial Discrimination." 2017. Accessed June 22. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.
- Okely, Judith, and Gustaaf Houtman. 2011. "The Dale Farm Eviction: Interview with Judith Okely on Gypsies and Travellers." *Anthropology Today* 27 (6): 24–27.
- Open Society Foundation Albania. 2014. "Census 2014 Banesat dhe Popullata Rome ne Shqiperi." "Oranews.tv - Dëbimi I Romëve, Totozani Të Martën Tryezë Të Rrumbullakët, Merr Pjesë Dhe Sequi." 2017. Oranews. Accessed June 21. <http://www.oranews.tv/vendi/debimi-i-romeve-totozani-te-marten-tryeze-te-rrumbullaket-merr-pjese-dhe-sequi/>.
- "Oranews.tv - Vdes Një Tjetër Foshnjë E Komunitetit Rom – Ora News." 2017. Accessed June 22. <http://www.oranews.tv/vendi/vdes-foshnja-3-muajshe-e-komunitetit-rom-ne-shkoze-dyshohet-nga-i-ftoti/>.
- "Participation & Civic Engagement - Participation at Project, Program & Policy Level." 2017. Accessed June 17. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20507658~menuPK:410312~pagePK:148956~piPK:216618~theSitePK:410306,00.html>.
- Pojani, Dorina. n.d. "Urbanization of Post-Communist Albania: Economic, Social, and Environmental Challenges." *Debatte: Journal of Contemporary Central and Eastern Europe* 17: 85–97.
- Roma Active Albania. 2012. "Monitorimi nga Shoqeria Civile i Zbatimit të Strategjisë Kombëtare dhe i Planit të Veprimit të Dekadës Rome ne Vitin 2012 ne Shqiperi." Decade of Roma Inclusion Secretariat Foundation.
- "Roma Rights 2, 2004: Ethnic Statistics - ERRC.org." 2017. Accessed June 22. <http://www.errc.org/article/roma-rights-2-2004-ethnic-statistics/1995>.
- "Romani Community Is Fighting Forced Evictions and Housing Segregation in Romania - ERRC.org." 2017. Accessed February 21. <http://www.errc.org/article/romani-community-is-fighting-forced-evictions-and-housing-segregation-in-romania/4440>.

- Rostas, Iulius, and Márton Rövid. 2017. "On Roma Civil Society, Roma Inclusion, and Roma Participation." Accessed June 20.
https://www.academia.edu/19673938/On_Roma_Civil_Society_Roma_Inclusion_and_Roma_Participation.
- Rubinson, Abby. 2013. "Preventing Human Rights Violations Done in the Public Interest: Recommendations for Development That Respect the Prohibition on Forced Evictions." *USFL Rev.* 48: 673.
- Xhillari, L., and J. Cici. 2016. "Social Housing and Situation of Roma Minority in Albania." *Academic Journal of Business, Administration, Law & Social Sciences* 2 (1): 184–187.