## Questionnaire of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

1. Please provide any statistical indicators regarding the health, mortality and morbidity consequences of inadequate housing and homelessness in your country, disaggregated by sex, race, immigration status, age and disability, or other grounds, if and where possible. Please also provide references to any documentation (written, visual and otherwise) of the lived experiences that lie behind these statistics.

Answer

The Ministry of Urban Development (MUD) does not have available statistics relating to the information requested on the inadequate housing and homelessness in the country level. The application for housing from citizens and the administration of requests, based on the housing law no. 9235, date 13.05.2004 “On programs of social housing”, amended, is completed by local authorities.

MUD, in collaboration with UNDP, in 2016, has initiated a training for capacity building among local authorities, for the creation of electronic data reflecting the need for social housing and the number of applications for this purpose. This important database is lacking in Albania. The data on housing will be separated in the local level, for every category as determined by the law on housing. Legal acts in power for housing do not make a division according to race, gender, emigration status, or age.

1. Please refer to the provisions of your state's constitution or human rights legislation which guarantee the right to life and explain whether these apply to circumstances where homelessness or inadequate housing place health, security or life at risk and whether positive obligations of governments have been recognized in this context. Please provide references to any relevant cases or other examples, if available.

Answer

According to the Albanian Constitution housing is a right. The abovementioned Law no. 9232/2004, in article 4 states that housing beneficiaries are all individuals that have reached the age of 18 years, and fulfill the requirements of not owning a house, living in a space with a surface area less than what is approved by the housing norms, or living in conditions that lay outside of the standards in power, and have an insufficient income.

Also this law foresees financing by the means of small grants for the state budget for the improvement of housing conditions for the Roma community, which has an immediate effect on citizens’ life safety and health.

Currently MUD has undertaken the initiative of changing the law on housing. The working group is composed of representatives of MUD who are working in collaboration with UNDP and EC staff, and have finished the first draft of the law, that is soon to be consulted with interest groups.

Chapter II, of the draft law defines the principles and policies of housing. The law will be based on 5 principles among which are:

1. The principle of housing affordability;

2. The principle of adequate housing, for an individual and/or a family is met when all life safety, dignity and peace are ensured;

3. The principle of housing asurance, states that temporary or permanent housing is inviolable;

4. The principle of respecting the culture, traditions and special characteristics of communities;

5. The principle of participation

6. The principle of nondiscrimination.

Two of these principles, inadequate housing and housing assurance are directly related to life quality.

1. Please explain whether and in what ways courts or human rights bodies in your state have recognized the disproportionate effect of homelessness and inadequate housing on particular groups (such as persons ëith disabilities, Indigenous peoples, ëomen experiencing violence, etc.) as an issue of discrimination. Please provide references to any relevant cases or other examples, if available.

Answer

The law on social housing no. 9232/2004, amended treats all citizens equally and does not allow for discrimination. The documentation submitted by citizens in need of housing based on the sublegal acts (DCM no. 574 date 29.08.2012 “On the documentation that must be submitted by the family in order to be housed by one of the social housing programs and the deadlines and approval procedure to be followed by the local authorities”), does not require that the citizen submits any documentation where the ethnic affiliation is stated. This makes so that no citizens are discriminated on that basis, and thus all citizens are treated equally. Based on this DCM, the rating system for every category is drafted from the local authority, and approved by the local Municipal Council. With regards to disproportionate effects we clarify that the law on housing gives priority to special groups, such as people with limited abilities, the Roma and Egyptian community, women that are head of families etc.