

STANDARDS DO NOT APPLY

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



Inadequate Housing in Romani Communities

DECEMBER 2010

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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Cover photo: © **Kyle Shybunko**. As shown in Košice, Slovakia, where Governments do act to address the housing situation of Roma, they often resort to the provision of isolated containers or apartment blocks which maintain segregation and very quickly deteriorate in quality. Most Roma refused to move into these flats in the infamous Luník IX district because the expected living costs were too high

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2 Introduction

It has been the experience of the European Roma Rights Centre (ERRC) over the years that when speaking with Roma throughout Europe about the problems they face, the most immediate and pressing concerns articulated tend to relate to housing. Whether the problem is an impending eviction, poor conditions, denial of access to housing and utilities or simply unaffordable costs, housing troubles impact all areas of life.

There have been many initiatives to address the housing situation of Roma in the countries of this study, which include Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia. All target countries of this report are members of the Decade of Roma Inclusion 2005-2015 (Decade).¹ Housing is one of four priority areas within the Decade and there is a special action plan devised to address it. Prior to the Decade of Roma Inclusion, Slovakia,² Romania,³ Serbia⁴ and Montenegro⁵ had a national Roma inclusion policy which outlined objectives and actions in the area of housing.

Although a lot of research has been conducted on Roma housing, studies have rarely been comprehensive or incorporated multiple countries. Furthermore, few of these studies have included Roma as researchers, authors or reviewers.

This report has been developed within the project, “Empowerment of Roma to Fight Rights Deprivation”, supported by the United Nations Democracy Fund. The project is focused on empowering grassroots Romani activists to promote the application of international human rights standards related to housing rights in national legislation. As a first step, the ERRC selected and trained young Romani activists from the target countries on the international housing rights framework, as well as human rights monitoring and documentation skills. The ERRC then supported the selected researchers as they documented the housing situation of Roma in their country over a 12-month period.

- 1 The Decade of Roma Inclusion 2005–2015 is a political commitment by some European governments to improve the socio-economic status and social inclusion of Roma. It brings together governments, intergovernmental organisations and Romani and non-Romani NGOs to accelerate progress toward improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on education, employment, health and housing, and takes into account the other core issues of poverty, discrimination and gender mainstreaming. Information about the Decade of Roma Inclusion is available at: <http://www.romadecade.org>.
- 2 *Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma Minority and Set of Measures for its Implementation*, available at: <http://romovia.vlada.gov.sk/1799/vladne-materialy.php>.
- 3 *Strategy for the Improvement of the Situation of Roma (2001-2010)*, available in Romanian at: http://www.gov.ro/strategia-guvernului-romaniei-de-imbunatatire-a-situatiei-romilor__11a100000.html.
- 4 *Strategy for the Improvement of the Position of Roma in the Republic of Serbia and Action Plan for Implementation*, available at: http://www.ljudskaprava.gov.rs/index.php?option=com_content&view=category&layout=blog&id=23&Itemid=55&lang=cir.
- 5 The first strategy for the improvement of the situation of Roma was designed in 2004 while Serbia and Montenegro were still together.

INTRODUCTION

Despite numerous policies and programmes that have been implemented in this area, it is difficult to identify systematic tangible change in the housing situation of many Roma. This report aims to present the results of research conducted by young Romani activists in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia about the living conditions and widespread violations of the housing rights of Roma. It does not seek to assess the impact of policy or programming on the housing rights situation of Roma or to evaluate progress towards policy goals in the target countries.

This report also aims to facilitate the further exchange of information, new ideas and potential solutions which might improve the living conditions of Roma. It can be used as an advocacy tool by Roma and non-Roma alike, particularly the different actors who are involved in the Decade of Roma Inclusion and the implementation of the national action plans on housing.

3 Executive Summary

Roma in **Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia** live in similar substandard housing conditions: each country has its own characteristics, but housing which does not meet adequate living standards is a common issue facing many Roma in these countries.

Research in this study confirmed that racism and discrimination pose obstacles to adequate housing for Roma. Discrimination from public officials is apparent in the process of forced evictions, but also in allocating access to social housing. Private citizens discriminate against Roma in access to publicly available rental accommodation and they have also organised campaigns during or prior to collective evictions to prevent Roma from relocating to their neighbourhoods. In extreme cases, non-Roma have attacked and set fire to temporary housing prepared for Roma.

Many Roma visited in this research lack **security of tenure**, the basic problem from which many violations of the housing rights of Roma derive. The research in this study, which focused on areas with large Romani populations, found that a significant number of Roma in the target countries live in informal settlements which makes them particularly vulnerable to forced evictions. Many of these communities have existed for 50 or 100 years and as urban plans were developed they were not always included. Very often urban development work has failed to take into consideration the presence of Romani settlements which have existed for many years.

Local authorities continue to **forcibly evict** Roma, or threaten Roma with forced eviction and destruction of their property. Most of the evictions conducted may be characterised as illegal, having been carried out in the absence of due process, prior consultation with the residents or the provision of adequate alternative accommodation, all required by international law. Some level of consultation with the affected communities prior to the eviction was documented in some communities, but the Roma concerned reported that promised arrangements were not fully realised after the eviction. At times, local authorities destroyed the homes of Roma without allowing residents the opportunity to remove their personal belongings.

Roma face a series of specific obstacles, including burdensome rules, restrictions and discriminatory practices which impede their **access to social housing**. Some Romani respondents reported that the eligibility criteria and procedures for accessing social housing are often unclear. Eligibility criteria concerning employment status and length of employment also have a disproportionately negative impact on Roma who experience high levels of unemployment, including long-term unemployment. Access to personal documents also poses a barrier in this regard. Some authorities have built segregated social housing for Roma only.

In the target countries many Roma live in **substandard housing conditions**. The housing of many Roma continues to be characterised by a lack of basic services and infrastructure.

Many Roma live in overcrowded conditions in improvised homes which do not protect residents against the elements. Some communities are located next to garbage dumps or other hazardous areas. The roads are often not paved and can be impassable during bad weather. Public transportation is frequently not provided. The substandard housing conditions of Roma negatively affect their access to education, employment and health care as well as their health status.

The ERRC urges Government authorities in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia to act on the following recommendations:

1. Involve members of affected Romani communities in the planning and implementation of all actions to address their housing situation from the very earliest stages;
2. Considering the particular history giving rise to, and the significant number of residents of, informal Romani settlements, resolve the status of informal settlements: Include all informal communities in urban plans; in consultation with affected Roma, resolve outstanding issues of land ownership arising from the transition to democracy, ensuring formal tenure at the current location or relocation to adequate alternative housing; grant title to land and property to persons factually resident on a particular plot for a minimum of 5 years on which ownership is not established by another person or land is owned by the State - this period should not cease to run if residence is interrupted by forced eviction;
3. Bring to justice any public official and other actor responsible for discriminating against Roma in access to adequate housing or conducting forced evictions in breach of national or international law;
4. Combat segregation by investing in the development of integrated, safe housing for Roma and taking steps to ensure that Romani communities have practical and affordable housing alternatives;
5. Refrain from forcibly evicting Roma and comply with international legal standards as set out in General Comment 7 of the Committee on Economic, Social and Cultural Rights on forced evictions when eviction can not be avoided;
6. Provide, without delay, adequate potable water, electricity, waste removal, public transport, road provisions and other public infrastructure in Romani settlements which presently lack one or more of the above;
7. Review and amend all laws and regulations to ensure that Roma are able to access social housing equally with non-Roma; eligibility criteria related to personal documentation, employment status or educational status in particular should be addressed; and
8. Establish, monitor and enforce conditions on the use of all housing-related funds, including:
 - a. Prohibiting the use of funding to create new segregated housing units;
 - b. Requiring equal opportunities measures in all project plans with clearly defined indicators for monitoring purposes (i.e., Roma employment targets among project implementers and contractors, level of funding directed towards Romani beneficiaries, etc.).

4 Methodology

The research conducted within this study considered housing in the broadest scope possible, including houses, apartments, encampments, informal types of housing, etc. This research comprised two different components:

Secondary data analysis: the study included two months of desk research, wherein data was collected from official and unofficial sources, including academic research related to the legal and policy framework in the countries.

Qualitative analysis: the study included ten months of field research in which interviews were conducted with Romani activists and individuals, municipal officials and other key actors. This research aimed to document cases of discriminatory treatment and housing rights violations (such as forced evictions, discriminatory denial of social housing, discriminatory denial of access to public utilities, refusal to rent private accommodations to Roma) and to capture the perceptions of authorities and civil society representatives regarding the main problems facing Roma. Each month, researchers conducted documentation in two different locations in their country.

Several notable limitations were encountered during the research and preparation of this report:

- Of the countries included in this study, two are Member States of the European Union (Romania and Slovakia), while the other five are at different stages of the accession process to the European Union. This creates a significant difference in housing rights standards and relevant policies.
- The Romani population in the countries varies greatly between those which have a large number of Roma, such as Romania, and others which generally have a small population in the country and a small number of Roma, such as Montenegro.
- The former Yugoslav countries have uniquely challenging conditions, such as the presence of Romani refugees, IDPs and returnees: issues which are not present in the other countries.

The research for this report included more than 450 first-hand testimonies from Romani individuals about their housing situation, and from local officials and NGOs in more than 110 locations across the seven countries.

The results of the research conducted have been compiled in this multi-country study. This report is not intended to compare the situation in the different countries of the study. Instead, it presents the range of housing problems documented across the target countries, as illustrated by examples from the research.

5 The Right to Adequate Housing

The right to adequate housing has been codified in many international human rights instruments.

A number of provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) contain several core elements of the right to adequate housing, and in particular provide protections against forced evictions. According to European Court of Human Rights (ECtHR) case law, the purposeful destruction of property might under certain conditions amount to inhuman and degrading treatment (under Article 3). Furthermore, in the *Moldovan and Others v Romania* case, the ECtHR held that the responsibility of the respondent State under Articles 3 and 8 was engaged by the unacceptable living conditions of Roma following the destruction of their houses to which State agents had acquiesced.⁶ Article 8(1) of the ECHR sets forth the following guarantees: “Everyone has the right to respect for his private and family life, his home and his correspondence.” The protection offered by Article 8 encompasses *inter alia* the following rights: the right of access, the right of occupation and the right not to be expelled or evicted without provision of relevant safeguards, and is thus intimately bound with the principle of legal security of tenure. Furthermore, within its Article 8 jurisprudence the ECtHR has extensively developed the concept of “positive obligations”, whereby a State may be obliged to act to secure effective enjoyment of a right. In *Connors v The United Kingdom*, the ECtHR found a violation of Article 8 in a case involving the failure to provide adequate legal security of tenure to a family of English Gypsies.⁷ In addition, protections available under Article 1 of Protocol 1 to the ECHR guaranteeing the peaceful enjoyment of one’s possessions have been interpreted to include the protection of housing rights.⁸

The International Covenant on Economic, Social and Cultural Rights (ICESCR) states, at Article 11(1), that:

The States Parties to the present Covenant recognise 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 realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.⁹

⁶ European Court of Human Rights (ECtHR), *Moldovan and Others v Romania*, Application nos. 41138/98 and 64320/01, 12 July 2005, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=780024&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

⁷ ECtHR, *Connors v The United Kingdom*, Application no. 66746/01, 27 May 2004, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=699671&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

⁸ ECtHR, *Öneriyildiz v. Turkey*, Application no. 48939/99, 30 November 2004, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=708579&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

⁹ United Nations (UN), *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, available at: <http://www2.ohchr.org/english/law/cescr.htm>.

The United Nations Committee on Economic, Social and Cultural Rights (CESCR), the body charged with overseeing implementation of the ICESCR, has derived the right to adequate housing from the “right to an adequate standard of living, including adequate food, clothing and housing.” In General Comments No. 4 and No. 7 on the right to adequate housing, the CESCR observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced evictions, harassment and other threats. More specifically, in its General Comment No. 4, the CESCR defines “adequate housing” as housing enjoying “sustainable access to natural and common resources, clean drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage facilities, refuse disposal, site drainage and emergency services.”¹⁰ Moreover, housing should be both affordable and habitable. Habitability entails “allocating adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors.”¹¹ Adequate housing must also ensure the physical safety of residents and must be culturally adequate. Furthermore, the location of housing facilities must allow for the residents to access employment and social facilities, including healthcare, educational institutions and childcare services. Finally, housing must not threaten the residents’ right to health and thus must not be constructed in polluted areas.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in Article 5(e)(iii) obliges States “to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone [...] to equality before the law, notably in the enjoyment of [...] the right to housing.”¹²

Furthermore, international treaties which dictate the treatment of vulnerable groups, such as women and children, also note the right to housing. As set out in Article 14(2) of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right [...] to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.¹³

Article 27 of the Convention on the Rights of the Child (CRC) clarifies that the State is responsible for assisting and supporting parents or guardians in the area of housing, if necessary to ensure an adequate standard of living for the child.¹⁴

10 UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

11 *Ibid.*

12 UN, *International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD)*, available at: <http://www2.ohchr.org/english/law/cerd.htm>.

13 UN, *Convention on the Elimination of Discrimination Against Women (CEDAW)*, available at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

14 UN, *Convention on the Rights of the Child (CRC)*, available at: <http://www2.ohchr.org/english/law/crc.htm>.

The Council of Europe (CoE)'s Revised European Social Charter protects the right to housing in Articles 16 and 31.¹⁵

In addition to the various instruments on the right to housing, there is an ever-increasing body of international “soft” law exclusively concerning the right to housing of Roma.

CoE Member States have adopted a number of resolutions dealing expressly with the housing of both itinerant and sedentary Roma. Recommendation Rec(2005)4 of the Committee of Ministers to Member States on improving the housing conditions of Roma and Travellers in Europe sets out a number of principles that should be respected and guidelines that should be taken into account when drafting and implementing housing programmes for Roma; it sets out in detail the obligations of Member States as well as the means of implementation. The Recommendation pays particular attention to the role of local authorities in Roma housing programmes and clearly indicates that central administration should exercise strict control over them, an implicit recognition that local authorities are often responsible for the failure of Roma housing initiatives.

Turning to the European Union, on 28 April 2005 the European Parliament adopted Resolution P6_TA(2005)0151 on the Situation of Roma in the European Union. At Paragraph 19 of the Resolution, the European Parliament:

Considers that the current ghettoisation in Europe is unacceptable, and calls on Member States to take concrete steps to bring about de-ghettoisation, to combat discriminatory practices in providing housing and to assist individual Roma in finding alternative, sanitary housing [...].¹⁶

The Organization for Security and Cooperation in Europe (OSCE) Permanent Council adopted Decision No. 566 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area on 27 November 2003.¹⁷ A number of the recommendations contained therein relate to the issue of housing of Roma.

On 24 October 2007 the Council of Europe Commissioner for Human Rights and the UN Special Rapporteur on the Right to Adequate Housing made a Joint Statement noting that there has been an undeniable growth of anti-Romani sentiment or “anti-Ziganism” in Europe in recent years. Regrettably, it was found that the actions of many public authorities – particularly at the local level – have allowed this intensification of anti-Romani hatred. As a result, it was noted that in recent years the rate and number of forced evictions of Roma

15 Council of Europe (CoE), *Revised European Social Charter*, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm>.

16 European Parliament, *Resolution P6_TA(2005)0151 on the Situation of Roma in the European Union*, available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0151+0+DOC+XML+V0//EN>.

17 OSCE, *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, 2003, available at: http://www.osce.org/documents/pc/2003/11/1550_en.pdf.

have grown dramatically, while segregation and ghettoisation in the housing field also appear to have intensified and become entrenched. It was also noted that forced evictions often involve acts of violence or threats of violence against Roma. The joint Statement acknowledged a tendency to allow economic considerations and negative perceptions of persons regarded as “Gypsies” to factor in the actions of municipalities carrying out urban renewal programmes. In some places, the eviction of Roma from properties in the city centre – and public view – has constituted an active component of public policy. The Commissioner for Human Rights and the Special Rapporteur on the Right to Adequate Housing called for concerted effort at national, local and pan-European levels to end the housing crisis of Roma.¹⁸

5.1 The Ban on Discrimination - including Racial Discrimination - in Access to Adequate Housing

The legal standards above all include a ban on racial discrimination in access to the aforementioned rights. A number of other Council of Europe standards ban racial discrimination. In 1994, this area of law was extended when the Council of Europe adopted the Framework Convention for the Protection of National Minorities, which provides an extensive series of anti-discrimination guarantees, including:

Article 3(1): Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

Article 4(1): The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

Article 4(2): The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

Article 6(2): The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.¹⁹

¹⁸ CoE, *Joint Statement by Council of Europe Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari*, “Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe”, 24 October 2007, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1199995>.

¹⁹ CoE, *Framework Convention for the Protection of National Minorities*, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>.

In addition, in 2000, the Council of Europe opened for signature Protocol 12 to the ECHR which provides a freestanding ban on discrimination in the realisation of any right secured by law. Prior to the entry into force of Protocol 12, the ECtHR significantly strengthened the ban on racial discrimination under the ECHR's existing Article 14 (prohibition of discrimination) provisions. In a string of cases (such as *Nachova and Others v Bulgaria*,²⁰ *Cobzaru v Romania*,²¹ *Angelova and Ilev v Bulgaria*,²² cases which are not related to housing), the ECtHR started defining the obligations of States under Article 14. More specifically, especially in the light of the *Cobzaru v. Romania* judgment, the ECtHR found that the procedural aspect of Article 14 imposes upon States the obligation to *ex officio* investigate whether racist motives might have played a role in an act or practice held to be in violation of another Article of the ECHR.

It should also be noted that early on in its case law the ECtHR recognised that discrimination might have direct as well as indirect effects. As early as 2000, in the case of *Thlimmenos v Greece*, the ECtHR held that:

The Court has so far considered that the right under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification [...]. However, the Court considers that this is not the only facet of the prohibition of discrimination in Article 14. The right not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different.²³

The Court has upheld this principle in later cases. In the housing rights case of *Chapman v The United Kingdom*, the Court held that:

While discrimination may arise where States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different (see *Thlimmenos v. Greece* [GC], no. 34369/97, § 44, ECHR 2000-IV), the Court does not

20 ECtHR, *Nachova and Others v Bulgaria*, Application nos. 43577/98 and 43579/98, 6 July 2005, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=778855&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

21 ECtHR, *Cobzaru v Romania*, Application no. 48254/99, 26 July 2007, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=821518&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

22 ECtHR, *Angelova and Ilev v Bulgaria*, Application no. 55523/00, 26 July 2007, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=821522&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

23 ECtHR, *Thlimmenos v Greece*, Application no. 34369/97, 6 April 2000, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=696438&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

find, in the circumstances of this case, any lack of objective and reasonable justification for the measures taken against the applicant.²⁴

Also, pursuant to the revised Article 13 of the Treaty Establishing the European Community (TEC) as amended by the Treaty of Amsterdam, the European Union adopted several Directives on the scope and dimensions of anti-discrimination laws in the European Union. In particular, the Racial Equality Directive includes, at Article 3(1)(h), a ban on discrimination “in access to and supply of goods and services which are available to the public, including housing.”²⁵

The ICERD singles out segregation as a particularly harmful form of discrimination when it states in Article 3 that, “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature on the territories under their jurisdiction.”

Table 1: Treaty Ratification as of November 2010

	European Convention on Human Rights	International Covenant on Economic, Social and Cultural Rights	International Convention on the Elimination of All Forms of Racial Discrimination	European Social Charter (Revised)	European Social Charter Additional Protocol of 1995 providing for a system of collective complaints (CETS No. 158)
Albania	2/10/1996	4/10/1991	11/5/1994	14/11/02	Did not sign.
Bosnia and Herzegovina	12/7/2002	1/ 09/1993	16/7/1993	7/10/08	Did not sign.
Macedonia	10/4/1997	18/1/1994	18/1/1994	Did not ratify. Signed on 27/5/09	Did not sign.
Montenegro	3/3/2004	23/10/2006	23/10/2006	3/3/10	Did not sign.
Romania	20/6/1994	9/12/1974	15/9/1970	7/5/99	Did not sign.
Serbia	3/3/2004	12/3/2001	12/3/2001	14/9/09	Did not sign.
Slovakia	18/3/1992	28/5/1993	28/5/1993	23/4/09	Did not ratify. Signed on 18/11/99

24 ECtHR, *Chapman v The United Kingdom*, Application no. 27238/95, 18 January 2001, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=697031&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

25 European Council, *Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=C.ELEX:32000L0043:en:HTML>.

6 Segregation of Romani Communities

A typical problem facing Romani settlements is their physical segregation from the majority community. Many Roma live in settlements which are segregated and where the living conditions resemble communities in developing countries rather than in Europe. Segregated Romani communities are present in **Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia**. Many of these segregated communities have existed for decades, some formed when travelling Roma were forced to settle by Communist governments.

In some cases, Government-implemented housing programmes have specifically contributed to deepening segregation of Romani communities. In **Slovakia**, for example, the Government has provided subsidies to municipalities to provide housing for families who cannot afford the market prices. While the programme has in some instances contributed to improved living conditions of the poorest Romani families, it has preserved or even deepened segregation in some places. Much of the housing made available was built for Roma only, often in existing segregated settlements or even further from the town centre than the housing from which the inhabitants were moved.²⁶

One relatively new phenomenon is the use of public funds to separate Roma from non-Roma by building walls around their settlements.

6.1 Walls: Current Trends in Segregation of Roma in Slovakia

In August 2009 the first large-scale anti-Roma demonstration in Slovakia took place in Šarišské Michalany, in eastern Slovakia.²⁷ The event, which was announced as a protest “against Gypsy terror”, resulted in a clash between the police and far right radicals, who were verbally supported by local non-Romani inhabitants. The local residents shouted at the police to let the far right protesters into the Romani neighbourhood or intervene against Roma, not the protesters.²⁸ Their responses were similar to attempted pogroms in other countries (e.g. the famous attempted pogrom in Litvínov, the Czech Republic).²⁹

26 European Union Agency for Fundamental Rights, *Housing Conditions of Roma and Travellers in the European Union Comparative Report*, October 2009, available at: http://www.fra.europa.eu/fraWebsite/attachments/ROMA-Housing-Comparative-Report_en.pdf.

27 “Anti-Roma sentiments swell; police halt rally”, *The Slovak Spectator*, 17 August 2009, available at: <http://spectator.sme.sk/articles/view/36204>.

28 “Polícia rozohnala protest extrémistov, Kotlebu zadržala”, *Korzar*, 9 August 2009, available at: <http://korzar.sme.sk/c/4966724/policia-rozohnala-protest-extremistov-kotlebu-zadrzala.html>. (Only available in Slovak).

29 Gwendolyn Albert, “Hatred is the Cheapest Fuel: Political Power, Not Economics, Is Behind Rising Czech Nationalism”, *Roma Rights* Number 2 (2008): 23-33, available at: <http://www.errc.org/cms/upload/media/04/13/m00000413.pdf>.

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The incident itself, as well as subsequent media reports and internet discussions, clearly demonstrated that Roma are widely perceived by non-Roma as a security threat. These internet discussions sent a clear message to politicians, with writers asking them to protect people living near Romani settlements and ghettos.

A number of proposals addressing alleged “Roma criminality” were initiated soon after the protest in Šarišské Michalány. Increasing support for Marian Kotleba, the leader of the protest, was shown following the announcement of his candidacy for regional parliament in the Banská Bystrica region. The Conservative Democrats of Slovakia proposed publishing statistics on crimes perpetrated by Roma³⁰ and the Minister of Interior of the ruling party at the time, SMER, announced an increase in the number of police officers in Romani settlements.³¹ During the regional elections in autumn 2009, Roma were notably present in campaigns, but the promotion of repressive measures against Roma did not significantly change before the parliamentary elections in the summer of 2010. The question of security and protection from “Roma criminality” remained in the public discourse, promoted not just by extremist parties but by mainstream political figures as well.



Roma living in segregated informal housing in Ostrovany, Slovakia, were subjected to degradation in October 2009 when the local authority used public funds to build a wall between them and the non-Romani residents of the village.

PHOTO CREDIT: ERRC

30 “Patkolo Against Palko’s Idea to Introduce Statistics of Roma Crimes”, *TASR*, 10 August 2009, available at: http://195.46.72.16/free/jsp/search/view/ViewerPure_en.jsp?Document=.%2F.%2FInput_text%2Fonline%2F09%2F08%2Ftbbt8ag381730.dat.1%40Fondy&QueryText=.

31 “Rómske osady bude monitorovať viac policajtov”, *TV Noviny*, 13 August 2009, available at: <http://tvnoviny.sk/spravy/domace/romovia-a-politici-chcu-zriadiť-občianske-hliadky.html> (Only available in Slovak).

During this time, local decision-makers found ways to express their hostility towards Roma. In October 2009, in the town of Ostrovany, only a few kilometres from Šarišské Michalany, the first wall to protect local residents against “Roma criminality” was built: “The people living there have the right to protect their health and property. Their own effort is not enough”, Ostrovany’s mayor explained.³² This was his justification for the existence of the 150-metre-long, 2-metre-tall concrete wall separating the Romani settlement from the non-Romani part of Ostrovany.³³ The costs of constructing the wall - 13,000 EUR - were paid from the municipal budget. Shortly after the wall was built, the mayor announced that in addition to protecting the inhabitants, the wall would become part of a complex the municipality was planning which would include a kindergarten, primary school and a community centre to benefit the Romani settlement.³⁴ As of November 2010, no construction had started on any of these supposed improvements.

The wall in Ostrovany received a lot of media attention domestically and internationally. Reports of this wall were published by the media in Sweden,³⁵ France³⁶ and the United Kingdom,³⁷ among others. Journalists condemned the wall as a symbol of discrimination, separation and segregation of Roma. However, the Slovak National Centre for Human Rights (SNCHR) – Slovakia’s equality body - was not clear. Reasoning that the wall does not physically prevent Roma from accessing anything other than the private properties of non-Romani inhabitants, the SNCHR could not find any legal argument to use against the wall. The SNCHR therefore only raised concern about the use of public funds for the protection of a few private properties.³⁸

The lack of legal or political condemnation of the wall in Ostrovany sent a signal to other municipalities. The wall in Ostrovany has been tolerated for more than a year and in the meantime similar walls have been built in other localities in Slovakia.

At the end of 2009, a wall was built in a non-Romani neighbourhood in Michalovce, eastern Slovakia, to prevent Roma from the nearby settlement from walking through the neighbourhood. As in Ostrovany, the construction of the wall was funded by the municipality.

32 “Obec zaplatila plot. V rómskej osade sú ako v zoo”, *Koržár*, 16 October 2009, available at: <http://korzar.sme.sk/c/5064772/obec-zaplatila-plot-v-romskej-osade-su-ako-v-zoo.html#ixzz10xccZIDr> (Only available in Slovak).

33 “Múr”, *The Slovak Spectator*, 26 October 2009, available at: <http://spectator.sme.sk/articles/view/36914/11/mur.html>.

34 More information available at: <http://korzar.sme.sk/c/5064772/obec-zaplatila-plot-v-romskej-osade-su-ako-v-zoo.html#ixzz10xccZIDr> (Only available in Slovak).

35 Lars-Gunnar Wolmesjö, “Mur stänger ute romer”, *GP*, 2 November 2009, available at: <http://www.gp.se/nyheter/varlden/1.239812-mur-stanger-ute-romer> (Available in Swedish).

36 Catherine Potet, “Le mur d’Ostrovany / Accessibilité handicapés”, *RFI*, 13 January 2010, available at: <http://www.rfi.fr/contenu/20100113-le-mur-ostrovany-accessibilite-handicapes> (Available in French).

37 Adam LeBor, “Slovakian council in Ostrovany funds wall to isolate Roma community”, *The Times*, 18 February 2010, available at: <http://www.timesonline.co.uk/tol/news/world/europe/article7031373.ece>.

38 SNCHR, “Vyhlásenie Strediska k spracovaniu témy “Múr v Ostrovanoch“ odvysielanej 18. 2. 2010 v rámci Správ STV o 19.30 hod.”, press release, 22 January 2010, available at: <http://www.snsip.sk/index.php/lang-en/odborne-stanoviska/155-odborne-stanovisko-k-vystavbe-muru-v-ostrovanoch-22-1-2010.html> (Only available in Slovak).

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In the summer of 2010, the inhabitants of the non-Romani neighbourhood collected funds for an extension of the wall.³⁹ In early September 2010, the Slovak Ombudsman visited Michalovce and after examining all available information, found no violation of human rights, declaring only that he would be happier if people built bridges to connect each other rather than walls to separate each other. He also noted that the construction of the walls is a serious warning for the Slovak Government and the Parliament to stop postponing the resolution of this problem.⁴⁰

The municipalities of Lomnička and Trebišov also built walls to “protect” non-Roma from Roma.⁴¹ Most recently a wall has been built in Prešov⁴² near the Romani neighbourhood Stará Tehelňa which was built only some ten years ago and has become a ghetto, housing about



In reaction to complaints by non-Romani neighbours of Prešov's segregated Stará Tehelňa Romani ghetto, authorities erected a wall in September 2010 to prevent Roma from walking through the non-Romani neighbourhood.

PHOTO CREDIT: ERRC

39 Beata Balogová, “Another wall separates Roma from non-Roma in eastern Slovakia”, *The Slovak Spectator*, 30 August 2010, available at: http://spectator.sme.sk/articles/view/39926/2/another_wall_separates_roma_from_non_roma_in_eastern_slovakia.html.

40 Katarína Bros, “Wall in Michalovce Does Not Violate Rights”, *Web Noviny*, 12 September 2010, available at: <http://www.webnoviny.sk/english-news/wall-in-michalovce-does-not-violate-right/217641-clanok.html>.

41 “Trebišov: Postavia múr, ktorým sa oddelia od Rómov”, *Čas*, 30 January 2010, available at: <http://www.cas.sk/clanok/148954/trebisov-postavia-mur-ktorym-sa-oddelia-od-romov.html> (Only available in Slovak).

42 “New wall separates Roma from non-Roma area of Slovak town”, *Romea*, 25 September 2010, available at: http://www.romea.cz/english/index.php?id=detail&detail=2007_1928.

700 Romani residents who originally lived scattered throughout the town. This wall is built in a way that prevents Roma from using a shortcut and thus forces them to take a much longer route to get to the town centre and access schools, shops, doctors and other services. This wall was funded by the municipal budget and is a reaction to the complaints of non-Romani property owners near the Romani ghetto.

Prešov was visited by the Deputy Minister of Social Affairs (in charge of Roma issues at the Ministry) who blamed human rights activists for calling the wall segregation and stated that it was not so bad. The Deputy Minister expressed concern about the fact that Roma now have to walk a longer distance to access the post office, school, kindergarten and other services they need every day; he wondered why they do not have these services in Stará Tehelňa.⁴³



In 2001, rent paying Romani residents of Prešov, Slovakia, were forced to move into new social housing in Stará Tehelňa built by local authorities specifically for Roma.

PHOTO CREDIT: ANDREJ BÁN

The Deputy Prime Minister for Human Rights demonstrated a better understanding of segregation, when he visited the Stará Tehelňa neighbourhood in Prešov shortly afterwards. He noted that walls do not solve anything, that they are the symbol of separation and segregation, not cooperation and understanding.⁴⁴ Still, the strongest statement about the wall in Stará Tehelňa was not made by the Government but by the Slovak National Centre for Human Rights:

The role of this wall, built from the funds of the town, is to separate the inhabitants of the neighbourhood from the reportedly non-adaptable citizens. [...] The [SNCHR] would like to express serious concerns that the municipal authorities are systematically and in a long-term perspective establishing an unacceptable social trend in the field of human rights, resembling going back in time. [...] The construction of the walls is an expression of authoritative physical separation of people living in one living environment and factually a confirmation of inequalities among citizens in practical life. [...] This kind of segregation behaviour deepens social intolerance and lowers social cohesion among people and it has a negative impact on the formation of attitudes in society. [...] The Centre would also like to express a wish calling for the re-evaluation of measures and reversion of the new negative social phenomenon.⁴⁵

43 “Problém s protිරromskými múrmi je nafúknuť, myslí si Nicholsonová”, *TV Noviny*, 17 September 2010, available at: <http://tvnoviny.sk/spravy/domace/tajomnicka-nicholsonova-mury-su-len-kozmeticka-chyba.html> (Only in Slovak).

44 “Chmel v Prešove ukázal, že pracuje”, *SME*, 22 September 2010, available at: <http://www.sme.sk/c/5559469/chmel-v-presove-ukazal-ze-pracuje.html> (Only in Slovak).

45 SNCHR, Statement, 10 September 2010, available at: <http://www.snsip.sk/> (Original in Slovak).

7 Security of Tenure

Many Roma lack security of tenure because they live in informal settlements in houses built without planning permission and often without ownership papers. According to the OSCE working definition, “an informal settlement is any human settlement where housing has been constructed without the requisite permits or legal title for use of the land.”⁴⁶

Roma living in informal settlements, on land and/or in houses for which they lack legal ownership suffer from an obvious lack of security of tenure. Nevertheless, this research confirmed that the tenure of Roma living in legally recognised housing may also be insecure and some landlords seek to evict Roma even from legal housing without the adequate protection required by international law.

The United Nations Committee on Economic, Social and Cultural Rights notes that tenure:

[...] takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property.

Furthermore, the CESCR expounded on the guarantee of security of tenure, explaining that:

Notwithstanding 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. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.⁴⁷

The UN High Commissioner for Refugees and the Council of Europe have proposed the legalisation of informal settlements, based on adequate urban plans and dedicated action plans for legalisation.⁴⁸

There are many other reasons which contribute to or prevent Roma from attaining formal security of tenure. In the countries surveyed, private land ownership under Communism was generally prohibited. The State expropriated land from private ownership and declared itself the owner of all land. After Communism collapsed, land ownership and land tenure was thrown into chaos: owners from pre-Communist times made claims to land, State land was privatised (frequently in a non-transparent and even corrupt manner) and State enterprises made claims to land. In most

46 OSCE Bosnia and Herzegovina, *Report on Roma Informal Settlements in Bosnia and Herzegovina*, available at: <http://www.oscebih.org/documents/1467-eng.pdf>.

47 CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

48 OSCE/ODIHR, *Roma Housing and Settlements in South-Eastern Europe: Profile and Achievements in Serbia in a Comparative Framework*, 2006, available at: http://www.osce.org/publications/odihr/2006/12/22727_787_en.pdf.

cases, Roma were the losers, as they were not able to protect their interests. Urban development increased the value of Romani settlements in urban centers and increased pressure on Romani inhabitants as well as the incentive for corrupt land deals that deprived Roma of their rights.

7.1 Authorities Lack Information about the Number and Status of Romani Settlements

Many authorities do not gather and make public accurate data about the number of Roma or Romani communities in their jurisdiction, nor information as to whether settlements are formal or informal, or whether the settlements have access to basic services like water and sanitation, electricity, public transport, education and health care. In Štip, **Macedonia**, local NGOs reported that the municipality does not have any information about the number of Romani households living in formal or informal housing. According to NGO estimates, between 65-90% of Romani households in Macedonia are not legally registered.⁴⁹ The failure of local authorities to gather this information demonstrates a lack of political will on the part of States to implement their legal and policy commitments; the collection of data related to structures inhabited by Roma and their legal status is a prerequisite for effective policy implementation on improving the housing conditions of Roma.

7.2 Authorities do not Formally Recognise Long-Standing Romani Communities

Many Romani communities have existed for decades or even centuries. Despite their long-standing existence and the fact that residents in such settlements may have a claim to legal tenure through adverse possession, authorities often fail to make any distinction between settlements which have grown up spontaneously in the last few years or which have been long-established.⁵⁰ Sometimes those established 50 or 100 years ago developed on land which was at that time not of any particular interest to any municipality or was not included within a national development plan.⁵¹ Authorities did not pay attention to the fact that informal Romani settlements have grown from day to day.

49 ERRC interviews with NGO representatives in Štip, Macedonia; 8 August 2009.

50 For example, Article 1890 of the Romanian Civil Code provides that one can obtain a property right by continuously possessing real estate during 30 years provided that the possession is valid and uncorrupted (continuous, uninterrupted, undisturbed, public and with “*animus domini*”). In Macedonia, Article 124 of the Law on Ownership and Other Real Rights provides that “The conscientious holder of an immovable item, the right of ownership of which belongs to another, acquires the right to ownership of that item with maintenance after an expiration of a period of twenty years.” Article 147(2) defines a conscientious holder as a person who “in the moment of reception into possession did not know or considering the circumstances did not have sufficient reason to suspect that the item belonged to the alienator” and sets out that if there is no general city plan for the land on which an object has been built without a building permit, the competent body can determine that ten years have passed since the construction of the object and verify the construction with a building permit and the builder acquires ownership by registering the object in the public record of real estate rights.

51 OSCE/ODIHR, *Roma Housing and Settlements in South-Eastern Europe: Profile and Achievements in Serbia in a Comparative Framework*, 2006, available at: http://www.osce.org/publications/odihhr/2006/12/22727_787_en.pdf.

“We are skilled in construction, since we built our bathrooms and reconstructed our roofs ourselves.”

Source: ERRC interview with D.F. Bangladeš/Sunny settlement, Novi Sad, Serbia: 17 November 2009.

One such example is the Veliki Rit settlement in Novi Sad, **Serbia**, which has existed for more than 50 years on State-owned land. Despite having been inhabited continuously for so many years, the municipality prepared urban development plans as if the settlement was not present. A Romani leader who lived in this settlement for 37 years reported that none of the residents have any documents for the property or the houses. The residents are aware that it is State-owned land and that due to recent urban planning changes this historic Romani settlement can not be legalised and they will one day be forced to move.⁵² The Director of the Office for Roma Inclusion of the Autonomous Province of Vojvodina told the ERRC that it is not possible for the Veliki Rit settlement to be legalised because Novi Sad’s urban plan, which includes the land on which the settlement is located, cannot be changed. He indicated a lack of will to explore the possibility.⁵³ The only solution offered by the city is the relocation of the residents of this settlement for which he said that his office has developed successful models. However, ERRC research indicates that there is no concrete plan for addressing the housing situation of the families living in the Veliki Rit settlement; the authorities do not display any interest in proactively addressing this situation while eviction is not imminent.

7.3 Confusion about Land Use and Ownership

Because of the failure of authorities to legally resolve the situation of such settlements for so long, a lot of confusion exists among the inhabitants concerning their ownership of houses and/or land. Living in such settlements their whole lives, many simply take for granted that they are rightful owners of their homes. This is the case of residents of **Albania**’s Fshati Rom Romani community in Driza. Residents were not aware that the land on which their houses were built belongs to the State and that they do not have proper titles for their houses, which were built without planning permits.⁵⁴ Confusion about land ownership is an issue not only in Albania, but also in all the target countries of this research.

52 ERRC interview with Mr S. K. Novi Sad, Serbia: 4 December 2009.

53 ERRC interview with Mr D.J. Novi Sad, Serbia: 19 November 2009.

54 ERRC interview with Mr A.R. and Mr B.F. Fshati Rom settlement, Driza, Albania: 3 February 2010.

The District of Fier is located in western Albania and its administrative centre is the city of Fier. Fier is home to Albania's largest Romani population and a small Egyptian community. It is estimated that 5,200 Roma live in villages throughout the district: in Azotiku, Driza, Mbrostar-Ura, Baltëz, Povelçë, Sektor Seman, Roskovec and Patos.

The Fshati Rom settlement, in the town of Driza, has a population of 1,752 inhabitants (350 families). Most Romani families have lived here since 1957. It is situated in the periphery of an urban-rural part and mixed with the former industrial area of the city. It is situated on the side of the Fier-Vlora road. Many families live in bad housing conditions, in old houses, huts or overcrowded houses. The internal roads are very similar to agricultural roads, unpaved and mostly without drainage. Respondents reported that the water system in the village was built improperly and seems not to comply with the relevant standards. There is no sewage system in Fshati Rom and, as a result, the inhabitants have built septic holes from which discharge flows directly into the Gjanica River. The near vicinity of an industrial chemical factory (Azotiku) represents a threat to the health of this community.

Source: ERRC documentation in Driza's Fshati Rom settlement in February 2010. Interviews with Romani individuals.

Some Roma inherit such houses from their parents or relatives, or even buy them from other Roma, which makes it still more complicated for many to understand that they are not in fact owners of the property. A resident of the village of Mbrostar-Ura, **Albania**, told ERRC that he moved to the settlement 10 years ago. He bought the land and the house from another Romani individual, but he does not have official ownership documents.⁵⁵

During research across the countries and locations of this study, ERRC researchers were often told: "We have been living here for over 20 years; we do not have ownership documents."

Source: ERRC interview with A.B. Debar, Macedonia: 12 January 2010.

Property rights and ownership issues at times lead to bewilderment among Roma living in settlements. For example, in a recent communication with local authorities about the potential destruction of her home, Ms L. from Plavecký Štvrtok, **Slovakia**, was asked to present documentation confirming that she owned her house. Ms L. told the ERRC that the demolition order issued for her informally-built home addresses her as the "owner" and that there should therefore be no question about ownership. Interestingly, the only document Ms L. has confirming her ownership is the demolition order.⁵⁶

⁵⁵ ERRC interview with Mr S.B. Mbrostar-Ura, Albania: 21 January 2010.

⁵⁶ ERRC interview with Ms L. Plavecký Štvrtok, Slovakia: 30 September 2010.

7.4 Post-Communist Property Issues

In other cases, Romani respondents were unaware or confused about who actually owns the house and property. However, the Romani residents are not the only ones who are confused about ownership of the land where Romani settlements stand. In some cases, local authorities were also not clear about whether the land was owned by the State or if it was privately owned. After the fall of Communism, States often decided to return property that was previously confiscated or to privatise State-owned housing. Many unresolved property issues remain in the countries of this study.

For example, in the **Slovak** village of Krásnohorské Podhradie, the problem with land ownership was raised two years ago after two individuals inherited the land on which the Romani settlement sits. According to ERRC research, the owners petitioned local authorities to return the land to them. Local officials told the ERRC that although they should implement the law and give the land to the new owners, they can not because the municipality does not have sufficient funds to relocate the affected Roma. The municipality asked the national Government for support, which first promised some help and then reportedly withdrew the offer because there are many villages with unsolved land problems in Slovakia. The local official told the ERRC that the only solution is new legislation, which would solve land ownership problems nation-wide.⁵⁷ Meanwhile, the local Romani community lives under the constant threat of eviction and without any alternative accommodation arrangements.

Krásnohorské Podhradie is situated in the self-governed region of Košice, eastern Slovakia. Around 2,600 people live in the village, of which 50% are Romani. An informal Romani settlement is located about two kilometres outside the village; there are approximately 800 residents. According to ERRC research, sewage systems are only partially installed due to the growth of the settlement over time. The old part of the settlement has sewage and electricity while the new part has no public services or infrastructure. The nearest school is in the village two kilometres away and the bus stop is about one kilometre away, which makes it difficult for the children to get to school.

Source: ERRC documentation in Krásnohorské Podhradie on 10 September 2010. Interviews with Romani individuals.

During the privatisation of State enterprises many problems were created as concerns Roma housing, sometimes resulting in evictions. Some State-owned companies had their own land and housing for their workers. An example of such is the Budo Tomović settlement in Nikšić, **Montenegro**, where the State-owned company Železara built temporary houses for its workers almost five decades ago on its land. Today, the poor quality houses are mostly inhabited by Roma who worked for the factory or bought houses from non-Roma who previously worked in the factory but have since left the settlement. However, the factory was privatised and at the time of research for this study it was not clear who owned the land where more than 400 Roma live today: “None of the buildings in this settlement are legal”, according to Mr T.H.,

57 ERRC interview with the local mayor. Krásnohorské Podhradie, Slovakia: 10 September 2010.

a Romani leader in the area. None of the inhabitants have construction permits or titles to the land. As one of the residents, he has written to the municipality of Nikšić several times regarding this problem. They told him to contact the factory: he did but no one answered him, apparently because *they* were not sure that they were in fact the owners.⁵⁸

Nikšić is a city in north-eastern Montenegro. According to the 2003 census, 58,212 people live here. According to the Database of the Roma, Ashkali and Egyptian population in Montenegro of the Department for Statistics of Montenegro, there are 1,001 Roma, Ashkali and Egyptians living in Nikšić, including permanent residents and displaced persons. Roma, Ashkali and Egyptians in Nikšić live in ethnically segregated and isolated settlements. The Budo Tomović settlement is one of the largest Roma, Ashkali and Egyptian settlements in the city.

The settlement is situated at a distance of about four kilometres from the city centre and about two kilometres from the nearest primary school. The central part of the settlement is not paved and in certain parts there are water springs that flow through the settlement. During heavy rains, these streams are high and threaten to flood the whole settlement. Prior to ERRC research in August 2009, heavy rain caused two barracks to be flooded.

None of the buildings in this settlement have been legalised. The settlement is 500 metres away from the Železara factory, which was once a major steel producer in Montenegro. The factory's air filters reportedly broke down more than two years before the ERRC visit and as a result the residents of Nikšić are at risk of being poisoned by hazardous discharge. Considering the proximity of the Romani settlement to the factory, the Roma residing there risk health problems.

Source: ERRC documentation in Nikšić, Montenegro, in August 2010. Interviews with Romani individuals.

A similar situation was reported in the Poljice Romani settlement located close to the city of Lukovac, **Bosnia and Herzegovina**. Here, 28 Romani families - 146 inhabitants in total - have lived for around 100 years. A State-operated logging management company owned the land but then gave it to the municipality after the company was privatised. The settlement is totally isolated, located in the middle of a forest and is very hard to approach. Only one part of the road is paved, the settlement is located next to a garbage dump and there is no electricity. During discussions with Roma living in the settlement in August 2009, it was unclear who currently owned the land. However, residents reported that infrastructure improvements were not possible because of the informal nature of the settlement and because it is now on private land outside of the municipality's jurisdiction.⁵⁹

The Sunny Romani settlement (formerly called Bangladeš) in Novi Sad, **Serbia**, started almost 40 years ago as a social housing project. The original idea was to provide an agricultural cooperative for the rehabilitation of juvenile and young adult offenders. Soon after this concept was

⁵⁸ ERRC interview with Mr T.H. Nikšić, Montenegro: 8 August 2009.

⁵⁹ ERRC interview with Ms R.B. Poljice Romani settlement, Lukovac, Bosnia and Herzegovina: 10 August 2009.

abandoned, Roma started to inhabit this settlement. It remained in total segregation and without electricity, housing 50 Romani families for 40 years. Finally, in September 2009, the NGO Ecumenical Humanitarian Organization (EHO) connected electricity and improved some infrastructure in the settlement. However, EHO cannot finish its improvements because the legal status of the settlement is unresolved. The land, the residential building in the settlement and the adjoining land were social property under Communism, owned by the Self-Managed Community of Interest of Social Protection. After this, ownership was transferred several times from one State institution to another. Finally the right to use the building, the yard and the land was granted to the Novi Sad Social Welfare Centre by the owner, the Republic of Serbia.

Ms S.J. of EHO's Roma Resource Center told the ERRC that legalisation is in fact the most difficult issue that she and her colleagues face in their work to improve the housing situation in this settlement. First, they had to figure out exactly who is in charge of what in the process. Ms S.J. told the ERRC that EHO started the process to legalise Sunny in November 2003 and, after more than six years of work, they had not managed to complete the process. Although it is clear who owns this settlement, the unstable political situation in the city and in the country prompted the authorities to "push the problem under the carpet."⁶⁰

At the time of ERRC research the Sunny settlement was being developed into social housing. However, because the tenure is not legalised, tenants lack security of tenure. The residents have five-year tenancy contracts but they can not register residence at that address because there are no street names and house numbers.⁶¹ Due to the lack of registration of the settlement, Romani residents cannot access residence cards. Instead, they are forced to register at false addresses in non-Romani neighbourhoods, where they often need to pay the owner to be registered at his/her address.

The Sunny Romani settlement, formerly called Bangladeš, has existed since the early 1970s, when it served as an agricultural cooperative for the rehabilitation of juvenile and young adult offenders. The settlement is located on the road between Novi Sad and Rumenka. There are 232 residents living in 60 houses. After decades of living in darkness, in September 2009, electricity was installed in all 60 homes in the settlement by the local NGO Ecumenical Humanitarian Organization.

Source: ERRC documentation in Novi Sad, Serbia, in November 2010. Interviews with Romani individuals and NGO representatives.

7.5 Discrimination by State and Non-State Actors

The successful improvement of the conditions in Romani settlements and the establishment of security of tenure for inhabitants in such settlements depend on the commitment of the authorities. Sometimes, political will is low or lacking, based on stereotypes and discriminatory attitudes held

⁶⁰ ERRC interview with Ms S.J., Ecumenical Humanitarian Organization. Novi Sad, Serbia: 17 November 2009.

⁶¹ ERRC interview with Mr R.B., Ecumenical Humanitarian Organization. Novi Sad, Serbia: 17 November 2009.

by Government officials. For example, during an interview with the ERRC, an employee of the Department for Urban Planning of the Municipality of Lukovac, **Bosnia and Herzegovina**, made explicit anti-Roma remarks, proposing that the Municipality solve the housing issues of “Gypsies” by placing them on the outskirts of the city where nobody will see them.⁶²

In **Macedonia**, Mr A.K., a Romani man from Berovo, told the ERRC that local authorities discriminate against him, noting that he and other Roma in his community had experienced problems proving that they had bought land in past years. In 1984, Mr A.K. bought private land for which he kept the receipt. He requested a construction permit from the municipality to build a house but they refused to issue him a permit: Mr A.K. believes the refusal was discriminatory. In 2009, Mr A.K. sued the municipality and lost the case.⁶³

Another Romani man from Berovo reported that he faced discrimination when seeking to legalise his house. Mr A.R. has a house located in the very centre of Berovo and he is the only Romani person living there. Mr A.R. told the ERRC that he has not been able to legalise his house while his Macedonian neighbour has. He reported that he is discriminated against by his neighbour, who works as a lawyer for the Berovo municipality. His neighbour reportedly took the initiative to block the legalisation of his land; subsequently half of his land was acquired by this neighbour. Mr A.R. explained that this happened because he is Romani and nobody wants Roma in the centre of the town. Mr A.R. believed that his neighbour used his strong connections in the municipality to increase pressure on him and his family to move to another location.⁶⁴

The discriminatory attitudes of non-State actors also threaten the security of tenure of Roma. There have been several instances when authorities planned actions to address the housing situation of Roma by moving whole settlements to a new location. Some of these attempts failed because non-Roma protested against the relocation of Roma to their neighbourhoods. One such case occurred in Belgrade, **Serbia**, in April 2009. At that time, Belgrade authorities planned to move Roma living in the informal Blok 67 settlement to a new location in a non-Romani neighbourhood. The authorities bought metal containers to place in the new location as housing for the Roma to be moved. However, non-Roma living in the area where the containers were set were reported in the media to have protested and burned the containers. City authorities bowed to the pressure of the anti-Roma protesters, deciding to move the Roma to another location in the city.⁶⁵

When it comes to security of tenure for Roma who are renting houses from private owners, cases of discrimination were also documented. There were reports of non-Romani landlords refusing to rent their apartments to Roma. In Podgorica, **Montenegro**, a Romani woman with two children was evicted from a rented apartment after the landlord found out that they were Romani.⁶⁶

62 ERRC interview with Mr D.C. Lukovac, Bosnia and Herzegovina: August 2009.

63 ERRC interview with Mr A.K. Prohorinski Street Romani settlement, Berovo, Macedonia: 14 February 2010.

64 ERRC interview with Mr A.R. Berovo, Macedonia: 14 February 2010.

65 Zorica Nikolić, “Dragan Đilas rešava problem nehigijenskih naselja tako što odbija da se sretne sa stanarima”, *Borba*, 23 August 2009, available at: <http://www.borba.rs/content/view/full/8577/123/>.

66 ERRC interview with Ms B.R. Podgorica, Montenegro: 27 May 2010.

7.6 Poverty and Insufficient Funding as an Obstacle to Legalisation

If all other obstacles were removed and very complex legal procedures to establish their security of tenure could be navigated, many Roma would still be unable to establish their homes legally because of poverty. Legalisation can require formal purchase of the land, the payment of taxes and often legal or administrative fees. Borrowing money for these costs is also generally not possible, as many Roma are unemployed. For example Mr A.V, a Romani man from Berovo, **Macedonia**, tried to legalise his house, but he was unable to do so for financial reasons. Mr A.V. reported that he would have to pay 1,000 EUR to purchase the land, currently owned by the State, and would incur further legalisation costs afterward of approximately 30 EUR per square metre. Considering that he is dependent on social welfare, he could not afford to privatise and legalise his house.⁶⁷

Among the problems reported by Romani respondents in this study as concerns the legalisation of their property and homes was: “I don’t have electricity [...] when [the electricians] were here they didn’t connect me to the electrical supply [...] they told me that I need documents for the house [...] It is very expensive for me to get all the documents.”

Source: ERRC interview with M.I. Apalina Romani Community, Reghin City, Romania: 1 February 2010.

The Mayor of Pesac, **Romania**, told the ERRC that the biggest problem facing the Romani community in his municipality, where 444 Roma live, is that the houses they are living in are not registered. They do not have any documents for the property. To provide ownership authorisation to the residents, the municipality needs money, which it does not have. In order to register every house, the municipality reportedly must pay about 250 EUR as a registration fee for each household and the city hall does not have this money.⁶⁸

In 2007, Decade Watch researchers reported in **Serbia** that although the Ministry of Infrastructure elaborated guidelines for the legalisation of Romani settlements and 18 municipalities sought funding for legalisation actions, no serious funds had been allocated from the Government budget for this purpose.⁶⁹

In Plavecký Štvrtok, **Slovakia**, the municipal office offered to legalise the houses of Roma living in the informal settlement who provided documentation of their ownership. The residents were given 60 days to provide the required documentation. However, residents told the ERRC, it must have been clear to the municipal office that they would not be able to provide the missing documents because of administrative difficulties (the inhabitants must

67 ERRC interview with Mr A.V. Prohorcinski Street Romani settlement, Berovo, Macedonia: 14 February 2010.

68 ERRC interview with Mayor Toma Cornel. Pesac, Romania: 9 February 2010.

69 Decade Watch, *Roma Activists Assess the Progress of the Decade of Roma Inclusion 2007 Update*, 2008, available at: http://www.romadecade.org/decade_watch_update_2007.

get a number of permissions: from the authority protecting the area in which the settlement is situated, from the company that administers a gas pipe running under the settlement and from the municipality itself which should issue the relevant permits for the houses) and because the costs of legalisation are beyond the financial means of the inhabitants (in addition to administrative fees, the inhabitants would have to pay for required architectural plans and also purchase the land on which their houses are located). As a part of the process, the municipality revoked registration numbers which had previously been assigned to some of the houses, saying that the numbers were assigned by mistake because only legally registered houses can receive registration numbers.⁷⁰

7.7 Lack of Legal Aid

To ensure security of tenure, Roma have to deal with very complicated legal procedures. Most of them fail in this regard due to their low level of education. The situation is very difficult as they cannot afford to pay lawyers and there is almost no free legal aid available to them.

⁷⁰ ERRC interviews with Ms L. and other inhabitants of the settlement. Plavecký Štvrtok, Slovakia: 30 September 2010.

8 Forced Evictions

8.1 Protection from Forced Eviction

The CESCR stated in General Comment No. 4 that the practice of “forced evictions is a prima facie violation of the right to adequate housing, regardless of the level of development or availability of resources.”⁷¹ Forced evictions are further elaborated in the CESCR’s General Comment No. 7 defined as “the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.⁷² General Comment No. 7 recommends a number of minimum procedural safeguards in relation to forced evictions. They include:

- a. An opportunity for genuine consultation with those affected;
- b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, should be made available in reasonable time to all those affected;
- d. Especially where groups of people are involved, government officials or their representatives should be present during an eviction;
- e. All persons carrying out the eviction should be properly identified;
- f. Evictions should not take place in particularly bad weather or at night unless the affected persons consent otherwise;
- g. The provision of legal remedies; and
- h. The provision, where possible, of legal aid to persons who require it in order to seek redress from the courts.⁷³

In addition, the CESCR emphasised in General Comment No. 7 that “special attention should be accorded to vulnerable individuals or groups, inter alia, ethnic and other minorities, since often these individuals and groups suffer disproportionately from the practice of forced evictions.”⁷⁴ It also indicated that evictions should not result in individuals being rendered homeless or vulnerable to violations of other human rights. Where those affected are unable to provide for themselves, authorities must take all appropriate measures, to the maximum of

⁷¹ CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

⁷² CESCR, *General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions*, 1997, available at: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/959f71e476284596802564c3005d8d50?Opendocument>.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

their available resources, to “ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”⁷⁵

The UN Commission on Human Rights has affirmed that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to housing. Furthermore, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities has reaffirmed:

[...] the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment [...].⁷⁶

The issue received further attention from the OSCE in 2007 when the Report “Forced evictions of Roma in the OSCE region: working towards finding sustainable solutions to stop this phenomenon” was issued following the OSCE High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding.⁷⁷ The purpose of the side event was to highlight the gravity of the situation of forced evictions and to identify efficient courses of action that should be taken by Participating States to stop this practice.

The report noted the steady rise in forced evictions of Roma in the preceding years and the fact that evicted Roma are pushed to the outskirts of localities, which leads to residential segregation and further widens the gap with the mainstream society.

According to the Centre on Housing Rights and Evictions, a forced eviction takes place when the inhabitants of a residence are removed “from their homes or lands against their will, directly or indirectly attributable to the state.”⁷⁸ State actions can lead to forced evictions either by directly removing residents or by failing to prevent evictions carried out by third parties. In either case, the State has an obligation to ensure that those evicted are not subject to rights violations.

Forced eviction of Roma from their homes is often the result of a confluence of factors: the economic desirability of lands the Roma inhabit, public works and urban beautification projects and prejudice against Romani people all contribute to the displacement of Roma from their homes. Many Romani people have been subject to these practices.

Amnesty International has documented Government-led forced evictions in all areas of the world. It notes that States are often not held accountable for their actions during evictions,

75 *Ibid.*

76 UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Forced Evictions: Sub-Commission resolution 1998/9 (E/CN.4/SUB.2/RES/1998/9)*, 20 August 1998.

77 OSCE, *Side Event Report: Forced evictions of Roma in the OSCE region*, 2007, available at: <http://www.osce.org/odihr/18160.html>.

78 Centre on Housing Rights and Evictions, available at: http://www.cohre.org/view_page.php?page_id=11.

and that many times, the results are catastrophic for the evicted inhabitants.⁷⁹ A forced eviction takes place when the procedural safeguards established under international and domestic law are not respected.

8.2 Forced Eviction and Threatened Forced Eviction

In the course of ERRC research for this report, numerous cases of forced eviction and threats of forced eviction were documented. The reasons for such evictions varied, but were often linked to the economic value of the land on which the affected Roma were residing.

In the aftermath of his forced eviction in Skopje, Macedonia, a Romani man asked ERRC researchers: “Who will take care of my children now? Instead of being in a warm house, I am on the street, without any alternative accommodation provided to me by the municipality.”

Source: ERRC interview with Mr A.E. Skopje, Aerodrom, Macedonia: 19 April 2010.

In Tetovo, **Macedonia**, the Dolno Maalo Romani neighbourhood provides one example. According to ERRC research, around 100 families live in this settlement; only about 5 families do not possess legal ownership. In an interview with the ERRC, Mr F.I. reported that since 2008 a private investor in the area had used various forms of pressure in an attempt to drive the Roma from their settlement. He stated that the investor wanted the land because of its proximity to markets and the city centre, and had attempted to purchase the Romani houses for low prices.⁸⁰ Another resident, Mr A.I., told the ERRC that the private investor threatened the Roma in Dolno Maalo if they did not agree to sell their homes.⁸¹ Mr E.M. stated that there is “cooperation” between the investors and the municipal authorities. He is under constant pressure from both. The investor regularly threatens him and demands that he sell his house at a low price. At the same time, the municipality has also reportedly been pressuring Mr E.M. to sell his house. Mr E.M. stated that municipal officials called him in September 2009 and told him to sell his house to the investor and others have requested that he present his property and house ownership documents to the municipality to prove his ownership. Mr F.I. told the ERRC that the investor demolished the houses he bought from Roma and built a parking lot and a car wash without municipal authorisation. According to Mr F.I., all relevant authorities and police are informed about the behaviour of the investor towards Roma, but the responsible authorities have not taken any action. At one point, local Roma invited the media to report on the case and the investor reportedly threatened local media representatives with a weapon.⁸²

79 Amnesty International, “States must not ignore human rights in efforts to end poverty”, press release, 9 June 2010, available at: <http://www.amnesty.org/en/for-media/press-releases/states-must-not-ignore-human-rights-efforts-end-poverty-2010-06-09>.

80 ERRC interview with Mr F.I. Tetovo, Macedonia: 17 and 18 December 2009.

81 ERRC interview with Mr A.I. Tetovo, Macedonia: 17 and 18 December 2009.

82 ERRC interview with Mr E.M. and Mr F.I. Tetovo, Macedonia: 17 and 18 December 2009.

According to estimates by the Romani organisation Mesecina, in the Dolno Maalo Romani neighbourhood of Tetovo, western Macedonia, there are 100 Romani families, approximately 600 persons, including 250 women and 200 children. The settlement is located on attractive central land, in close proximity to markets and the city centre. The community is living under the threat of forced eviction. The municipality has reportedly developed plans to relocate the Romani neighbourhood elsewhere and erect new buildings in its place. On several occasions, municipal authorities proposed a draft plan which had not been approved at the time of ERRC research.

Source: ERRC documentation in Tetovo, Macedonia, in December 2009. Interviews with Romani individuals.

In 2006, four families from the Rraphista Romani neighbourhood in Elbasan, **Albania**, were forcibly evicted and their houses were demolished to clear land for the construction of social housing. Mr D.K., one of those evicted, stated during an interview with the ERRC that he received notice of the eviction only one week prior to the demolition date and that there was no consultation.⁸³ His neighbour, whose house was also destroyed, described the day of the eviction: “They came at around 10:00 AM and started to demolish everything with their vehicles. We did not manage to take out our belongings.”⁸⁴ Ms D.K. recalled that her husband initially shouted at the police in an attempt to stop the demolition but that ultimately they could not prevent the eviction. No physical confrontation took place. After the eviction, the families did not receive any help, legal or otherwise, from the municipality although they had been told that they would have priority if they applied for social housing. According to Mr D.K., they applied but were ultimately turned down for unknown reasons. Mr D.K. and his family then built a new shack not far away from the previous one, in which they live in very meagre conditions. Three years later in May 2009, Mr D.K. received a demolition notice for his new home. Ms D.K. reported that her relatives had moved to Greece, so she and her family moved into the empty property. Although they had been promised priority access to social housing, when they went to apply, Ms D.K. stated that the authorities asked for a bribe which she and her family could not afford. At the time of interview, the family reported that they did not feel secure in their relatives’ house because the relatives were undocumented migrants in Greece and could be deported back to Albania at any time, reclaiming their house.

Elsewhere in Albania, the Romani community living near the construction site of the Tirana Outer Ring Road faced the prospect of eviction at the time of research. In its Assessment Study, the Municipality of Tirana identified 206 objects which would potentially be affected by the construction of the Tirana Outer Ring Road. The majority of the structures to be demolished, 78.12% are informal one-floor dwellings and smaller structures where Roma live.⁸⁵ During interviews with the ERRC in September 2009, local residents were generally unaware that

⁸³ ERRC interview with Mr D.K. Elbasan, Albania: 12 November 2009.

⁸⁴ ERRC interview with Ms D.K. Elbasan, Albania: 12 November 2009.

⁸⁵ Municipality of Tirana, *Tirana Outer Ring Road, Environmental and Social Impact Assessment Study*, February 2009, Final Draft.

they might be evicted as no one from the municipality had been to the settlement to consult them. When asked about the possibility of relocation, local resident Ms Y.B. told the ERRC, “I don’t know anything about this project. We were not notified of anything.”⁸⁶

The Selitë settlement is located in the south-western part of Tirana. In Selitë, there live around 300 Romani families. The Romani community lives in three major areas: in Irfan Tomini Street, next to Kavaja Road near the river of Lana; and in flats in municipality unit 5. Half of the Romani families in this area have lived there for a very long time. Others moved into the area during the transition period. At the beginning of the 1990s, many Roma lost their jobs. Having no place to stay, many Romani families moved to this area, including families from other cities. Most of them have lived in this area for more than 10 years.

The Romani community living near the Lana River was evicted some years ago. In their place, a block of flats was built. Only a few Romani families live there now in homes made of wood, plastic, tin sheeting and cardboard. The street in the Irfan Tomini settlement was repaired in 2009 and around 10 Romani houses were demolished about one month before an ERRC visit in September of that year, during the reconstruction of the road. The residents had been notified about the project at the beginning of the year; because the houses were informally built, the municipality offered the families only a housing allowance as compensation. However, none of the Romani families registered at the time of research ever benefited from the housing allowance.

Source: ERRC documentation in Tirana, Albania, in September 2009. Interviews with Romani individuals.

During the research period, numerous high-profile forced evictions of Roma were conducted in **Serbia**. In Niš, Roma were threatened with forced eviction when an American investment firm bought a brickyard and the land on which the Crvena Zvezda Romani community is located. In April 2009, the president of the municipality of Niš, Palilula Ivan Novaković, was quoted in the media as having stated that the existence of a Romani settlement on private property can be a problem and that if the owner requests that the Romani community be removed, municipal authorities will need to comply. Another municipal representative was quoted as having stated that Niš authorities were in negotiations with the Romani residents.⁸⁷ During ERRC field research, Roma from Crvena Zvezda reported that they learned that they will have to leave their homes from the media. Residents also claimed that local authorities are not really interested in consulting them. The residents reported that municipal authorities had only spoken with two residents for not longer than ten minutes. Following the visit, other residents tried to make appointments, but the responsible authority never responded. During a discussion with the ERRC, the municipal representative was aware that the Roma from Crvena Zvezda had been trying to meet her, but stated that, “I was busy and did not have time to talk to them. I will talk to them in September.”⁸⁸ As of October 2010, the municipality had not met the residents, who continue

⁸⁶ ERRC interview with Ms Y.B. Tirana, Selitë, Albania: 22, 26, 29 September 2009.

⁸⁷ “Seeking relocation of Roma settlement”, *Danas*, 23 April 2009.

⁸⁸ ERRC interview with City Council Representative Dusica Davidovic. Niš, Serbia: 12 August 2010.

to live under the threat of eviction. As Mr H.J. told the ERRC, “I am aware that we may be relocated and when I think about that, and I do that every day, I am afraid.”⁸⁹ Mr Ramić Bajazit, a representative of the NGO Crvena Zvezda, told the ERRC that residents believe that they are not being consulted because they are Romani.⁹⁰ Another NGO representative, Mr Hilmir Huseini of the NGO Romsko Srce, told the ERRC that municipal representatives have used racist and mocking language during discussions of which he was a part, with references to Roma being “dirty Gypsies” who “think they know something and want houses.”⁹¹

Roma residing in the Crvena Zvezda settlement in Niš, southern Serbia, live in substandard housing conditions and face the threat of forced eviction. The settlement formed in a spontaneous and unplanned manner more than thirty years ago. It is located in south-eastern Niš near a non-Romani community with adequate living conditions. The location of Crvena Zvezda is unfavourable for reaching the city centre. According to the study, *Roma settlements: life conditions and possibilities for integration* by the Center of Ethnicity, 50% of Roma live in houses which are legalised. High levels of poverty among Roma and the informal nature of many homes prevent Roma from improving their housing conditions. Living conditions vary in the neighbourhood, ranging from decrepit hovels housing three or four families in one or two rooms with no electricity, running water, toilets or usable roads outside, to spacious and fully equipped three story buildings.

Source: ERRC documentation in Niš, Serbia, in August 2009. Interviews with Romani individuals.

According to media reports and ERRC documentation, on 3 April 2009, police forcibly evicted and destroyed the personal property of 128 Romani individuals, including many IDPs, women and children, who had been living in Novi Beograd’s Block 67 for more than 10 years. The day before the eviction was conducted, residents were officially notified that in 15 days they would be removed from the property; less than 24 hours after the notification was delivered, police arrived with bulldozers to carry out the eviction and destroy their makeshift homes. The evicted Roma with registered residence in Belgrade were provided with alternative accommodation in containers in a longstanding segregated Romani settlement called Orlovsko in the municipality of Zvezdara. Those who did not have residence in Belgrade were forced to go back to municipalities in which they were registered, mostly in southern Serbia. The authorities in Belgrade covered their travel costs.⁹²

Officials reported a lack of consultation prior to relocation by Belgrade authorities. Ms Marija Leković, an official from Zvezdara where 11 containers were placed to re-house 13 Romani families, told the ERRC that Belgrade authorities did not consult Zvezdara authorities at any point prior to the relocation of the families. Ms Leković reported that the relocation was not

⁸⁹ ERRC interview with Mr H.J. Niš, Serbia: 10 August 2010.

⁹⁰ ERRC interview with Mr Ramić Bajazit, NGO Crvena Zvezda. Niš, Serbia: 10 and 21 August 2009.

⁹¹ ERRC interview with Mr Hilmir Huseini, NGO Romsko Srce. Niš, Serbia: 10 and 21 August 2009.

⁹² “Većina Roma iz bloka 67 ne želi u prihvatne centre”, *24 sata*, 7 April 2009, available at: <http://www.24sata.rs/vesti.php?id=49357>.

properly carried out and the land was not properly prepared. The containers were placed in an area without a sewage system and they were without any furniture. In these conditions, the displaced Roma were left on their own. Municipal representatives reportedly provided the residents with beds and clothing.⁹³

The ERRC visited the displaced Roma in the Orlovsko settlement in September 2009 to document their conditions in the new location. The families were placed in segregated settings; Belgrade authorities did not consider the option of providing access to social housing alongside non-Roma. In the settlement 13 families were placed in 11 containers, each measuring 16 square metres. One serves as a sanitation container, which contains two showers and two toilets. Inside the containers are two beds, a table and four chairs. The land on which the containers sit is not paved and the area has no streetlights. The electricity is weak and bugs, rats, and snakes plague the settlement. The nearest health centre is a half hour walk away. All those asked agreed that their previous location was preferable to the conditions in the Orlovsko settlement. When it rains, water seeps into the containers, raising concerns that disease may spread easily increasing the likelihood of an epidemic in the community. In the new location, it is more difficult for children to commute to school each day. Many Roma interviewed believed that they are not welcome by existing residents of the Orlovsko settlement.⁹⁴

Later, on 31 August 2009, the authorities in Belgrade forcibly evicted a considerable number of Roma who had been living under the Gazela Bridge for more than 15 years, which stretches across the Sava River. The Gazela Bridge Romani settlement was one of the largest Romani settlements in Belgrade. It was established during the 1990s as a consequence of wars on the territory of the Former Yugoslavia. After the conflict in Kosovo, Gazela became the largest Romani settlement in Belgrade with the poorest Romani families coming from Kosovo. The relocation of the Roma living in the Gazela settlement was necessary because of the reconstruction of the bridge. The European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) provided Serbian authorities with financing for the reconstruction on the condition that Roma from the settlement would be relocated to adequate housing made of solid material.⁹⁵

The residents were relocated in an action coordinated with the Ministry of Internal Affairs, the Belgrade Fire Department and the Service for Public Infrastructure. The inhabitants of this settlement were given 10 days notice of the eviction. The eviction started at 7:00 AM and finished at around 2:00 PM. According to ERRC research, the eviction took place without violent incident, no personal possessions were destroyed and no one was left homeless. One hundred and thirteen Romani families (around 1,000 residents) whose residence was registered in Belgrade were moved to five different segregated locations in Belgrade: Kijevo, Makiš, Lipovica, Mladenovac and Krnjača. At this time, 53 Romani families who were not registered in Belgrade were returned to their last registered residence in eight southern Serbian municipalities.

93 ERRC interview with Ms Marija Leković. Zvezdara, Serbia: 17 September 2009.

94 ERRC Interview with Ms V.S. Orlovsko settlement, Zvezdara, Serbia: 17 September 2009.

95 European Investment Bank, *Gazela Bridge Rehabilitation Project*, available at: <http://www.eib.org/projects/news/gazela-bridge-rehabilitation-project.htm>.

The alternative accommodation provided to the residents who remained in Belgrade is of poor condition. Although they were promised houses, they were relocated to small metal containers with poor facilities, in an area without streetlights. In one of the locations, Kijevo, the containers are located across the road from a construction firm which produces a lot of dust and makes it hard to breathe. The new locations are far from shops, schools, healthcare centres and markets. The residents have difficulty accessing work as they are now so far from services. Belgrade authorities did not respect the agreement signed with the EIB and the EBRD.

The Roma relocated from the Gazela Bridge have also been violently attacked on at least one occasion since their relocation. In Kijevo at around 11:00 PM on 26 September 2009, around five unknown persons attacked the Romani settlement, throwing rocks at the containers. Police came and investigated but no perpetrators were identified and no arrests had been made as of November 2010.⁹⁶

Ms M.I. lived under the Gazela Bridge for seven years in a solidly built home, measuring 120 square metres. Following the eviction, her family lives in a much smaller space. She told the ERRC that she does not feel safe in the new location. Ms M.I. is a single mother of 10 children, including several with physical disabilities, and she suffers from asthma and diabetes. Ms M.I. complained that the health centre is too far away, which creates difficulties for her and her family. Ms M.I. stated that the container she was provided, measuring around 16 square metres, is not built for people with disabilities and she cannot get her sick children out of the containers without the help of her neighbours.⁹⁷

Another Romani man, Mr G.B., and his family were relocated to Krnjaca following the Gazela eviction. He worries that the environment in which he lives is not suitable for the physical and mental development of his children. Mr G.B. was concerned about the safety of the available drinking water, due to the shortage of proper sanitary equipment. He and his 8 family members live in very overcrowded conditions in one container of 19 square metres. The containers are located far from the shops, schools and health centres, which are about 10 kilometres away. His employment opportunities are very limited since they are now far away from the city, therefore he is not sure how they will afford to pay the bills for electricity and water.⁹⁸

The ERRC also met several families forced to go back to the south of Serbia following the Gazela eviction who were concerned about their new conditions. For example, Mr K.N. had been living with his family under the Gazela Bridge for 15 years. They were returned to his parent's house in Vranje and are not able to work. Mr K.N. stated, "I worked in Belgrade, now I am without a job, without water, electricity or a sewage system. I have three children who could not continue school after we returned to Vranje. [...] Nothing is close to us: hospital, health-care centre, police, other social services, the school etc."⁹⁹

⁹⁶ ERRC interview with B.V. Kijevo settlement, Belgrade, Serbia: 1 November 2010.

⁹⁷ ERRC interview with Ms M.I. Kijevo settlement, Belgrade, Serbia: 17 September 2009.

⁹⁸ ERRC interview with Mr G.B. Krnjaca, Belgrade, Serbia: 11 November 2009.

⁹⁹ ERRC interview Mr K.N. Vranje, Serbia: 25 February 2010.

Around 700 Roma live in Plavecký Štvrtok, **Slovakia**; 500 of whom are officially registered in the village. According to ERRC documentation, most of the Roma live in a segregated settlement, in informal houses which have been there for 50 years or more. The State owns most of the land on which the settlement is built. According to the urban plan, there are 90 houses in the settlement and none are registered. The settlement is located on protected land and there is a gas line under the area.



Since the autumn of 2009, local authorities have sought to evict around 700 residents of the informal Romani settlement in Plavecký Štvrtok, Slovakia, and demolish their homes without any plan for the relocation or re-housing of the community.

PHOTO CREDIT: ERRC

of the building and the owner. At the time this report was being finalised, the immediate threat of eviction had been quelled by the district prosecutor's intervention¹⁰⁰ but the situation in Plavecký Štvrtok remains tense with the mayor continuing to seek ways to demolish the Romani settlement.¹⁰¹

Many evictions of Roma appear to violate the criteria set out in international law for an eviction to be lawful. Families are often not consulted and are not provided adequate

There is a security zone in the immediate vicinity of the gas line (8 metres). Two houses are located directly on the gas line, while another nine are in the security zone. The current mayor claims that the gas company has asked the municipality to remove the inhabitants from the security zone for years. The vast majority of Roma in the settlement were requested to provide the municipality with proof of the legality of their homes within three months. Failure to comply would result in the issuance of a demolition order by municipal authorities. The households located in the gas line's protected zone were served with demolition orders due to safety concerns. Several non-Romani families live in the protected area in the different location. These households have not been served with any papers inquiring about the legality of the constructions nor have they received any demolition orders, according to ERRC research. In the autumn of 2010, the district prosecutor revoked the demolition orders due to the absence of clear identification

¹⁰⁰ Letters from the district prosecutor to the affected families, 6 August 2010; Letters from the municipality to the affected families (accepting the decision of the prosecutor), 26 August 2010. On file with the ERRC.

¹⁰¹ On a number of occasions, the mayor has stated in the media that the settlement must be demolished. See, for example, "Plavecký Štvrtok: Lipsic chce riešiť problém s rómskou osadou", *tvnoviny.sk*, 19 October 2010, available at: <http://tvnoviny.sk/spravy/regiony/plavecky-stvrtok-lipsic-chce-riesit-problem-s-romskou-osadou.html>.

notice in advance of the eviction. In addition, authorities often fail to make any realistic provision for adequate alternative housing, instead leaving families homeless or living under appalling conditions. Their new living conditions may be far worse than those at their original home.

8.3 Multiple Evictions

Some Roma interviewed by the ERRC suffered multiple evictions over several years. Serial evictions resulted in continuously deteriorating living conditions for the persons concerned, for whom a regularised living situation becomes an increasingly distant reality. For example, in the **Macedonian** municipality of Aerodrom-Skopje, the ERRC interviewed a 34-year-old Romani man, Mr A.E., who faced repeated evictions between 2003 and 2010.¹⁰²

The first time, the wooden shack Mr A.E. had built without permission next to the house of his grandfather was demolished with advance notice in 2003. Shortly thereafter, he rebuilt the shack, which was demolished again by municipal authorities after some time. Subsequently, in April 2007, the authorities evicted Mr A.E. and his family from the house of his grandfather which was built after the Skopje earthquake in 1963, and demolished it. According to Mr A.E., the authorities did not serve any advance notice of the eviction and demolition before it took place. At that time, Mr A.E. built a new shack on the same location, in which he and his family lived until April 2010 when municipal authorities again evicted his family and demolished their most recent home. Mr A.E. and his family were trying to live in the same location in May 2010, however after some days they were forced to leave the place by the police. According to the media during the police action, Mr A.E., his wife and his grandfather were beaten up by the police, when they tried to prevent the police from taking and disposing of their belongings.

8.4 Politicians' Broken Promises

ERRC research also revealed instances in which local politicians used the threat of eviction as leverage to secure Roma votes. Politicians sometimes promise members of Romani communities threatened with eviction that if they are elected, they will stop the eviction of Romani residents from their communities. Such promises, however, do not appear to be kept after the election.

For example, on 13 August 2009, local authorities in Kočani, **Macedonia**, decided to demolish the homes of 18 Romani families because they were located in a protected area close to the city's water supply.¹⁰³ The Mayor of Kočani, Mr Ratko Dimitrovski, was quoted in the media saying that the demolition was necessary because if the homes were not removed, the water quality throughout

¹⁰² ERRC interview with Mr A.E. Skopje, Aerodrom, Macedonia: 19 April 2010.

¹⁰³ ERRC interview with Mr D.G. Kočani, Macedonia: 27 August 2009.

the municipality would be compromised.¹⁰⁴ During ERRC documentation in August 2009, one of the affected Roma, Mr S.T., claimed that during the March 2009 elections, the ruling party, VMRO-DPMNE, sought Roma votes by promising that they would not demolish the houses in Kočani if they were elected.¹⁰⁵ Ms S.K. informed the ERRC that a politician had promised he would not demolish their houses during his political campaign, but ordered the demolitions upon his election. According to Ms S.K., they were evicted on 12, 13 and 14 August 2009 without being offered alternative accommodation; she told the ERRC that the family remained under the open sky without any support; some families slept rough for as much as one month.¹⁰⁶ As of October 2010 the families were living with relatives or in rental accommodation.

¹⁰⁴ “Nema prostor za nelegalnite gradbi”, *Info-Kočani*, August 2009, available at: <http://kocani.gov.mk/vesnik/vesnik/broevi/Info%20Kocani%20br.51.pdf>.

¹⁰⁵ ERRC interview with Mr S.T. Kočani, Macedonia: 27 August 2009.

¹⁰⁶ ERRC interview Ms S.K. Kočani, Macedonia: 27 August 2009.

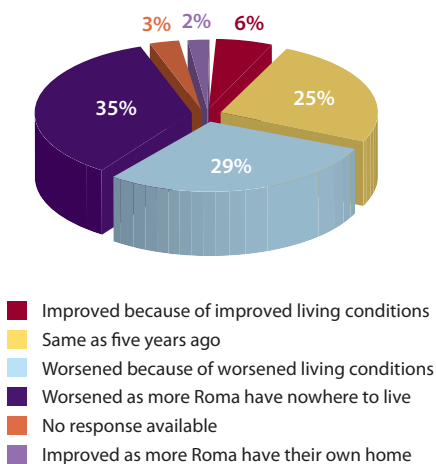
9 Substandard Conditions and Their Impact on the Other Rights of Roma

While all people are equal, the same is not true for housing. Not all housing is sufficient to fulfil the right to housing to which all people are entitled.

The Committee on Economic, Social and Cultural Rights states that the right to housing “should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head.”¹⁰⁷ Rather, there is a right to *adequate* housing.¹⁰⁸ Housing is considered to be adequate if it meets the standards laid out by CESCR for *security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy*. Unfortunately, for Roma in the countries of this study, the right to adequate housing is often not fulfilled.

Reporting by Decade Watch, which assesses government action to implement commitments under the Decade of Roma Inclusion 2005–2015, indicates that of the Decade’s four priority areas, housing is the weakest in terms of impact.¹⁰⁹ Decade Watch reports from 2007¹¹⁰ and 2010¹¹¹ indicate a lack of improvement in Romani housing conditions in Romania and Macedonia.

Table 2: Impressions of the Housing Situation of Roma in Macedonia



Two thirds of Romani respondents for the 2010 Decade Watch report on **Macedonia** indicated their belief that the housing situation of Roma had deteriorated in the first half of the Decade.

Source: Decade of Roma Inclusion, *MK Decade Watch 2010*, 2 November 2010, available at: http://www.romadecade.org/files/downloads/Decade%20Watch%202010/Decade%20Watch_2010_Macedonia_EN.pdf.

¹⁰⁷ CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹⁰⁸ *Ibid.*

¹⁰⁹ Decade Watch, *Results of the 2009 Survey*, available at: http://www.romadecade.org/decade_watch_results_of_the_2009_survey.

¹¹⁰ Decade Watch, *Roma Activists Assess the Progress of the Decade of Roma Inclusion 2007 Update*, 2008, available at: http://www.romadecade.org/decade_watch_update_2007.

¹¹¹ Decade Watch, *MK Decade Watch 2008: Roma Activists Assess the Progress of the Decade of Roma Inclusion*, 2010, available at: http://www.romadecade.org/mk_decade_watch_2008_2010.

In **Romania**, the 2010 midway assessment of Decade implementation found that existing policy or legislative initiatives had not been put into practice to improve Roma housing conditions. Decade Watch researchers concluded that housing was the lowest priority of the Government which had not demonstrated any serious political will to improve the situation.¹¹²

This chapter will discuss some of the elements of the right to adequate housing, providing examples of situations where these standards are not met in Romani communities and the impact of this on the ability of Roma to access other fundamental rights.

9.1 Lack of Services

9.1.1 ELECTRICITY

In order to be adequate, housing must have certain essential amenities. According to the CESCR, “an adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation facilities, means of food storage, refuse disposal, site drainage, and emergency services.”¹¹³ Without access to these services, housing cannot fulfil its purpose of providing a home suitable for leading a healthy and productive life.

During research in Romania, respondents stated: “I can’t live in conditions like this [...] nine persons in one room [...] 7 children in a 16 square metre room [...] we don’t have water, electricity. [...] we are so many people. We don’t have a bathroom! How can the children grow up in conditions like these?”

Source: ERRC interview with S.I. Apalina Romani Community, Reghin, Romania: 2 February 2010.

However, many Romani communities do not have housing with access to essential services. One of the most common problems is lack of electricity. In Tetovo, **Macedonia**, for example, the informal 29 November Street Romani settlement is inhabited by more than 70 Roma who live without electricity. In Tirana, **Albania**, the Stacioni i Trenit Romani community comprises more than 150 inhabitants who do not have any electricity despite the fact that live electrical wires pass through the neighbourhood.¹¹⁴ The provision of electricity in informal Romani settlements often depends on the will of electric companies. This is the case of the Veliki Rit and Sunny Romani settlements in Novi Sad, **Serbia**, where despite the fact that the settlements are informal, the company Electro Vojvodina made an arrangement with the communities and introduced electricity there.

¹¹² Decade Watch, *Romania Report 2010: Mid Term Evaluation of the Decade of Roma Inclusion*, 2010, available at: http://www.romadecade.org/decade_watch_romania_2010.

¹¹³ CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹¹⁴ ERRC interview with Mr E.K. Tirana, Albania: 19 December 2009.

Leskovac is the largest city in southern Serbia. Roma in Leskovac are one of the largest ethnic groups. According to the 2002 census 4,327 Roma live in Leskovac. In the Romani neighbourhoods, none of the streets are paved and none of the houses are legalised. Access to public utilities is limited. Residents have electricity but its quality is low; they mostly use wood for heating and cooking. There is no public lighting in the streets.

Source: ERRC documentation in Leskovac, Serbia, in December 2009. Interviews with Romani individuals.

Without electricity, Romani households must resort to dangerous methods to fulfil basic needs such as lighting, heating or preparing food. In the Lumea Noua Romani community in Alba Iulia, **Romania**, one resident explained, “we don’t have electricity [...] we have to use plastic, old clothes, things we find in the garbage dump, to heat the house and to cook.”¹¹⁵ In **Albania**, a resident of the Tirana’s Stacioni I Trenit Romani community reported, “We use candles. We have to be careful not to forget it and burn the little we have.”¹¹⁶ Even more dangerously, many Roma are compelled by their circumstances to improvise access to electricity.

In Kumanovo Sredorek, **Macedonia**, to access electricity Romani residents either connect their house to a neighbour’s house which has electrical service or they run a line from their house to the main power cable. A home with a legal, professionally installed electric line has an electrometer and is responsible for the bill, but in practice everyone who takes electricity from a single line pays his or her part.¹¹⁷ Non-payments or late payments can be a source of tension and quarrels and this system is not safe.

The dangers of fire or electrocution are always present. In Kumanovo, **Macedonia**, a fire destroyed 11 informal Romani homes in 2009. City Councillor Zekret Kazimovski told the ERRC that he believed it was caused by attempting to improvise access to electricity.¹¹⁸ In response to the fire, the municipality provided each affected family with 1,000 EUR. Unfortunately, this sum is insufficient to compensate them for the loss of their homes.¹¹⁹ In Tetovo, a Romani man died in 2000 when attempting to improvise access to electricity.¹²⁰

The homes of the vast majority of Roma interviewed during research were lacking access to basic services: “During the winter it is difficult for us to maintain heat in the house because we don’t have natural gas to warm the house and we use all kinds of material, wood, plastic or shoes we find in the garbage to make fire and warm the house.”

Source: ERRC interview with S.I. Sterpu Romani community, Valea Mare, Romania: 15 April 2010.

115 ERRC interview with Ms G.A. Alba Iulia, Romania: 21 January 2010.

116 ERRC interview with Ms M.G. Tirana, Albania: 19 December 2009.

117 ERRC interview with Mr M.R. Kumanovo Sredorek, Macedonia: 6 August 2009.

118 ERRC telephone interview with Mr Zekret Kazimovski. Kumanovo, Macedonia: 9 August 2009.

119 *Ibid.*

120 ERRC interview with Mr N.R. Tetovo, Macedonia: 18 December 2009.

In 2009, another fire started during an attempt to improvise access to electricity in the Roma refugee camp in Podgorica, **Montenegro**, killing two young Romani girls.¹²¹ A.O., the grandfather of the two girls, stated to the ERRC that the municipality of Podgorica provided emergency support of 1,000 EUR and nothing else. A.O. lives with six family members in two rooms; they are afraid that “disaster will happen again” because the current electrical connection is even worse than the previous one.¹²²

9.1.2 WATER

Access to potable water is essential to life and adequate housing. On 30 September 2010, the UN Human Rights Council adopted a resolution affirming that access to potable water and sanitation are human rights. The Human Rights Council affirmed that “the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity.”¹²³ Many Romani settlements lack access to potable water.

In the informal Romani settlement of Leskovac, **Serbia**, residents do not have access to safe drinking water. This makes drinking, cleaning and bathing exceedingly difficult. The Romani NGO Forum for Roma Initiative told the ERRC that in 2003 and 2004 many Roma contracted skin diseases as a consequence of their bad housing conditions and the lack of clean water.¹²⁴ Wells for hand-operated water pumps were reportedly dug too close to outhouses and the water mixed with feces causing diseases. In the summer, local Roma reportedly bathe in the local river but in colder weather this is not possible. Despite the fact that several foreign foundations have offered financial support to build infrastructure in the settlement, local authorities refuse to improve the conditions because the settlement was built without legal permission.¹²⁵ In Lebane, Serbia, one of the residents, Ms J.C., told the ERRC, “It is hard to live when you do not have water.”¹²⁶

Residents of the Nishtulla Romani settlement in Shkozet, **Albania**, do not have access to water. Therefore, they use rain water for their daily needs. However, this is reportedly not adequate to meet their needs since there is very little rain during the summer.¹²⁷

121 “Crna Gora: Devojčice izgorele u požaru”, *Naslovi*, 19 March 2009, available at: <http://www.naslovi.net/2009-03-19/mondo/crna-gora-devojčice-izgorele-u-pozaru/1082363>.

122 ERRC interview with Mr A.O. Podgorica, Montenegro: 9 September 2009.

123 Human Rights Council, *Human rights and access to safe drinking water and sanitation*, A/HRC/15/L.14, 24 September 2010.

124 ERRC interview with Mr T.K., Forum for Roma Initiative. Leskovac, Serbia: December 2009.

125 ERRC interview with Mr T.K., Forum for Roma Initiative. Leskovac, Serbia: December 2009.

126 ERRC interview with Ms J.C. Lebane, Serbia: 21 December 2009.

127 ERRC interview with Ms D.E. Shkozet, Albania: 25 February 2010.

Daily life is very difficult without running water in Romani communities: “We take the laundry to the river, put on a fire to warm the water and wash the clothes. We do the same thing for taking showers.”

Source: ERRC interview with V.R. Gjirokastra, Albania: 25 August 2009.

Roma living in social housing in **Slovakia** reported to the ERRC that they have limited access to water: “We have only cold water during the day twice, from 7:00-9:00 and 16:00-18:00,” said Mr J.K. from Košice’s Demeter district.¹²⁸ The situation is similar in the informal settlement of Plavecký Štvrtok and possibly in other places. In these cases, water suppliers usually justify cuts in the water to the entire community based on individual outstanding debts. Non-governmental organisations have raised concerns that this approach is based on collective guilt.

9.1.3 SANITATION

Solid waste collection continues to be underdeveloped or absent in many Romani communities. In the informal Romani community in Štip, **Macedonia**, local authorities do not collect garbage from the settlement. Residents therefore throw garbage into the street.¹²⁹ It is similar in the settlement at Stacioni I Trenit in Tirana, **Albania**, with very negative consequences. As one



The river passes through the informal Valea lui Stan Romani community in Brezoi, Romania. During an ERRC visit in February 2010 residents reported that local authorities denied them the opportunity to improve their housing conditions by applying for social housing.

PHOTO CREDIT: ERRC

¹²⁸ ERRC interview with Mr J.K. Košice, Slovakia: April 2010.

¹²⁹ ERRC interview with Mr S.O. Štip, Macedonia: 8 August 2009.

resident told the ERRC, “There are a lot of dogs coming here because of the rubbish. They can sometimes be dangerous.”¹³⁰

Many Romani settlements also lack proper sewage systems and washroom facilities. For example, Roma living in the Dolna Banjica settlement in Gostivar, **Macedonia**, have makeshift toilets. According to Mr O.B. some are inside the house and some are outside: “I have a makeshift toilet outside my house.” Furthermore, he said, “It is very difficult now because it is winter, we have to bathe in the room. I do not think it is appropriate. It would be very nice if we had a bathroom inside the house.”¹³¹

Housing is similarly inhabitable when it does not have proper sanitation. Yet, many Romani communities have no sewage system. The Romani neighbourhood in Durrës, **Albania**, for example, does not have anything resembling a sanitation system and toilets are simply holes in the yard.¹³² These systems are often insufficient to deal with the volume of human waste created. Mr X.V., a resident of the village of Mbrostar-Ura in Fier, Albania explains that, “Our toilet is a hole behind



Improvised toilet in a Romani settlement in Vidikovac, Belgrade, Serbia. Residents of the settlements have been under the constant threat of eviction since Belgrade authorities announced that this settlement, located beside the Blok 67 settlement which was evicted in 2009, would be demolished in July 2010.

PHOTO CREDIT: ERRC

¹³⁰ ERRC interview with Mr S.M. Tirana, Albania: 19 December 2009.

¹³¹ ERRC interview with Mr O.B. Gostivar, Macedonia: 21 December 2009.

¹³² ERRC interview with A.B. Durrës, Albania: 25 February 2010.

the house. There is no more space for holes here. They are not deep enough and get filled.”¹³³ This presents an obvious health hazard. In the Veliki Rit settlement of Novi Sad, **Serbia**, human waste literally flows through the streets when it rains heavily. Residents say that overpowering odours of human excrement are present in the neighbourhood from May to October each year.¹³⁴

Veliki Rit is the largest Romani settlement in Novi Sad, northern Serbia. Unofficial estimates indicate that it is home to around 3,000 residents. The majority of residents are Romani IDPs from Kosovo. The settlement lies on a former garbage dump. The average house is 20 square meters and houses six people. Veliki Rit is located five kilometres from the centre of Novi Sad. The nearest primary school “Dušan Radović”, which children from the settlement attend, is 500 meters away; it is called the “Roma School”. Only the main street in the settlement is paved; the other streets are not paved so when it rains, it is very muddy and difficult to walk through the settlement. Residents in Veliki Rit said the most pressing issues they currently face are the lack of a sewage system, legalisation issues and the extremely high price of electricity they pay.

Source: ERRC documentation in Novi Sad, Serbia, in December 2009. Interviews with Romani individuals.

Many Romani neighbourhoods do not have proper drainage systems, leading to flooding when it rains heavily. This can result in property damage. Additionally, flooding makes the use of makeshift toilets in the yard particularly difficult. D.E., a resident of the Nishtulla Romani settlement in Shkozet, **Albania**, explained in an interview, “If you would have come here yesterday it was difficult even to go to the toilet, because the whole yard was flooded with water.”¹³⁵

The close proximity of Romani settlements to rivers is a permanent problem in **Slovakia**. Every year floods damage properties and destroy houses. In June 2010, floods prompted the evacuation of a number of settlements. In a settlement in Nižný Tvarožec in north-eastern Slovakia, 120 Romani individuals were evacuated during the night and temporarily housed at the local school.¹³⁶ After the floods, media also reported that some of the Roma did not get any support after they lost their homes. In Jesenské, in the district of Rimavská Sobota, two Romani families with 10 children lost their houses and were left homeless. The flood damaged the walls, which later collapsed. The families first lived in a tent in front of the municipal office; then the mayor helped them, offering to temporarily house them in the former school building. The mayor told the media that the Roma had not invested in their houses for up to 20 years and the floods had only sped up the deterioration process, since the houses would fall anyway. The families expressed their fear that their children would be taken into institutional care if they are not able to provide them with adequate housing.¹³⁷

133 ERRC interview with Mr X.V. Mbrostar-Ura, Albania: 21 January 2010.

134 ERRC interview with Mr S.K. Novi Sad, Serbia: 4 December 2009.

135 ERRC interview with Mr D.E. Shkozet, Albania: 25 February 2010.

136 “V Prešovskom kraji sa situácia zdramatizovala, z dvoch osád evakovali Rómov”, *TV Noviny*, 4 June 2010, available at: <http://tvnoviny.sk/spravy/regiony/nizny-tvarozec-osadu-opustilo-pre-zaplavy-120-romov-umiestnili-ich-v-skole.html>.

137 “Povodne ľudí v Jesenskom spojili i rozdelili: Nastali hádky o peniaze!”, *Čas*, 23 June 2010, available at: <http://www.cas.sk/clanok/170641/povodne-ludi-v-jesenskom-spojili-i-rozdelili-nastali-hadky-o-peniaze.html>.

9.2 Affordability

Many Roma are unable to access adequate housing because it is not affordable for them. The CESCR states that the “Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. [...] State parties should establish housing subsidies for those unable to obtain affordable housing.”¹³⁸ The right to adequate housing is not fulfilled if the costs are so high that individuals cannot access housing or if paying for housing renders them unable to afford to fulfill other basic human needs such as food. Moreover, affordability of housing refers to both the cost of the housing itself (i.e. rent) and the cost of services which are essential to adequate housing, like electricity and water.



In Veles, Macedonia, Roma live in highly substandard conditions without proper heating or other utilities.

PHOTO CREDIT: ERRC

ing situation due to cost: “I had a house in Elbasan, but sold it in the beginning of the 1990s for a very low price before leaving for Greece with my family. When we came back, the houses were too expensive and we ended up here. I built this structure with materials found in the garbage. The doors of Tirana are my walls. We are 10 people living in two rooms.”¹⁴⁰ When adequate housing is prohibitively expensive, inadequate informal housing is often the only recourse.

ERRC research outlined that in addition to the housing itself being expensive, many Roma also can not afford the cost of utilities which are necessary to make housing adequate. In the Dolna Banjica Romani community in Gostivar, **Macedonia**, residents are connected

For many Romani communities visited in the course of research, adequate housing was unaffordable. For example, in the Crvena Zvezda Romani community in Niš, **Serbia**, Ms H.J., who is a single mother, lives in a house without a sewage system. She cannot afford a house with proper sanitation or she would not be able to afford food for herself and her son.¹³⁹ In the informal Shkoza Romani community in Tirana, **Albania**, Mr T.M. informed the ERRC that he is unable to improve his housing

¹³⁸ CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

¹³⁹ ERRC interview with Ms H.J. Niš, Serbia: 10 August 2009.

¹⁴⁰ ERRC interview with Mr T.M. Tirana, Albania: 1 December 2009.

to electricity, water and sewage systems but cannot afford to pay the costs. Mr O.B. told the ERRC that he has not been able to pay his electricity bill since 2000 and he is deeply indebted to the electricity company. His electricity was cut off during the ERRC visit to this settlement.¹⁴¹ In this community almost none of the Romani residents can afford electricity.

The debts owed to utility companies are pushing many Roma deeper into poverty. For example, the Romani residents of a single building in Podgorica, **Montenegro**, informed the ERRC that they owe over 70,000 EUR in accumulated debts to the electricity company.¹⁴²

In 2008, an evaluation was undertaken of a programme that involved the construction of municipal flats in Romani settlements in **Slovakia**. Of the municipalities involved in the project, 20 (39%) reported problems related to the inability of the families to pay rent and utilities. According to the report, the inability to pay was often linked to high consumption of electricity because in many flats the heating and hot water is powered by electricity. It is problematic that the most expensive method of producing hot water and heating is used in houses designed for families in material and financial need.¹⁴³

9.3 Habitability

The CESCR defines habitability of adequate housing in the following way: “Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors.”¹⁴⁴ Despite this standard, countless Roma live in housing which cannot be objectively categorised as habitable.

One of the most common problems facing Roma with respect to housing is overcrowding. In the Stara Klanica Romani settlement in Štip, **Macedonia**, the average number of persons living in one room is eight.¹⁴⁵ Ms Z.I., the 29-year-old mother of six in Remetea Chiorului, **Romania**, described her living situation as follows: “It is very difficult for eight persons to live together in one room. Myself, my six children and their father [...] in one room we sleep, I cook and we eat. It is very difficult.”¹⁴⁶ E.S., a resident of the Valea Rece community in Târgu Mureş, **Romania**, reported that her 15-person family lives together in a space which is only about six metres square.¹⁴⁷ Some Roma interviewed by the ERRC reported that authorities are reluctant to allow them to expand their

141 ERRC interview with Mr O.B. Gostivar, Macedonia: 21 December 2009.

142 ERRC interview with Mr. H.K. Podgorica, Montenegro: 10 September 2009.

143 Marek Hojsik, *Evaluácia programu obecných nájomných bytov v rómskych osídleniach (Evaluation of the Programme of Municipal Rental Flats in Roma Settlements)*, 2008, available at: http://www.nadaciamilanasidecku.sk/fileadmin/user_upload/dokumenty/Ine/Evaluacia_FINAL.pdf.

144 CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

145 ERRC interview with S.O., Štip, Macedonia: 8 August 2009.

146 ERRC interview with Ms Z.I. Remetea, Chiorului, Romania: 13 September 2009.

147 ERRC interview with Ms E.S. Târgu Mureş, Romania: 30 January 2010.

homes to reduce overcrowding. For example, in the Dolno Maalo Romani community in Tetovo, **Macedonia**, Mr A.K. reportedly sought permission to add a floor to his home to reduce overcrowding, but this was denied by the municipality, apparently without justification.¹⁴⁸

Overcrowding is a common feature of housing in Romani communities: “When we moved here, the house was connected to electricity and plumbing, it was made from new materials, painted and clean. The main problem we had was the fact that the house was too small for our families.”

Source: ERRC interview with D.I., Colonia Romani community, Cernavodă, Romania: 19 May 2010.

Another problem experienced by many Roma is that their homes do not provide them adequate protection from the elements. Ms A.A., a resident of the Crvena Zvezda Romani settlement in Niš, **Serbia**, lives with her three sons in a house largely constructed out of cardboard. The house provides poor protection against cold and rain.¹⁴⁹

“It was raining for a few days continuously. Our house was made from mud and covered with cardboard. After that rain, the house didn’t survive; one of the walls fell down. My children’s lives were in danger because the walls fell onto them. I asked for help from the city hall. They made a commission, they came here and they evaluated the damages. After all this time, nothing happened. I had to live for a long time with my children in a house with three walls, until I could rebuild.”

Source: ERRC interview with M.M., Cobadin, Romania: 21 May 2010.

Ms Z.R., a resident of the Bregu I Lumit Romani settlement in Tirana, **Albania**, reported that, “My children and I live in a hut which is not built very well. It is made of wood, mostly of doors that we found in the garbage. In winter, it is very cold.”¹⁵⁰ Mr A.R., a 68-year-old man in Fier Driza, **Albania**, said: “We live in worse conditions than dogs,” describing the substandard quality of his hut.¹⁵¹ Without housing sufficient to protect residents from the elements, individuals living there risk disease, hypothermia and severe loss of dignity.

“I live in a prefabricated house, which is very cold in winter and very hot in summer. In winter, the prefabricated houses are very cold and humid which has resulted in many of our children falling ill with chronic sicknesses, such as asthma and bronchitis. The lack of water makes our living situation even worse. We have to get water in buckets from a pipe near the road or from the neighbours; we are always waiting for when the water comes, as it comes only two times per day.”

Source: ERRC interview with G.M. Gjirokastra, Zinxhiraj, Albania: 21 August 2009.

148 ERRC interview with Mr A.K. Tetovo, Macedonia: 17 December 2009.

149 ERRC interview with Ms A.A. Niš, Serbia: 10 August 2009.

150 ERRC interview with Ms Z.R. Tirana, Albania: 21 September 2009.

151 ERRC interview with Mr A.R. Fier Driza, Albania: 1 February 2010.

In December 2008 the municipality of Sobrance, **Slovakia**, provided 28 municipal flats to the inhabitants of the local Romani settlement. At the end of 2007, the mayor announced that the flats would be ready for use by the end of the year. The houses were ready in February 2008, but the municipality did not manage to provide infrastructure to the residents until December 2008.¹⁵² Almost two years after people moved into the houses, there was still no paved road to the houses according to ERRC research. The dirt road that had been used in the past was significantly damaged by the construction of the municipal flats, but a new road has not yet been constructed and the inhabitants of the settlement had no information about such a plan.

9.4 Location

The adequacy of housing is also dependent on where the housing is located. According to the CESCR, “Adequate housing must be in a location which allows access to employment options, health care services, schools, child care centres, and other social facilities. [...] Housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.”¹⁵³

Location is judged on two levels: housing must have both proximity to services and must be removed from hazards. Despite this, many Romani communities are located far from services and close to hazards.

Living at a distance from schools is a common problem for Roma communities. In Novi Sad, **Serbia**, the Sunny Romani community is more than 5 kilometres away from the nearest school, making it difficult for children to attend.¹⁵⁴ In Fier, **Albania**, Romani children must cross a railroad and a highway to get to school. As a result, many parents prefer that their children not attend school rather than risk injury.¹⁵⁵ A similar situation exists in the Ispod Trebjese, Romani settlement in Nikšić **Montenegro**, where D.H. informed the ERRC that the route his children have to walk to school is quite hazardous due to the presence of large mining trucks in the area and the absence of sidewalks.¹⁵⁶

Some of the locations to which Roma were resettled after forced evictions made it very difficult for the children to attend school: in Serbia, for example, many children evicted from the Gazela Bridge and Blok 67 continue to attend the school they attended before the eviction which is generally one or more hours a way on the bus.¹⁵⁷ The location of Roma housing often represents a major impediment to the ability of Romani children to attend school.

152 “SOBRANCE: MESTO POSTAVILO 28 BYTOV PRE SOCIÁLNE ODKÁZANÝCH”, *Romano Nevo L’i*, 3 December 2008, available at: <https://www.rnlweb.org/~rnlwebor/modules.php?name=News&file=article&sid=14302>.

153 CESCR, *General Comment No. 4: The Right to Adequate Housing*, 1991, available at: <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>.

154 ERRC interview with Mr D.F. Novi Sad, Serbia: 17 November 2009.

155 ERRC interview with Ms I.O. Fier, Albania: 27 January 2010.

156 ERRC interview with Mr D.H. Nikšić, Montenegro: 21 August 2009.

157 ERRC interview with Ms B.M. Belgrade, Serbia: 17 September 2009.

Long distance from health and emergency services is another common feature associated with Roma housing. For example, in the Romani neighbourhood in Štip, **Macedonia**, the ERRC documented the absence of pharmacies or health institutions, making it difficult for residents to access these services.¹⁵⁸

In the Dolna Banjica Romani settlement of Gostivar, **Macedonia**, bad roads leading to the settlement make it difficult for emergency services to reach the residents. As Ms I.I. told the ERRC: “The ambulance cannot respond in time if there are emergency cases because our roads are inaccessible and too narrow. For instance, when my husband was sick the ambulance responded too late. Five years ago, there was a fire in the neighbourhood and the fire truck could not enter the street because it is too narrow.”¹⁵⁹

In the Bregu I Lumit Romani community in Tirana, **Albania**, roads leading out of the community are susceptible to flooding, making it impossible to leave the neighbourhood during heavy rain.¹⁶⁰ The lack of street lighting is also a widespread problem. The Romani neighbourhood in Niš, **Serbia**, does not have any streetlights.¹⁶¹ Insufficient lighting makes the neighbourhood more vulnerable to crime and increases the likelihood of car accidents.

In other cases, the problem is not what the Romani community is far away from, but what it is too close to. In the Ispod Trebjese Romani settlement in Nikšić, **Montenegro**, the local authorities built housing for Roma in a mining area, where large trucks often drive right through the neighbourhood. The dust created by these trucks forces residents to stay indoors and their presence raises fear for the safety of children which impacts education.¹⁶² Roma living in Kavadarci, **Macedonia**, reported living with various forms of pollution negatively affecting their living conditions: “I have been living next to this polluted lake for ages; it stinks and poses a very serious problem when it rains. My house has been flooded by the heavy rainfall. The financial benefit [to fix my house] I got was not enough – it was only 32 EUR; I cannot repair my house with the money I got.”¹⁶³ In **Albania**, it was reported that: “The building is built next to the side of a mountain and sometimes when it rains a lot there are mudslides, which are dangerous for the building and for us.”¹⁶⁴

Residents of the Craica Romani community in Baia Mare, **Romania**, face forced eviction. Residents report that local authorities intend to relocate them to an area close to a chemical factory.¹⁶⁵ The chemical factory, called Cuprom Factory Baia Mare, is reportedly considered to be one of Romania’s largest polluters.

158 ERRC interview with Mr E.A. Štip, Macedonia: 7 August 2009.

159 ERRC interview with Ms I.I. Gostivar, Macedonia: 21 December 2009.

160 ERRC interview with Mr M.Q. Tirana, Albania: 21 September 2009.

161 ERRC interview with Mr D.D. Niš, Serbia: 31 August 2009.

162 ERRC interview with Mr D.H. Nikšić, Montenegro: 21 August 2009.

163 ERRC interview with Mr N.D. Kavadarci, Macedonia: 14 April 2010.

164 ERRC interview with L.D. Podgradec, Albania: 22 March 2010.

165 ERRC interview with Mr G.G. Baia Mare, Romania: 15, September 2009.

An evaluation of the State-funded programme in **Slovakia**, which provided municipal flats to address the housing needs of the Roma living in social exclusion, found that most of the flats built within this programme did not address segregation:

From the perspective of segregation, in terms of physical distance between Romani and non-Romani dwellings out of 57 examined localities, in 39 cases (68%) the level of segregation was kept at the level before construction – the new construction was about the same distance from the non-Romani part of the municipality (or the municipality as such) compared to the original settlement. In 13 cases (23%) the new construction is even further removed in comparison to the original housing of the Roma. Only in 5 cases (9%) did the new construction reach its integration objective and bring the Romani and non-Romani dwellings closer to each other; while in 91% of the examined cases the declared objective – contribute to the integration of Roma by construction – was not achieved.¹⁶⁶



In 2004 local authorities in Košice, Slovakia, moved the last non-Romani residents out of the Luník IX housing estate, creating a segregated Romani ghetto which now stands in very dilapidated conditions.

PHOTO CREDIT: ANDREJ BÁN

In **Montenegro**, humanitarian organisations with the support of local authorities constructed a building with 24 apartments in the informal segregated settlement for Romani internally displaced persons in the Podgorica's Konik neighbourhood. One of the local residents, Mr H.K., told the ERRC that this is housing for Roma only.¹⁶⁷

¹⁶⁶ Marek Hojsik, *Evaluácia programu obecných nájomných bytov v rómskych osídleniach (Evaluation of the Programme of Municipal Rental Flats in Roma Settlements)*, 2008, available at: http://www.nadaciamilanasecku.sk/fileadmin/user_upload/dokumenty/Ine/Evaluacia_FINAL.pdf.

¹⁶⁷ ERRC interview with Mr. H.K., Podgorica, Montenegro: 10 September 2010.

10 Access to Social Housing

The European Committee of Social Rights has stated the following with regard to social housing as a constituent part of the right to adequate housing:

The Committee recalls that Article 31§1 [of the Revised European Social Charter] guarantees access to adequate housing. Under Article 31§3 it is incumbent on States Parties to adopt appropriate measures for the construction of housing, in particular [...] Furthermore, they must ensure access to social housing for disadvantaged groups, including equal access for nationals of other Parties to the Charter lawfully residents or regularly working on their territory.¹⁶⁸

Romani communities in the target countries face a number of challenges when it comes to accessing social housing. Some of these barriers are relevant for all people seeking access to social housing, such as the fact that available social housing generally does not meet the demand. On the other hand, there are barriers which only affect Roma, or which impact them more frequently.

The ERRC documented cases in which individual Roma tried and were unable to access social housing for various reasons, including direct and indirect discrimination.

Research for this report identified many Romani individuals who claimed that they had applied for social housing but were subsequently denied, often without explanation. For example, Roma in **Romania** reported that: “I live with my seven children in a 16 square metre room, in a basement. I have no water, no electricity, no natural gas and no toilet. [...] I tried to ask for a social house from the city hall. [...] They told me that it is useless to submit the application and they didn’t let me write it. [...] I don’t want to report their names because I receive social assistance and I am afraid that I will lose it.”¹⁶⁹

Another respondent from Romania reported feeling ill-treated by public servants when trying to apply: “I remember how they talked to my mother when she went to the city hall to apply for the social housing and when they cut her social help. They treated her, and all of us, like beggars or thieves. [...] When my mother went to apply for social housing, they didn’t let us enter their office. They closed the door and they told us to stay out.”¹⁷⁰

¹⁶⁸ European Committee of Social Rights, *ERRC v Italy Collective Complaint No 27/2004, Decision on the Merits*, 7 December 2005, available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp, p. 11.

¹⁶⁹ ERRC interview with B.A. Valea lui Stan Romani community, Brezoi, Romania: 13 April 2010.

¹⁷⁰ ERRC interview with K.L. Moldova Noua, Romania: 8 September 2009.

Mr A.B. from the Nishtulla Romani settlement in Shkozet, **Albania**, told the ERRC that he had not applied for social housing because he believed the authorities to be racist and did not think that they would award him anything.¹⁷¹

10.1 Lack of Personal Documents and Residence as a Barrier to Accessing Social Housing

Many Roma are denied legal access to social housing across the target countries, due to a lack of personal documentation. Furthermore, many Roma who have personal documents may not have appropriate documentation for their current place of residence, which can also pose a barrier to accessing social housing, as some social housing is only available to registered residents of a given municipality.

According to ERRC research in the Shkoza settlement in Tirana, **Albania**, many of the approximately 40 Romani families residing in the settlement are not registered as residents of Tirana. According to a representative of the NGO Shkejl, the lack of registration prevents these families from applying for the social housing available in Tirana.¹⁷² Since October 2009, this organisation has been working to encourage and assist Roma with re-registering in Tirana. This is particularly difficult for those who are registered in other cities or villages, as re-registration requires them to travel to the place of registration and retrieve their documents, which can be expensive.¹⁷³

In Ulcinj, **Montenegro**, the family of Ms Z.A, which includes four minors, was evicted by their private landlord after they declared themselves to be Romani. Ms Z.A. informed the ERRC that the family could not apply for social housing because her husband does not have personal documents. At the time of ERRC research, the family lived in a makeshift shack under an unfinished bridge. The walls of the house are wet from humidity. The structure has no windows and no electricity. The front door is a wooden board, which lets in water when it rains.¹⁷⁴

In **Macedonia**, a respondent reported: “Eight persons live in a space that is 15 square metres. All the Roma families throw their garbage near my house. I cannot apply for a social flat because I do not have citizenship.”¹⁷⁵

171 ERRC interview with Mr A.B. Shkozet, Albania: 25 February 2010.

172 ERRC interview with Mr. E.R. Tirana, Albania: 1 December 2009.

173 Ms L.A., the head of municipality unit 1 in Tirana, reiterated the urgency of registering local inhabitants as residents, saying that many are currently registered as residents of other municipalities in Tirana. As long as this situation persists, they will be prevented from submitting applications for social housing. ERRC interview with Ms. L.A. Tirana, Albania: 2 December 2009. The situation of the Roma living at Stacioni I Trenti, also in Tirana, is similar. Here, Mr A.H., head of municipal unit Nr. 9, told the ERRC that a “serious problem” is that many Roma living here “are not registered in Tirana. Because of this they cannot access social benefits, such as economic assistance, social housing etc.” ERRC interview with Mr A.H. Tirana, Albania: 19 December 2009.

174 ERRC interview with Ms Z.A. Ulcinj, Montenegro: 28 April 2009.

175 ERRC interview with B.R. Kicevo, Macedonia: 17 January 2010.

10.2 Other Exclusionary Criteria in Accessing Social Housing

In some cases, the eligibility criteria for accessing social housing set by relevant authorities may be indirectly discriminatory against Roma. Some authorities limit the pool of applicants by introducing certain requirements that may exclude some who otherwise would qualify as “disadvantaged.”¹⁷⁶

In **Romania**, the law stipulates that social housing is not available for those who sold their house after 1990.¹⁷⁷ Mr G.G. from the Craica Romani community in Baia Mare, Romania, told the ERRC that “almost all of us sold our houses [...] between 1992-1994 [...] and now we don’t have the right to social housing.”¹⁷⁸ In other words, because Mr G.G., like many in this Romani community, participated in the privatisation process by selling their houses, they are now *not* considered disadvantaged. Many of them did not apply for the social housing because they were aware of the legal limitations but there are families, usually young families, that applied and years later have still received no answer.

A similar regulation exists in **Albania**, where those who have benefited from housing privatisation cannot apply for social housing.¹⁷⁹ In Zinxhiraj, Albania, Mr A.K. told the ERRC that he had not applied for social housing because he had heard that the officials “working with the applications are very corrupt.”¹⁸⁰

Employment and income levels are another criteria used by authorities to limit the applicant pool. For example, in **Macedonia**, Mr A.I. informed the ERRC that he and his wife do not qualify for social housing because they are unemployed. In addition, the low level of social assistance that they receive also disqualifies them.¹⁸¹

In **Serbia**, the new social regulation system in Belgrade requires applicants to compete for social housing.¹⁸² In the new system, all applicants collect points based on different criteria, such as: employment status, disability, number of family members, etc. Persons who have been employed for a long time receive extra points. Roma face significantly higher unemployment rates and lower educational outcomes than non-Roma.¹⁸³ The result of the criteria

¹⁷⁶ Council of Europe, European Committee on Social Rights, *ERRC v Italy Collective Complaint No 27/2004, Decision on the Merits*, 7 December 2005, available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp, 11.

¹⁷⁷ Article 48 of Law 114/1996, stipulates: Persons in the following situations can not access social housing: People who a) Are the owner of a dwelling; b) Sold a house after 1 January 1990; c) Benefit, at any point, from help from authorities in building a house; d) Own, as a tenant, another house from the authorities.

¹⁷⁸ ERRC interview with Mr G.G. Baia Mare, Romania: 15 September 2009.

¹⁷⁹ Albania, *Law no. 9232*, 13 May 2004, Articles 4 and 5.

¹⁸⁰ ERRC interview with Mr A.K. Zinxhiraj, Albania: 15 August 2009.

¹⁸¹ ERRC interview with Mr A.I. Kumanovo, Macedonia: 7 August 2009.

¹⁸² *Decision on conditions and manner of disposal of flats built under the project of construction of 1100 flats in Belgrade*, Official Gazette of Belgrade, no. 20/2003, 9/2004, 11/2005, 4/2007, 29/2007 and 6/2010.

¹⁸³ Roma Education Fund, *Advancing Education of Roma in Serbia: Country Assessment and the Roma Education Fund's Strategic Directions*, 2007, available at: http://demo.itent.hu/roma/portal/downloads/Education%20Resources/Serbia_report.pdf.

introduced in the new social housing regulation is that many Roma who may be in need of social housing in Belgrade will be at a disadvantage in the competitive system due to their employment status. Therefore, the Belgrade-based Minority Rights Centre and the ERRC submitted a complaint to the Serbian Constitutional Court to assess the constitutionality of this regulation in October 2010.

10.3 Other Barriers to Accessing Social Housing

Roma in need of social housing may not benefit from this form of social support for other reasons. Some do not know about the availability of social housing or are not supported by the relevant State services to apply, at times due to the misconception that Roma living in severe poverty prefer to live that way. Some Roma do not apply for social housing simply because they do not know about, or do not fully understand, the application process. Others do not apply because they perceive the authorities to be racist and/or corrupt. Still others find the costs associated with the social housing on offer to be prohibitive.

Some Romani individuals informed the ERRC that they had not applied because they were not well enough informed about the application process. In some instances, social housing had been made available to Roma, but the information had not reached the Roma in need. One Romani woman living in substandard conditions in Gostivar, **Macedonia**, Ms S.F., told the ERRC that three years earlier a new stock of social flats had been granted but she had not applied because she did not know; nobody had informed her. Just prior to that she tried to apply for a social flat, but was not able to get all of the documentation required by the municipality.¹⁸⁴ Also, in Bitola in 2004, social flats were allocated to vulnerable groups, but Roma living in the city reported that they were not told when the social flats were made available.¹⁸⁵

In the course of the field research, some Romani individuals explained that they were aware of the availability of social housing, but had not applied for numerous reasons. Mr N.I., a Romani inhabitant of the Valea Rece Romani neighbourhood in Târgu Mureş, **Romania**, told the ERRC that he was aware of social housing opportunities, but that he had never applied because of the level of corruption in the process. He explained, “you need a lot of money to get something from City Hall.”¹⁸⁶

¹⁸⁴ ERRC interview with Ms S.F. Gostivar, Macedonia: 21 December 2009.

¹⁸⁵ ERRC interview with Mr A.K. Bitola, Macedonia: 18 November 2010.

¹⁸⁶ ERRC interview with Mr N.I. Târgu Mureş, Romania: 30 January 2010..

11 Conclusions

All the countries included in this research are participating in the Decade of Roma Inclusion. According to the 2009 Decade Watch Survey report, housing is the weakest of the priority areas.¹⁸⁷ Research for this study confirms that Roma continue to experience significant housing rights violations. Roma in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia live in and face similar substandard housing conditions. The situation in each country is unique but housing which does not meet adequate living standards is a common problem of many Roma in these countries.

Research in this study confirmed that racism and discrimination pose obstacles preventing Roma from achieving adequate living conditions. Discrimination by public officials is apparent in the process of forced evictions but also in access to social housing. Private citizens also discriminate against Roma who want to rent an apartment from them and have at times also organised campaigns during or prior to collective evictions to prevent authorities from relocating Roma to their neighbourhoods: in extreme cases non-Roma have attacked and set fire to temporary housing prepared for Roma.

11.1 Lack of Security of Land, Housing and Property Tenure

The lack of secure tenure of land, housing and property is the basic problem from which other violations of the housing rights of Roma derive. The research in this study, which focused on areas with large Romani populations, found that a significant number of Roma in the target countries live in informal settlements which renders them vulnerable to forced evictions.

Informal settlements are generally built on land that does not belong to the Roma concerned; therefore any security of tenure is almost impossible. Many of these communities have existed for 50 or 100 years and as urban plans were developed they were not always included. As time has passed, these communities, which may also be centrally located, have become attractive for urban development including road works and the construction of new apartments and business complexes. Very often the development work planned has failed to take into consideration the presence of Romani settlements which have existed for many years.

The legalisation of these informal communities is very difficult or impossible. Ultimately, all of these settlements face destruction and the people living in them may have to leave. In some countries of this study, such “cleaning” projects were carried out in recent years. Where such actions were implemented, authorities have moved some of the affected Roma to different, but still inadequate, housing in containers; others were made homeless. This documented approach

¹⁸⁷ Decade Watch, *Results of the 2009 Survey*, available at: http://www.romadecade.org/decade_watch_results_of_the_2009_survey.

to informal settlements fails to address the root problem of Roma housing because tenure and ownership issues are not addressed. In addition, temporary housing becomes a long-term fix and conditions quickly deteriorate. As long as authorities address Roma housing matters in this manner, real solutions will remain unachieved and the insecurity and instability that characterise the housing of Roma will be exacerbated.

11.2 Forced Evictions

Local authorities continue to forcibly evict Roma, or threaten Roma with forced eviction and destruction of their property. During the research, the most significant number of evictions took place in Serbia and Macedonia. A smaller number of forced evictions were reported in Romania, Slovakia and Albania. There were no documented forced evictions of Roma in Montenegro and Bosnia and Herzegovina during this study.

Most of the evictions conducted may be characterised as illegal, having been carried out in the absence of due process, prior consultation with the residents or the provision of adequate alternative accommodation. In some instances, the ERRRC documented some level of consultation with the affected communities prior to the eviction but the Roma concerned reported that the promised arrangements were not fully realised after the eviction.

Within this study, the ERRRC also documented instances in which local authorities destroyed the homes of Roma at the time of the eviction without allowing residents the opportunity to remove their personal belongings. Numerous evictions were also carried out early in the morning or during cold weather, despite international standards prohibiting this.

11.3 Poor Access to Social Housing

In the countries studied, the available supply of social housing generally does not meet the demand. In addition to a limited supply of social housing, the ERRRC documented a series of specific obstacles faced by Roma in trying to access social housing, including a lack of information, restrictions and discriminatory practices.

Some Romani respondents reported that the eligibility criteria and procedures for accessing social housing are often unclear. The criteria can differ from one municipality to the other, and the instructions for applying are often contradictory. Various respondents in this study that had applied for social housing were rejected without any explanation or simply received no response.

At times, Roma do not even try to apply for social housing because the eligibility criteria are perceived to be too restrictive and the responsible officials corrupt. The eligibility criteria for accessing social housing in many municipalities may also indirectly discriminate against Roma. Many Roma continue to lack personal documents and, as such, are in some locations

unable to apply for social housing. Eligibility criteria concerning employment status, length of employment or education also have a disproportionately negative impact on Roma who experience much higher levels of unemployment than the non-Roma population, including long-term unemployment and lower educational outcomes.

In some countries of this study, notably Slovakia, local authorities build segregated social housing facilities only for Roma. In some cases, these blocks of buildings or houses are built in existing segregated Romani settlements, including informal settlements.

11.4 Substandard Housing Conditions and Their Wider Impact

The housing conditions prevailing in many of the communities visited in this study were highly substandard. The housing of many Roma continues to be characterised by a lack of basic services and infrastructure, such as water, electricity, and sewage or garbage removal. Many Roma live in improvised homes built of collected wood, metal, cardboard and other materials which do not protect the residents against the elements. Some communities are located next to garbage dumps or other hazardous areas, posing health threats to the people living in the communities. The roads in these communities are often unpaved and can be



A 60-year-old Romani woman and four minors live in this shack located in the village of Dobreni's Romani settlement in Giurgiu County, Romania.

PHOTO CREDIT: ERRC

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impassable during bad weather. Public transportation is frequently not provided. Often times Romani families live in highly overcrowded conditions.

The substandard housing conditions in which many Roma live have a negative impact on the other rights of Roma. Respondents in this study noted that their housing situation negatively affected the education of their children as well as employment opportunities. Respondents often reported that children can not attend school regularly because of substandard housing conditions: during heavy rainfall, roads turn to mud which make it difficult for children to get to schools; children cannot do their homework in the dark due to a lack of electricity; hygiene standards are almost impossible to meet due to a lack of water. As a result of these obstacles, many parents report, children leave school. Preparing food and bathing is very difficult in such conditions, which makes the spread of infection and disease much worse.

12 Recommendations

On the basis of the findings of this research, the ERRRC urges Government authorities in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia to act on the following recommendations to ensure that Roma - especially those presently living in segregated, informal settlements - be set on an equal footing with other citizens in the area of housing rights:

1. Empower Roma to take control of their own housing fate; involve members of affected communities in the planning and implementation of all actions to address their housing situation from the very earliest stages;
2. Considering the particular history giving rise to, and the significant number of residents of, informal Romani settlements, resolve the status of informal settlements:
 - a. Include all informal communities in urban plans;
 - b. In consultation with affected Roma, resolve outstanding issues of land ownership arising from the transition to democracy, ensuring formal tenure at the current location or relocation to adequate alternative housing;
 - c. Grant title to land and property to persons factually resident on a particular plot for a minimum of 5 years on which ownership is not established by another person or land is owned by the State; this period should not cease to run if residence is interrupted by forced eviction;
3. Bring to justice any public official and other actor responsible for discriminating against Roma in access to adequate housing in breach of national or international law;
4. Combat segregation by investing in the development of integrated, safe housing for Roma and taking steps to ensure that Romani communities have practical and affordable housing alternatives;
5. Prevent and prohibit any housing programmes and practices which result in segregated communities, particularly near hazardous or otherwise inappropriate areas;
6. Refrain from forcibly evicting Roma and comply with international legal standards as set out in General Comment 7 of the Committee on Economic, Social and Cultural Rights on forced evictions when eviction can not be avoided:
 - a. Ensure that evictions do not result in individuals being rendered homeless or vulnerable to other human rights abuses;
 - b. Ensure legal housing status of forcibly evicted Roma by not relocating them from one informal settlement to another;
 - c. Guarantee due process in line with international standards related to forced evictions;
 - d. Guarantee non-discrimination against Roma in the implementation of forced eviction and relocation;
 - e. Guarantee adequate pecuniary and non-pecuniary civil compensation as well as comprehensive criminal and administrative redress in cases of illegal forced evictions;
 - f. Make available adequate alternative housing, resettlement or access to productive land where those affected by evictions are unable to provide for themselves;

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- g. Guarantee adequate consultation with all Roma threatened with forced eviction sufficiently in advance of the planned action;
7. Bring to justice public officials and other actors responsible for forced evictions of Roma in breach of national or international law;
8. Provide, without delay, adequate potable water, electricity, waste removal, public transport, road provisions and other public infrastructure in Romani settlements which presently lack one or more of the above;
9. Review and amend all laws and regulations to ensure that Roma are able to access social housing equally with non-Roma; eligibility criteria related to personal documentation, employment status or educational status in particular should be addressed;
10. Make available free legal aid, advice and representation related to the denial of housing rights to ensure that individuals can protect and defend their rights or seek effective remedy, including judicial redress;
11. Establish, monitor and enforce conditions on the use of all housing-related funds, including:
 - a. Prohibiting the use of funding to create new segregated housing units;
 - b. Requiring equal opportunities measures in all project plans with clearly defined indicators for monitoring purposes (i.e., Roma employment targets among project implementers and contractors, level of funding directed towards Romani beneficiaries, etc.); and
12. Encourage a comprehensive approach to combating Roma exclusion, combining housing actions with employment, education, health, non-discrimination and other factors as relevant.

13 Appendices

13.1 Selected Bibliography

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13.2 Research Team

The research team for this study comprised grassroots Romani activists from each of the target countries. For some researchers their involvement in this project constituted their first experience ever documenting and monitoring human rights and housing rights. The following are their own accounts of their experience and development within this project.

ALBANIA: EDLIRA MAJKO

I earned my degree as an interpreter and translator of German and am also qualified as a German language teacher. While studying in Albania, I was a volunteer at the Romani Women for Development Center, where I participated in projects, trainings and seminars. In 2007, I enrolled in the Roma Access Program, a preparatory course for Romani graduates at Central European University in Budapest, Hungary. It enabled me to continue my studies to earn a Masters degree. Being with Romani students from different countries gave me a fuller picture of the situation of Roma in Europe. In 2009, I graduated from the same university with a Master of Arts in International Relations and European Studies.

At the end of my studies, I successfully applied for the position of country researcher in this project, focusing on the Romani community in Albania. I decided to apply for this position because I thought it would give me the opportunity to better know the situation of Roma in my country and I was right. Doing research on housing conditions has allowed me to better understand and assess the problems the Romani community faces in Albania. The subject of our research, housing, allows us to witness the everyday life of a community.

During my research I visited many Romani communities around Albania. I met a lot of Romani people - men, women and children - who shared their problems and concerns with me. It was not always easy to talk to and interview them, as most feel disappointed by researchers, NGOs or donors who have promised them a lot in the last 15 years in exchange for interviews, data and information. Using the tools gained during the ERRC trainings, I could build a bridge of trust between us. People would share their problems and concerns about their housing and living conditions. Their stories and living conditions always touched me and I often dreamt about my work and struggled to find solutions for them. I

felt motivated to help the people I talked to in any way possible, above all, by doing my job well and informing them about their rights.

The housing conditions of Romani people in Albania are very bad. Most Roma live in make-shift houses. This explains a lot about their situation, as housing conditions are directly connected with education, employment and health. Often the houses I visited were small, cold, dark and empty, making them inadequate places for living. But despite their poor housing conditions, Romani people remain the most hospitable people in the world. Very often they invited me to their homes and offered me a drink or something to eat because I had travelled for many hours to them, even though this was often the only thing they had at home.

As part of the research, I also met NGO representatives working with the Romani community and municipality officials. NGO representatives helped me a lot during my research. They provided me with information about the situation of the Romani communities they worked with. In cities and villages to which I had never been before, they accompanied me to the communities, facilitating my field research. With local authorities, I was able to collaborate well most of the time. In most of the cases they were well informed about the situation of the Roma living in their municipality or community, but had undertaken few actions to improve the situation of the Romani community.

This experience was very helpful for me in personal and professional terms. Firstly, it gave me the opportunity to understand the Romani community in Albania and their situation better. Secondly, I improved professionally during this one-year research experience and strengthened my communication skills. I created positive relationships with Romani and non-Romani NGOs which work directly with the Romani community. I continue to be in touch with them, following the developments in regard to housing issues and using the tools I have acquired.

BOSNIA AND HERZEGOVINA: JASMINA HAKIĆ

This was a great experience! As a field researcher I had the opportunity to talk about Roma housing issues directly with the institutions which should take care of this problem. I learned to reference reports and to use relevant laws in my writing and arguments through this research. In my future work, I will use the experience that I have gained through this project.

MACEDONIA: MUSTAFA ASANOVSKI

I have a BA in English Language and Literature. I have participated in a number of international trainings. I also interned at the Organization for Security and Cooperation in Europe (OSCE)'s Contact Point for Roma and Sinti Issues, the European Commission and the European Roma Rights Centre.

I have been working on Roma-related issues for seven years. I briefly worked for a Romani NGO dealing with Romani refugees from Kosovo and internally displaced people in Tetovo, Macedonia. I have experience with the media and worked as a translator in three languages (Romani, English and Macedonian) during Macedonia's parliamentary elections.

While I was interning at the OSCE, I conducted desk research on implementation of the Action Plan on Improving the Situation of Roma and Sinti. While I was working for the Romani NGO in Macedonia, I conducted some field research to identify persons (mainly Roma) without identity documents. During my internship at the European Commission, I conducted desk research on the European Year of Equal Opportunity. At the ERRC, I conducted general research on various Roma rights related topics.

My involvement in this project was a unique opportunity to really experience research first hand on Roma housing rights. This research was crucial for me because it helped me to develop research techniques and to conduct personal interviews in a more efficient way. I also became more attentive and detailed in drafting reports. I am planning to conduct further research on issues which concern Roma in general. The experience I gained researching the housing situation of Roma in this project will help me to do that in a more proficient manner.

MONTENEGRO: FATIMA NAZA

I am an activist with the Centre for Roma Initiatives, Nikšić, Montenegro, where I work as a programme assistant. I am also a member of the women's network "FIRST" and a member of the worker's union of Roma, Ashkali and Egyptian people "Rukatnice." The experience and knowledge I gained through this project is something that I am sure I will use in my future work to address the problems of Romani, Ashkali and Egyptian people in Montenegro. There are very few Romani, Ashkali and Egyptian activists in Montenegro and I would be happy to share this experience with them.

ROMANIA: BICA MIHAI CALIN

I was born in Baia Sprie, a small city in the north of Romania. I attended the economics high school in Baia Mare. After graduating high school I moved to Timisoara, one of the biggest cities in Romania, for university. In June 2009, I graduated from the Faculty of Sociology and Psychology, Social Work Section, West University Timisoara. In 2006, I began participating in different activities organised by the Parudimos Association, a Romani organisation in Timisoara. I started as a volunteer and I participated in different trainings and meetings that helped to develop my skills. In 2007, I conducted my first field research trip within a project carried out by the Parudimos Association in Kuntz, one of the largest Romani communities in Timisoara, coordinated by the European Roma Rights Centre (ERRC). In 2008, I conducted my second research trip as a volunteer in a project of the Roma Women Association

For Our Children. Since 2009, I have been working on the research project “Equality through difference” on the access of Romani women to the labour market, which I implement as a project coordinator for Parudimos.

When I began working in the ERRC’s housing research project I did not have much experience conducting research. Working with the ERRC was a challenge for me; the housing field is a very difficult one. I developed professional skills through this project and other useful skills that will help me to do my work in the best way in the future. In this project, I learned how to approach different people in varied circumstances or diverse groups of people. I also learned to analyse and identify a problem in any circumstance. I learned the steps I have to follow to apply a research methodology and this work made me understand the importance of these steps.

Conducting the research was very interesting, first of all because Romania is a big country with severe problems related to the housing of Roma. This work offered me the opportunity to meet different communities in different parts of Romania and challenged me to identify the best way to communicate with people from diverse backgrounds. In all the communities I visited, people complained about a lot of problems; unfortunately I can say that in Romania, housing causes many social problems in the lives of Roma.

A 24-year-old Romani man with six children told me: “I am the poorest guy in Europe!” This can be seen as a comical statement, but the experience I had in that community was unique for me. Seeing the children living in a 10 metres square room in 2010 shocked me. In this declaration, I could see a man angry with a country that does not offer him any real support and angry because people have forced him, with their negative attitudes, to live in a poor room on an open field, afraid to try to have a little piece of their world.

I hope the experience I had in this research will help me, and the organisation I work for, to develop and implement such research through our own capacity. In this way, the Association will develop its advocacy capacity and will be able to identify and implement better solutions to help Romani families. In the future, Parudimos Association intends to use research like this to influence housing politics. We will also use the information gathered to develop several housing projects.

Personally, I hope I will succeed to have other opportunities to work in such activities and to develop a professional career in this field. I will also try to share my experience with the volunteers currently with Parudimos.

SERBIA: MARIJA MANIĆ

Before I started working on this project I had 10 years of experience in working on Roma issues in Serbia. I have almost finished law school at the University of Niš. Previously, I

worked as a field researcher in southern Serbia on violations of Roma rights in various areas: education, employment, police torture and health. I also worked for several years on Romani women's issues, including gender equality and the double discrimination of Romani women.

As a coordinator of a Romani women's NGO that I founded, I have implemented several projects on readmission. As a consultant, I have cooperated with the OSCE mission in Serbia, the Gender Equality Mechanism in Vojvodina, Serbia and the Pension Fund of Serbia. Currently, I am also a gender research fellow with the ERRRC implementing a study called "Roma women and safe houses / shelters in Serbia".

I participated in the training for the researchers in Podgorica in this project and found it to be very useful. During the research, I managed to provide the necessary information about the housing situation in Serbia. I plan to use this experience in the future by staying in touch with all the organisations and people that I met during this research.

SLOVAKIA: MARIA DEMEOVA

I am from one of the districts with the highest unemployment rates in Slovakia (Rimavska Sobota). My first experience working on Roma issues was in a civic organisation in my hometown, where I worked as a project manager.

For four years, I was working as a coordinator of a project for unemployed people, to activate them and to educate them about how to develop their work skills. Later I started to write for the Romani newspaper *Romano Nevo lil*, where I still write about Romani NGOs and Romani culture, among other things. Recently I graduated with a Masters degree in Social Work in Romani communities from the University of Constantine the Philosopher. I am looking for a new job where can I use my knowledge.

This research project opened my eyes to housing issues in Slovakia. It is not the easy topic that I thought before I began working on this project. There are many problems and housing is very connected to other issues such as education, health and employment.

In the future, I plan to use this experience to argue for better legislation on housing; legislation that defines what social housing means (currently, Slovak legislation does not know social housing). I also want to help our government find a way to legalise informal tenements or houses.

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

Roma in Albania, Bosnia and Herzegovina, Macedonia, Montenegro, Romania, Serbia and Slovakia live in substandard housing conditions. Racism and discrimination pose obstacles to Roma in accessing adequate housing conditions. Discrimination by public officials is apparent not only during the process of forced evictions, but also in access to social housing. Private citizens were also found to have discriminated against Roma. Many Romani communities lack security of tenure; other housing rights violations can arise from this fundamental problem. A significant number of Roma in the target countries live in informal settlements. Local authorities continue to forcibly evict Roma, or disrupt their lives by threatening Romani residents with forced evictions and destruction of their property. Roma face a series of specific obstacles, including lack of information, restrictions and discriminatory criteria, which impede their access to social housing. Some authorities have built segregated social housing which only houses Romani residents, deepening their isolation. Some communities are located next to garbage dumps or other hazardous areas. The substandard housing conditions of Roma negatively affect their access to education, employment and healthcare.

UNDEF



The United Nations
Democracy Fund

The United Nations Democracy Fund (UNDEF) finances projects carried out by a wide range of governance actors, including NGOs, civil society organizations, executive, legislative and judicial

branches of government, constitutionally independent national bodies, and the United Nations, its relevant departments, specialised agencies, funds and programmes. UNDEF aims to support those partners who undertake action-oriented projects to bring about measurable and tangible improvements in democracy and human rights on the ground, thereby translating the concept of “democracy” into practical solutions for people to have their voices and choices heard.

CHALLENGING DISCRIMINATION PROMOTING EQUALITY