

DŽENO ASSOCIATION

RENEWAL AND PROMOTION OF TRADITIONAL ROMA VALUES



Forced Out: The Problem of Roma Evictions in Europe

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Executive summary

The rights of the Roma people of Europe are being violated. Throughout the European continent, Roma individuals and families are being evicted from their homes more and more frequently and with greater and more devastating consequences. **The United Nations Universal Declaration of Human Rights declares that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, *housing* and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".** (Article 25) Roma in Europe are being denied their human right to housing.

Forced evictions are the "permanent or temporary removal against their will of individuals, families, and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection." While not all evictions are illegal, the non-discrimination clauses of the International Convention on Economic, Social and Cultural Rights imposes an obligation upon state parties to ensure that when legal evictions do occur, appropriate measures are taken to ensure that no forms of discrimination are involved. Furthermore, General Comment No 7 explains that even when evictions are legal, governments still have a responsibility to ensure the human rights, particularly housing rights, of the evicted persons. It states that "evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement to or access to productive land, as the case may be, is available."

Dzeno has chosen to focus on evictions for two reasons. First, evictions have a major effect on the lives of the effected Roma. **Roma without permanent homes will not receive adequate health care, the difficulty of getting a job will increase, their children will be less likely to get an education, and they will generally be more likely to be homeless and impoverished.** Second, despite the importance of this issue, evictions has received little concerted effort, either from NGOs or from national governments.

This report provides an overview of the growing trend of forced evictions among Roma in Europe. In addition to describing the background of the Roma people, and the overall situation of Roma housing in Europe, the report includes 8 country studies that look in depth at the laws and policies of each country, and provide at least one real case of eviction. While this report does not in any way constitute a scientifically researched study of the situation, we feel that it serves to demonstrate that there is indeed a trend of evictions of European Roma. We hope that this report will serve to raise awareness of this severe and growing problem.

Our key findings include:

- Roma throughout Europe lack security of tenure, and are in danger of being forcibly evicted from their homes. They are often forced into inadequate housing with little or no legal recourse.
- The underlying cause of evictions is almost always discrimination.

- Forced evictions often complicate the other problems faced by Roma, making them even more isolated, socially excluded, and economically challenged. Evictions often result in homelessness, and decreased opportunities for Roma in education, as Roma children are disenrolled from their regular schools; healthcare, and the labor market.
- Most countries have laws or policies addressing the housing situation of Roma. However, these laws and policies are almost never implemented in such a way as to truly provide relief for Roma families in the field of housing. Examples include:
 - Albania: laws exist prohibiting discrimination, but are not enforced. They are often violated, and Roma have little recourse to remedies via the confusing legal system.
 - Czech Republic: the government acknowledges the problems of Roma, but fails to implement any solutions. Evictions happen through legal loopholes that are not addressed by government organizations. Responsibility for action is passed between local and national governments, both blaming the other as an excuse not to act.
 - Denmark: laws are overly enforced to allow for evictions for the tiniest infraction of the lease; because the evictions are legal, courts rarely find for the victim, or record any discrimination
 - United Kingdom: planning laws intended to provide better housing standards for Roma and Travelers actually limit the number of sites available, forcing Traveling Roma to camp illegally.
- There are currently no programs addressing the issue of forced evictions of Roma in a systematic and comprehensive way

Recommendations:

At all levels of European government:

International recognition of the problems Roma face in Europe, especially the problem of forced evictions, as expressed by:

- Increased efforts by governments at all levels to include Roma in the decision making process, and in the planning stages of all programs concerning Roma issues.
- The immediate establishment of a European Roma Ombudsman under the auspices of the European Commission on Human Rights, to provide regular reports on the actual implementation of programs meant to help the Roma, and to act as a central contact point for all Roma issues

At the United Nations Human Rights Commission:

- The adoption of a resolution by the Commission condemning the forced evictions of Roma in every country
- Commissioning of a detailed and comprehensive report on forced evictions of Roma throughout Europe to be preformed by the new independent expert on minority issues, Gay McDougall, to be presented at the 63rd session of the Human Rights Commmission in Spring 2007

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Acknowledgements:

This report would not have been possible without the knowledge and assistance of other Roma organizations. Our apologies if we have not drawn all the right conclusions from the information that was so generously provided. Dzeno Association would like to thank the following organizations and individuals for their support and information:

Albanian Human Rights Project (Albania)
Romano Centro (Austria)
Vlaams Minderhedencentrum (Belgium)
Human Rights Project (Bulgaria)
Romano (Denmark)
Greek Helsinki Monitor (Greece)
Pavee Point Travelers Centre (Ireland)
Cooperativa Sociale GEA: Progetto Minori Sinti e Citta (Italy)
Pro Europa League (Romania)
Milan Šimečka Foundation (Slovakia)
AMURADI, Asoc. Mujeres Gitanas Universitarias Andalucía (Spain)
Ostalinda Maya Ovalle (Spain)
Trans European Roma Federation (United Kingdom)
The Advocacy Project (United States)

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Interest and Expertise of Dzeno Association

The Dzeno Association is an international Roma advocacy organization based in the Czech Republic. Dzeno aims to promote traditional Roma culture and values nationally and internationally in order to increase understanding and toleration between Roma and non-Roma. Dzeno also seeks to influence policy decisions by providing a Roma voice and encouraging Roma participation in the political process. We specialize in media advocacy, and maintain two trilingual websites (Czech, English and Romany): www.dzeno.cz, which features Roma centered news and analysis; and www.radiorota.cz, the first online Roma radio featuring music, news and cultural information.

Since its establishment in 1994, Dzeno has worked to monitor and analyse the situation of Roma throughout Europe. Both through our media advocacy and monitoring efforts, and through direct contact with many partner organizations in the field, Dzeno has become aware of the growing problem of evictions throughout Europe and believes this problem to be among the most pressing concerns facing the Roma nation of Europe today. Over the past two years, Dzeno has written many smaller articles on the subject of evictions, and has conducted extensive research to produce this report.

The written comments submitted below do not constitute a comprehensive survey of the situation of Roma evictions throughout Europe. Nevertheless, Dzeno believes that this report offers an opportunity to highlight some of the most significant respects in which the countries of Europe have failed to fulfill their human rights commitments to the Roma peoples of Europe.

Dzeno's articles and publications, as well as additional information about the organisation, are available on the Internet at www.dzeno.cz or by emailing info@dzeno.cz

Introduction

The Roma¹ are the largest and most vulnerable minority in Europe², numbering around 10 million people. Roma populations are found in every country of Europe: the largest populations exist in Romania (2.5 million), Hungary and Bulgaria (800,000 respectively) and the smallest population is in Denmark (4,500) and Luxembourg (500)³. In all of these countries, Roma face difficulties finding an equal place in society; in most cases, Roma lack adequate access to healthcare and education, and face discrimination in the labor market. However, one of the most disturbing, yet strangely invisible, problems facing Roma today is the growing trend of forced evictions. Throughout Europe, Roma are being pushed out of their homes, evicted from campsites, or segregated into ghettoized housing. Such evictions have profound effects on all aspects of the lives of the Roma victims: their access to healthcare and education are reduced, and they face increased discrimination and loss of opportunity in the labour market.

Forced evictions are a clear violation of the internationally recognized right to housing⁴. Evictions destroy the lives of Roma victims, leaving them even more

¹ The term 'Roma' is used in this report to refer to persons describing themselves as Roma, Gypsies, Travelers, Manouches, Sinti and other groups perceived as 'Gypsies'. The use of the term 'Roma' is not intended to downplay the great diversity that exists within these communities or to promote stereotypes.

² For the purposes of this report, we are interpreting the term 'Europe' to mean the 46 member states of the Council of Europe (and Belarus, which is not a member). The terms 'Western' and 'Eastern Europe' are meant to represent the artificial divisions created by the Cold War, which resulted in vastly different policies towards Roma. Similarly, the terms post-communist and communist states are used in this report to mean those states which were under the Soviet regime prior to 1989.

³ "Keeping the Distance, or Taking the Chances: Roma and Travelers in Western Europe" European Network Against Racism (hereafter ENAR): Brussels (2002).

⁴ Please see: **International Covenant on Economic, Social and Cultural Rights (1966)**, (hereafter ICESCR) adopted by United Nations General Assembly resolution 2200 A (XXI) on 16 December 1966, entered into force on 3 January 1976; 106 States Parties as of June 1992. State compliance with the Covenant is monitored by the Committee on Economic, Social and Cultural Rights. Article 11.1; **International Convention on the Elimination of All Forms of Racial Discrimination (1965)**, (hereafter ICERD) adopted by General Assembly resolution 2106 A (XX) on 21 December 1965, entered into force on 4 January 1969; 130 States Parties as of January 1992. State compliance with the Convention is monitored by the Committee on the Elimination of Racial Discrimination. Article 5; **Convention on the Elimination of All Forms of Discrimination Against Women (1979)**, (hereafter CEDAW) adopted by General Assembly resolution 34/180 of 18 December 1979, entered into force on 3 September 1981; 99 States Parties as of January 1992. State compliance with the Convention is monitored by the Committee on the Elimination of Discrimination Against Women. Article 14.2; **Convention on the Rights of the Child (1989)**, (hereafter CRC) adopted by General Assembly resolution 44/25 on 20 November 1989, entered into force on 2 September 1990; 69 States Parties as of January 1992. State compliance with this Convention is monitored by the Committee on the Rights of the Child. Article 27.3; **Convention Relating to the Status of Refugees (1951)**, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries of the Status of Refugees and Stateless Persons, entered into force on 22 April 1954.

impoverished and isolated. Roma who are forced out of their homes often have nowhere else to turn, no recourse to legal action, and no alternative housing. In most cases, Roma who are evicted were already desperate, they were camping illegally or squatting in rundown houses because they had no other place to go. To push them further down by evicting them from already terrible circumstances is a fundamental human rights violation.

European governments have a duty to address this widespread and growing problem, and to provide adequate housing facilities for their Romany minorities. Despite the importance of this issue, however, very few governments have taken any coordinated action to address evictions among Roma. This report is an attempt to increase awareness of this problem, to provide an overview of the evictions situation throughout the continent, and to highlight the consequences of evictions of the lives of the Roma peoples of Europe.

Background

The Roma population migrated to Europe from India around 1000 C.E. Although many groups settled first in Central and Eastern Europe, Roma have been found in all parts of Europe since at least 1400. Darker skinned and speaking their own Romany language, the Romany peoples have historically been subject to discrimination, persecution and slavery. Perhaps because of this, and because of the traditional trades of Roma peoples that were less conducive to settled life, Roma have historically been travellers in many nations, always moving from place to place. The widespread dispersion of the Roma peoples means that the population became incredibly diverse, separating into hundreds of different subgroups, developing different dialects of the Romany language, and adopting different the different religions of the countries where they settled. Common Romany traditions still remain however, and the Roma culture and values derived from a shared history of isolation and persecution remain remarkably similar across the continent.

The current problem of evictions stems from the long history of xenophobia and prejudice against Romany peoples. Despite the fact that Roma have lived in Europe for centuries, they are still almost universally viewed as foreign, or as *other*. Because of this, Roma remain isolated from the majority populations of the countries in which they live; they often live in segregated settlements, attend different schools, and speak a different language. Intense levels of prejudice exist among majority populations; widespread prejudice of non-Roma portray Roma as dishonest, destructive, loud, dirty and vicious. Roma are often evicted because they are illegally living on a site, or because they can not pay the rent. However, these reasons are only symptoms of a wider problem of the social exclusion and ghettoization. **Looking behind the legal excuses to evict, it becomes entirely clear that problems with Roma housing stem mainly from the fact that Roma are *not wanted*.**

Article 21; **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)**, adopted by General Assembly resolution 45/158 on 16 December 1990; not yet in force. State compliance with this Convention will be monitored by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families. Article 43.1; **The Universal Declaration of Human Rights (1948)**, adopted and proclaimed by United Nations General Assembly resolution 217 A (III) of 10 December 1948. Article 25.1; **Declaration of the Rights of the Child (1959)**, proclaimed by General Assembly resolution 1386 (XIV) on 29 November 1959. Principle 4; **International Labour Organisation (ILO) Recommendation No. 115 on Worker's Housing (1961)**, adopted at the forty-fourth session of the ILO Governing Body on 7 June 1961. Principle 2;

Roma populations throughout Europe today are predominately settled. This is especially true in former communist countries, as their governments made extreme efforts to force Roma to conform and to remain in one place. The problems of eviction faced by Roma who have given up travelling are quite distinct from those faced by travelling Roma, and have different immediate causes. In Western countries, Roma have historically been segregated into special settlements or ghettos away from the majority population. Roma are almost universally seen as undesirable tenants and neighbors. Usually, this means that housing options for Roma are limited by discriminatory practices of local officials and landlords. In many cases, local governments tend to view Roma settlements as undesirable 'eyesores' leading to evictions to 'restore greenspace' or clear the way for international events such as the 2004 Athens Olympic games.

Overwhelmingly, Roma throughout Europe live in sub-standard housing conditions characterized by a lack of services such as electricity, sewage, lighting and potable water, exclusion from other settlements and lack of access to public services such as quality schools, postal services, healthcare or jobs, and the threat of police raids or forced evictions due to confusion over ownership or lack of security of tenure⁵.

These problems in Western Europe were exacerbated in the mid-1990s as a wave of Roma migration entered Europe after the fall of communism. Many Roma from former eastern-bloc countries are now living illegally in Western countries. As they lack proper identification and legal status, these Roma are more likely to be squatting illegally in abandoned or slum-like housing, making them more vulnerable to both eviction and deportation.

In the former communist countries, many Roma families were disproportionately harmed by the transition to capitalist economies, and the re-privatization of property that happened during the early 1990s. As many Roma had never owned property, they had nothing to reclaim; moreover they generally had no legal grounds to retain their houses. In addition, as landlords were no longer obligated to house Roma families, many resorted to trickery or intimidation to get Roma to agree to end their leases and leave. All of this combined with various pyramid schemes promising quick riches that caused many uneducated Roma to lose their houses led to a Roma migration from urban to rural and suburban areas. This migration contributed heavily to the expansion of ghettos and the impoverishment of Roma, which contributed in turn to the growing trend of evictions as Roma created illegal settlements, or became more and more incapable of paying rent.

The situation of travelling Roma, however, is completely different. Most travelling Roma are located in Western countries. The problems they face stem mostly from the inadequate and decreasing number of legal campsites; this forces caravans to camp on illegal sites, risking police harrasment and eviction. In many cases, the inadequate number of sites is due to poor or unenforced legislation in countries such as Great Britain, Spain and France. These problems were exacerbated by the widespread fear in Western countries of a 'gypsy invasion' accompanying the 1990s wave of migration of Roma from Eastern Bloc countries.

⁵ "The Situation of Roma in an Enlarged Europe" European Commission: Brussels (2005) p. 25

Evictions have been increasing throughout Europe for at least the past 10 years. Severe incidents have been reported in almost every country in Europe, often involving hundreds of persons and accompanied by violence and abuse. Evicted Roma almost never have recourse to the legal system to appeal the eviction, and typically have few alternative housing options. Although the reasons given for evictions are almost always legal, when the problem is looked at as a trend, it becomes clear that the real problem here is discrimination. Just like every other human being on earth, Roma have a human right to adequate housing, and a right not to be discriminated against on the basis of their race. It is the duty of European governments to insure that the human rights of Roma are preserved, and to stop evictions.

Forced Evictions

The right to adequate housing is recognized in several international human rights covenants. The International Covenant on Economic Social and Cultural Rights (ICESCR)⁶ states that everyone has the right to 'housing and the continuous improvement of living conditions'⁷ The Committee on Economic, Social and Cultural Rights (CESCR) General Comment Number 4 defines seven elements of adequate housing, including: habitability, the availability of services, materials, facilities and infrastructure; cultural adequacy; and legal security of tenure⁸. In paragraph 8(g), the comment specifically states that 'all persons should possess a degree of security of tenure which guarantees legal protection against *forced eviction*, harassment, and other threats' (emphasis added).

CESCR General Comment Number 7 defines forced evictions as the "permanent or temporary removal against their will of individuals, families, and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."⁹ While not all evictions are illegal, the non-discrimination clauses of the ICESCR imposes an obligation upon state parties to ensure that when legal evictions do occur, appropriate measures are taken to ensure that no forms of discrimination are involved¹⁰. Furthermore, General Comment No 7 explains that even when evictions are legal, governments still have a responsibility to ensure the human rights, particularly housing rights, of the evicted persons. It states that "evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement to or access to productive land, as the case may be, is available."¹¹

The International Covenant on the Elimination of All Forms of Racial Discrimination reconfirms this right to housing, and specifically prohibits the state from making distinctions on who is able to enjoy this right on the basis of race, color, national or ethnic origin¹². The right to housing is also specifically guaranteed in the International

⁶ The ICESCR has been ratified by all European countries containing Roma populations, and is thus legally binding.

⁷ Article 11, ICESCR, *supra*; available at: http://www.unhcr.ch/html/menu3/b/a_ceschr.htm

⁸ Committee on Economic Social and Cultural Rights (hereafter CESCR), General Comment 4, The right to adequate housing (Art 11 (1) of the Covenant) Sixth session 1991 para 8(a)(b)(d)(g)

⁹ CESCR General Comment No. 7: The Right to Adequate Housing: Forced Evictions: E/C.12/1997/4, para. 3

¹⁰ "Breaking the Barriers: Romani Women and Access to Public Health Care" European Monitoring Center on Racism and Xenophobia: Vienna (2003) p. 90-91

¹¹ General Comment No 7, *supra*, note 6, para. 17.

¹² Article 5, ICERD, *supra*, note 3. para (e)(iii).

Covenant on the Elimination of All Forms of Discrimination Against Women (Art 14 (2))¹³; the Convention Relating to the Status of Refugees (Art 21)¹⁴; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Art 43(1)). In addition, the right to housing is specifically mentioned in several non-binding declarations, including, *inter alia*, the Universal Declaration of Human Rights, and the Declaration on the Rights of the Child.

The United Nations Office of the High Commissioner for Human Rights (OHCHR) has distinguished forced evictions from other types of forced removal or flight of people from their homes (such as internal displacement, refugee movements, population transfer or ethnic cleansing, etc.) on the basis of eight characteristics:

- 1) Forced evictions always raise issues of human rights
- 2) Forced evictions are generally planned, foreseen, and publicly announced
- 3) Forced evictions often involve the conscious use of physical force
- 4) Forced evictions raise the issue of State responsibility
- 5) Forced evictions affect both individuals and groups (as opposed to most other forms of mass removal, which usually happen only to groups)
- 6) Forced evictions are almost always recognized or regulated by national or local laws
- 7) Forced evictions are often carried out for a specific reason; and
- 8) Some evictions can be legally justified for reasons of public security or health, as opposed to other forms of mass removal or ethnic cleansing, and as such, do not violate human rights¹⁵.

The OHCHR report goes on to explain the negative effect that forced evictions can have on victims. It states:

While the right to adequate housing is perhaps the most obvious human right violated by forced evictions, a number of other rights are also affected. The rights to freedom of movement and to choose one's residence, recognized in many international laws and national constitutions, are infringed when forced evictions occur. The right to security of the person, also widely established, means little in practical terms when people are forcibly evicted with violence, bulldozers and intimidation. Direct governmental harassment, arrests or even killings of community leaders opposing forced evictions are common and violate the rights to life, to freedom of expression and to join organizations of one's choice. In the majority of eviction cases, crucial rights to information and popular participation are also denied.

When children are unable to attend school due to a forced eviction, the right to education is sacrificed. When people lose their source of employment, the right to work is breached. When psychological and physical health are damaged by the constant threat of eviction, issues of the right to health are raised. When families and communities are torn apart by eviction, the right to family life is infringed. When uninvited eviction squads forcibly enter one's home, the rights to privacy and to security of the home are violated.¹⁶

¹³ CEDAW, *supra*, note 3

¹⁴ Convention Relating to the Status of Refugees, *supra*, note 3

¹⁵ "Fact Sheet Number 25: Forced Evictions and Human Rights" High Commissioner for Human Rights: Geneva (1997-2000) p. 5-7

¹⁶ *Id.* p.8

The pattern of forced evictions happening in Europe today are clearly discriminatory: evictions are repeatedly targeted at Roma, and render this already vulnerable population more susceptible to homelessness and other human rights violations. Evicted Roma are often repeated victims of evictions and police harassment, remaining caught in a cycle of poverty and homelessness. They seldom have recourse to legal remedies or alternative housing.

It is clear that the growing trend of forced evictions of Roma in Europe is becoming a human rights crisis. European governments are failing to live up to their obligations: under international human rights covenants, and under the European Human Rights regime.

Country Studies

The pattern of forced evictions throughout Europe is similar, but the causes and characteristics depend on the context of each country; its history and laws. Western European countries tend to have larger travelling populations, as well as issues stemming from recent migration of Eastern European Roma into the West. Roma refugees from the Balkan wars are a problem in nations such as Austria, Belgium, and Italy. Roma still living in Eastern Europe, on the other hand, are mostly settled, and still profoundly influenced by the history of Communism and the post-communist transition.

The following present several case studies demonstrating the particular situation in a handful of countries. While the particularities of the situations recounted here are not necessarily representative of the laws or customs of all European countries, they will provide a taste of the differing manifestations that evictions take in each country.

Albania:

Albania's 1998 Constitution "pluralism, national identity and inheritance, religious coexistence and the coexistence with, and understanding of Albanians for minorities" as the basis of the Albanian state¹⁷. They have acceded to both the UN Covenant on Economic Social and Cultural Rights (1991) and the Covenant Against All forms of Racial Discrimination (1994)¹⁸.

Although no official estimates exist, NGOs estimate that 120,000 to 150,000 Roma live in Albania. While Roma are recognized as an ethno-linguistic minority group, they have not been accorded the status of a national minority. However, many of the privileges legally accorded to them as a linguistic minority are not available, for instance, while they are constitutionally guaranteed education in their own language, there are currently no schools teaching in Romany.

Roma were nomadic in Albania until the 1960s, when they were forced to settle by the government. At that time, they were generally pushed into agricultural professions, or

¹⁷ Article 3, 1998 Albanian Constitution, available at: <http://www.parlament.al/english/dis-kus/dis-kus.html#PART>

¹⁸ See: Status of Albania Treaties: Ratifications and Reservations, Human Rights Institute, available at: <http://www.hri.ca/fortherecord2002/vol15/albaniarr.htm>

into the public service sector¹⁹. The housing situation of Roma today remains precarious, as described by the European Commission Against Racism and Intolerance's (ECRI) Third Report on Albania.

A large number of Roma and Egyptians live in ramshackle shacks in neighbourhoods lacking basic utilities, with particularly high rates of unemployment and difficulties in accessing social services, such as health care. Furthermore, there is an especially high rate of school drop-out of children from these communities and they are particularly vulnerable to becoming victims of trafficking. While such problems are also shared by other segments of the Albanian population, Roma and Egyptians evidently experience such situations of extreme disadvantage to a disproportionate extent. It seems that adding to the general difficulties and problems experienced by all Albanians related to the political, social and economic changes, these communities have suffered the additional burden of marginalisation and neglect.....

In addition to poor living conditions and inadequate infrastructure....Roma and Egyptian representatives have reported to ECRI that they believe that members of their communities experience discrimination with respect to evictions from land that they occupied illegally. Since Albania's transition to democracy, a large number of persons occupied land with no legal title, and built houses upon this property. The Albanian authorities are currently attempting to address this issue, notably through passing Law No. 9304 "On the Legalisation and Urbanisation of Informal Areas". However, in a certain number of cases, particularly in Tirana, authorities have destroyed houses and evicted residents. The Municipality of Tirana has informed ECRI that they only do so in situations where the land is needed for public works. They also state that there is absolutely no discrimination, that all persons are treated in the same manner regardless of their ethnicity. On the other hand, Roma and Egyptian representatives informed ECRI of cases, mostly in Tirana, where members of their communities were evicted from houses in which they had been living for many years, and were not given the same possibilities of an alternate location to live or housing credits as their non-Roma or non-Egyptian counterparts in a similar situation. They were thus rendered homeless²⁰.

The Albanian government has established a "National Strategy for Improvement of the Living Conditions of the Roma" aiming to eliminate all forms of discrimination towards Roma and to encourage this community to take an active part in the economic, cultural, social and political life of the country. However, reports from the 2004 United States Human Rights Report stated that as of the end of 2004, no projects of the National Strategy had yet been implemented²¹.

The following case illustrates the problems Roma in Albania face with inadequate housing, forced evictions, and lack of access to legal remedies.

¹⁹ First Report submitted by the Republic of Albania under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National Minorities, 2001. ACFC/SR(2001)005 available at: http://www.coe.int/T/E/human%5Frights/minorities/2.%5FFRAMEWORK%5FCONVENTION%5F%28MONITORING%29/2.%5FMonitoring%5Fmechanism/3.%5FState%5FReports%5Fand%5FUNMIK%5FKosovo%5FReport/1.%5FFirst%5FCycle/1st_SR_Albania.asp#P180_10658

²⁰ Third Report on Albania, European Commission against Racism and Intolerance (hereinafter ECRI), CRI (2005) 23, available at: http://www.coe.int/t/E/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Albania/Albania_CBC_3.asp#P409_52157

²¹ "Albania" Country Reports on Human Rights Practices, 2004. US Department of State: Released by the Bureau of Democracy, Human Rights, and Labor February 28, 2005; Available at: <http://www.state.gov/g/drl/rls/hrrpt/2004/41666.htm>

Lana River

Roused from sleep in the middle of the night of January 6, 2005, 50 Roma families were evicted from their homes on the Lana River in Tirana, Albania. Acting with no official authorization and no prior warning, the police violently forced the Roma from their homes, killing a 22 year old man, Dritan Hashimi in the process.

The police then proceeded to destroy the vacated cabins, leaving the families homeless, without possessions, clothing, food, or monetary resources.

These families had been living in a barracks type shelter in the bed of the river for almost four years as a result of the financial devastation caused by the "pyramid schemes" which were rampant in Albania following the breakdown of the communist system. The total chaos of that time, massive unemployment and naiveté of persons recently emerging from a lifelong communist system left thousands of citizens vulnerable to such deception. Having lost all of their savings through false investments promising miraculous returns of 20-30% a month, these families had settled in the bed of the Lana River as a last resort. The settlement was already considered unsafe as a result of several flooding incidents. The leaders of the community, along with the Roma Rights organization "Romani Baxt Albania" had long sought a better solution from the city council in the form of a safe place to build homes, with easy terms to pay for the land the city allotted to them. Unfortunately, these pleas for help were consistently ignored, until the city's final answer came with the eviction of the Roma families and the destruction of their homes.

The evictions occurred after four ethnic Albanians won a case entitling them to the ownership of the land on which the Roma families lived. Because these individuals had moved to Tirana in 1994, it is clear that they were not entitled to be regarded as legitimate owners of the land, and had won the case through illegitimate means. The court proceedings were held without the participation of any of the Roma individuals living on the land, who were thus deprived of their rights to defend their land claim. The city government also refused to negotiate an alternate settlement with the Roma community, instead relying on the excuse provided by the court case to rid itself of the problem caused by the Roma settlement without providing a proper solution. Instead of finding homes for the displaced Roma, the city evicted them, destroyed their homes and has left them with no shelter and no resources with which they could legally protest this tragedy. The city has offered to shelter the displaced families in an abandoned factory; however, this solution has been refused due to the dangerous conditions of the former industrial complex.

No answers regarding the circumstances of the Roma eviction have been issued by the Albanian government. The death of Dritan Hashimi is also surrounded in mystery. Despite several open wounds on the corpse, the death of this 22 year old man is attributed to a toxic level of alcohol in his blood by the Albanian medical authorities. Witnesses admit that Hashimi was intoxicated on the night of his death, but multiple accounts verify that he was killed while attempting to block the police from entering his home.

Czech Republic:

The problem of evictions among Roma has been acknowledged by the Czech government for at least 5 years. There are an estimated 250,000 Roma living in the Czech Republic, although the government figure places the number much lower, usually somewhere around 150,000 to 175,000. To date, the housing situation of Czech Roma is deplorable; according to a 2004 government report on the subject, of the 80,059 members of Roma communities that were surveyed in the report, 23% (or 18,633) live in ghettoized communities, and 4% (3,496) live in non-residential housing spaces such as cellars, garages, or other commercial spaces²².

The Roma housing situation is described in detail in the government report "Conception for Roma Integration 2005"

- 8.5. (...) *The housing policy of many municipalities at the very least can be termed as both short-sighted and insensitive. Municipalities often prefer to use repressive methods that yield immediate effects without taking into account the fact that these methods usually lead to even bigger social slumps and to the increasing hopelessness of those people toward whom these methods are applied. In this way, municipalities resign their social function; e.g. providing municipal flats to socially needy families and instead they prefer to concentrate on their economic function, e.g. preferring lucrative agreements on renting municipal flats.*
- 8.6. *Due to their social situation, the majority of Roma do not have access to home ownership and therefore rely on rental housing. However, their access to this form of housing is also limited; due to the social situation in which they can not afford to pay market rent prices and to the discrimination they face limiting their access to housing. Roma are used to being discriminated against while seeking for housing; not only by private flat owners, but also by municipalities who often define terms for living in municipal flats in the way that excludes members of Roma communities to a high degree (for example: conditions for acceptance of the application for rental of a municipal flat might include: lack of a criminal record of both applicant, and in some cases of all legally aged potential users of flat; that the applicant is not persistently unemployed or a person who has previously lived with rent-dodgers). In the frame of ongoing capital segregation, a lot of Roma are often forced out to boarding houses in peripheral districts of cities with little or no access to services. However it is difficult to prove that this results from racial discrimination as these families are often suffer from various social problems outside their ethnicity and frequently violate civic coexistence. The expulsion of Roma leads to the creation of modern ghettos and slums in which the socially weakest class of society is concentrated. It also leads to increased occurrences of health, hygiene and security risks, and to the development of socially-pathological phenomenon in such areas. The solution to these kind of problems will demand far higher expenditures than would otherwise be necessary if the municipality had taken action now in an active way to prevent the social exclusion. In this way municipalities are just postponing the solution of these problems or they are shifting them to the state.*
- 8.7. (...) *In practise, for example, the municipalities take advantage of the legal ignorance of the occupants and they achieve change of the legal situation of the flat's usage, and in case of low legal protection of eviction (eg. by change of agreement on housing to agreement on lodging or accommodation, change of an agreement with an indefinite duration to an agreement of a fixed duration.) It is*

²² Report on situation of Roma communities in the Czech Republic 2004, Government of the Czech Republic. Transl. Dzeno Association. Available (only in Czech) at: <http://wtd.vlada.cz/scripts/detail.php?id=7721>

necessary to mention that the legal ignorance of occupants is abused not only by municipalities but also by private flat owners²³.

The ECRI also cites discrimination as one of the main causes of Roma evictions.

89. (...) *Various sources also point to the lack of timely and appropriate action by municipal officials in the event of non-payment of rent by families dependent on social support, a situation that often means their legal eviction after a minimum of three months of non-payment. ECRI has also received reports about particularly unhelpful attitudes of local officials involved in the provision of social benefits, who deny benefits to Roma who do not properly fill in forms or provide correct documents without taking the time to explain what is required. In the private sector, landlords reportedly refuse to rent flats or houses to Roma, or evict them from buildings after acquiring the property, sometimes with the complicity of local authorities.*

90. *As a response to evictions and the housing problems faced by Roma, municipal authorities often offer families substandard housing on the outskirts of cities, thus leading to their physical ghettoisation. Many such Roma families are housed in what have come to be called 'bare flats' (holobyty), in which it is estimated that Roma comprise between sixty to one hundred percent of residents. Built for "socially unadaptable people", living conditions are often so poor as to pose a health risk. Usually flats are too small to house the families that inhabit them, and basic sanitation facilities are shared amongst numerous residents in a building, if not lacking altogether. Residents are also often forced to accept restrictive contract terms, including conditions such as no visitors and permanent access to the flats by the authorities. Furthermore, these flats are frequently far more costly than the tenants' previous flats²⁴.*

The problem of evictions is growing increasingly worse in the Czech Republic²⁵. Although the Czech government has openly acknowledged this problem, as seen above, responsibility for finding a solution seems to be constantly passed from one party to another, with every branch of government claiming that it is not responsible. Local governments call for a national program, the federal government claims that housing policy is the prerogative of the local municipalities and not within their sphere of influence. The country's new membership in the EU adds an additional dimension: the EU claims that the problem must be solved by the Czech Republic, and the national government claims that funding and programming is forthcoming from the EU²⁶.

²³ Conception of Roma Integration 2005, Government of the Czech Republic. Transl. Dzeno Association. Available at: <http://wtd.vlada.cz/scripts/detail.php?id=8150>

²⁴ ECRI, Third Report on the Czech Republic, Adopted on 5 December 2003 and made public on 8 June 2004. available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Czech_Republic/Czech_Republic_CBC_3.asp#P390_50754CRI (2004) 22

²⁵ During a conference in May 2005 on Roma and Social Change, chairman of the Czech Roma Parliament Association Milan Scuka stated: "The policy of self-government in the Czech Republic is leading to situations which haven't occurred since just before WWII. At that time, Roma were losing their homes and were forced to live in a nomadic way, the majority called them 'roving Gypsies'. The Constitution of the Czech Republic gave a free hand to self-government and thus we can expect that evictions of Roma from flats will continue in our country and aversion towards Roma will grow in result." (Text recorded and translated by Dzeno. Full text available on request from info@dzeno.cz)

²⁶ See: Report on the Situation of Romany Communities in the Czech Republic, 2004, Government of the Czech Republic. "Because of issue of situation of ethnic minorities is neither directly within the competency of the European Community nor the European union, there are no EU structures focused on problems of status of Roma. In the context of EU enlargement the Romany issue is more and more going to be in scope of EU bodies." Transl. Dzeno Association. Report available at: <http://wtd.vlada.cz/scripts/detail.php?id=7721>

The following cases illustrates typical situations of eviction found in the Czech Republic.

Bohumin:

The problem in Bohumin first appeared in April 2005, when the city government announced that it intended to buy the residential building from the private company ZDB (Ironworks and Drawing Mills Bohumin) for 18.6 million CZK, with the intent to renovate the building during 2006. In order to facilitate the renovation process, the current tenants (mostly Roma) were told that they had to leave by July 1st, 2005, and that they would not be allowed to return after the renovation was finished, as the building was to be transformed into a block of flats, or a student dormitory, with about 100 units. Most of the current tenants were welfare recipients, and some had been previously evicted from other places for non-payment.

The end of April found Major Petr Vicha telling the media that the city would not assist the buildings current tenants to find alternative housing. The spokeswoman for the City of Bohumin told the Czech Press Agency at the beginning of May that the city had no capacity to relocate all of the buildings residents, and moreover, that as some of the residents were not official residents of Bohumin, that they had no responsibility to do so.

Amid right wing demonstrations, and outcries from Roma advocacy organizations, the Czech media had a field day covering the case. As media pressure built up, however, the city started to change its tune, convincing Czeslaw Walek, director of the Czech Governmental Council for Romany Issues that they would take the proper steps to resolve the situation. After a meeting on June 26th, however, Walek stated, "I had information from families in the building that they have problems due to the fact that the city would not provide them with provisional accommodation after the eviction. The city mayor and the department employees have assured me; however, that they are trying to resolve the situation in a responsible manner, that no families will be broken up due to the eviction, and that they are indeed attempting to accommodate all the families with provisional accommodations."

Despite the these reassurances, seven families residing in the building took the case to the District Court in Karvina, North Moravia, and obtained an injunction preventing the city from turning off the electricity or water services for the building, or from stopping the residents from entering their apartments.

The situation remains at a standstill, as the city still maintains that it will go forward with the evictions.

Kostelec nad Orlici:

The abandoned military barracks in Kostelec nad Orlici became home to several Roma families in 1999, when the city decided to use the barracks as social housing for people who hadn't paid rent at other flats. At that time, the city awarded leases to the tenants of the barracks, renewable on an annual basis. When the time came to renew the leases in 2004, however, the city refused to extend any of the current tenants for another year. They claimed that they wanted to renovate the barracks as social housing for more needy people, and that the current Roma tenants would have to move out.

The Municipal hall of Kostelec nad Orlicí determined that it would move 60 people, mostly Roma, from the barracks building to a private boarding house in the neighboring city of Rokytnice v Orlických horách, around 20 km from Kostelec. Despite official claims that the eviction was due to the upcoming renovation of the barracks building, the mayor of Kostelec, Ivana Cervinková, didn't attempt to conceal that the city was also concerned about the 'adaptability' of its citizens. In a report broadcasted on Czech private television station TV NOVA on January 1st, 2005, Cervinková stated that "Lots of people, adults, don't work of course. The problem is that they are coming here for social welfare."

Problems arose with the Kostelec city government's plan, however, when the municipal hall of Rokytnice refused to accept the Roma families. The Rokytnice municipal hall called the situation a catastrophe. "Nobody is ready for such a situation here, not the schools, the health care services, the social department or the police. We already have the highest unemployment rate in the district," stated Rokytnice's mayor Antonín Štefek soon after the TV NOVA report.

František Kotlar, the Roma advisor for the Hradec Králové region where both cities are located, was also against the idea. He explained that moving 60 Roma (13 families) to a small city like Rokytnice would lead to the creation of a new ghetto. He described the boarding house planned for the accommodation of the Roma families in Rokytnice as unsuitable for human habitation. Nonetheless, soon after the media report revealing the house's location, several of the house windows were broken.

In response to all the debate, Kostelec decided to delay the eviction one month, planning the final date for the Roma to leave the barracks at the end of February. Some Roma families had actually already left the situation by then: one family had found a flat in Kostelec's public housing, and a few others had found alternative accommodations, typically moving in with family or friends in an overcrowded apartment, exposing themselves to later eviction. In the meantime, the city of Rokytnice was trying to buy the private boarding house where the Roma were expected to be relocated at the end of the month to prevent the city of Kostelec from moving the Roma to Rokytnice. The owner of the house, Tomáš Božon, refused to sell cheaply, however, asking more than twice the price offered by the city.

At the beginning of March, however, the Roma were still living in the Kostelec barracks. The city of Kostelec announced that the eviction would be delayed yet again 'due to weather' until April. Despite this, deputy mayor Jiri Bartoš of Kostelec announced on March 15th that the municipality would turn off the utilities to the barracks on April 4th, as the city planned to start preparing the building for renovation. They were also changing the destination of the Roma families after the eviction, now the Roma were to be moved both to Rokytnice and to another nearby city: Male Svatonovice.

Apparently, this decision was reached without consulting the city government of Male Svatonovice. The city's mayor, Eva Hylmarová, expressed her surprise that Kostelec intended to send Roma to 'her' village. She continued that the plan was impossible since the building mentioned as the planned housing for the families was actually zoned as commercial, not as residential. The city of Rokytnice also denounced the new plan.

On April 4th, the municipal hall of Kostelec nad Orlicí followed through on its threat to turn off the gas and electricity to the barracks building, where most of the Roma were still living. Despite the fact that there was still no plan for alternative housing for the Roma families, the city went ahead with preparations for the building's demolition with the Roma still inside.

On April 24th, a private security agency arrived to evict the Roma from the barracks. The evicted Roma were sent to Rokytnice, where they were greeted by around 300 people who had gathered to protest their arrival. Scared of the angry-looking mob, the Roma turned around and went back to Kostelec, where they spent the night on the streets.

The city of Kostelec was still searching for alternative housing for the Roma, but with no luck. On April 27th, three days after the eviction, the regional government sent two social workers to help find accommodation for the still homeless Roma. By mid-May however, the Roma were still homeless. Many were living with relatives, and some were still out on the streets.

On May 12, most of evicted Roma has been still living at their relatives in Kostelec. 20 of evicted has been finally moved to Male Svatonovice. With the help of the social workers, 3 other families found accommodation in another nearby village: Slatina nad Zdobnicí. In a report from the end of June, the Roma complained that the alternative housing was too expensive. Marie Gaborova stated, "If only it weren't so expensive here. We were in need, so we had to agree." Another resident, Marcela Lackova, stated that the house was overcrowded. "It is crowded here, but we are happy to have accommodation. It is surely better than the earlier uncertainty."

The city of Kostelec now claims that all of the evicted Roma are living in alternative housing, however, they are unable to identify all of the new locations. Marie Gaborova told Czech Daily MF Dnes in June that many of her former neighbors are still living in temporary situations, often with relatives.

In both of these cases, the evictions resulted from decisions made by city governments to condemn buildings primarily occupied by Roma. While renovating a building is an understandable cause for eviction, it is clear that both cities failed to provide adequate alternative housing for the displaced Roma. In addition, the drawn-out nature of the eviction, and the confusion of where to put the Roma resulted in a flurry of bad press condemning the Roma for not meekly complying with their own evictions. These media portrayals of Roma as troublemakers combined with the physical displacement of Roma from their communities served to increase the already existing problems of the Roma and to make the entire Roma population of the Czech Republic even more isolated and socially excluded.

Denmark:

Denmark is often perceived to be a country with one of the best human rights records on earth. In recent years, however, there have been increasingly frequent reports of racial discrimination and xenophobia in Denmark, often surrounding their unusually

strict immigration and naturalisation laws²⁷. The situation of Roma in Denmark seems to be the example that proves the rule in this case. It is clear that Roma are discriminated against on the basis of their ethnicity, often through overly strict application of otherwise reasonable laws.

There are officially around one thousand Roma living in Denmark²⁸, although non-governmental organizations place the figure much higher, around 20,000²⁹. The first recorded Roma presence in Denmark was around the 16th Century. However, the Danish government considers the Roma traditionally living in Denmark to be fully integrated, and only recognize recent immigrants as ethnically Roma. As such, they do not recognize Roma as a national minority³⁰.

Despite its signature and ratification of almost every existing human rights document, Denmark's Constitution contains neither prohibitions against racial discrimination nor guarantees of equality for all citizens or religions. Denmark has incorporated the European Convention on Human Rights into its legislation, but has notably failed to do the same for other international human rights treaties, such as the United Nations Convention on the Elimination of all forms of Racial Discrimination. According to a 2003 survey done by the OECD (Organization for Economic and Civil Development) Denmark has the worst record in Europe for integrating foreigners into the labour market: nearly 50% of the country's ethnic minorities are outside of the labour market³¹.

In addition, Denmark has no legislation recognizing a right to housing, either in its Constitution or its laws. In the 2005 report to the United Nations Committee on Economic, Social and Cultural Rights, the Danish government reportn openly acknowledged that some categories (including Roma) seem to be more likely to live in inadequate housing conditions. However, the report denied that any tenants are ever subject to forced eviction.

313. Tenants in non-private housing as well as private rental housing are protected against eviction. In principle, both groups of tenants have inalienable rights regarding the rights to maintain the tenancy. There is no central record concerning evicted persons. In Denmark, tenants basically have security of tenure as long as they comply with the terms of the lease.

314. In turn, the terms of the lease are regulated in the Rent Act. The housing association or letter can accordingly only terminate the lease in special circumstances, for example if the tenant violates the property rights of the letter, or if the tenant displays noisy behaviour, physical violence or threat of physical violence, in the event of a dispute between the tenants and the housing association

²⁷ B. Quraishy "Shadow Report on Denmark, 2003" ENAR. p.6. Available at: http://www.enar-eu.org/en/national/shadow_report_denmark2003_en.pdf

²⁸ Report by Mr. Alvaro Gil Robles, EU Commissioner for Human Rights on his visit to Denmark: 13-16 April, 2004. CommDH (2004)12. Council of Europe (July 2004) Available at:

http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/Documents/pdf.CommDH%282004%2912_E-1.pdf

²⁹ Unless otherwise noted, all information in this section was provided to Dzeno by Romano Centro

³⁰ Second Report Submitted by Denmark Pursuant to Article 25, para 1 of the Framework Convention for the Protection of National Minorities; (Received on 14 May 2004) ACFC/SR/II(2004)004, available at:

http://www.coe.int/T/E/human_rights/minorities/2._FRAMEWORK_CONVENTION_%28MONITORING%29/2._Monitoring_mechanism/3._State_Reports_and_UNMIK_Kosovo_Report/2._Second_cycle/2nd_SR_Denmark.asp#TopOfPage

³¹ Id.

or letter, the tenant can have the case tried before the Resident Complaints Board or the Rent Court³².

The two following cases show how the local Danish governments have interpreted these guidelines to allow them to evict Roma from their homes.

Elsinore Municipality:

There have been several cases in the Elsinore Municipality where the local government has used excessively strict application of the legal system to discriminate against Roma citizens, and to force their eviction. The legal aid organization Romano reported cases such as that of the P. family, who was evicted for violation of their lease. These violations included such complaints as the unreasonable 'noise' made by the grandfather's wheelchair, or 'public nudity' when the four year old son urinated on the lawn. Although the P. family appealed to the district court, they lost the case due to procedural issues: their court-appointed lawyer neglected to file for re-housing in another apartment.

Another case involved Ms. K, a Swedish citizen residing in Denmark, on an early pension due to health problems. Because Ms. K had very little formal education, she was awarded an administration agreement with the Municipality, in which they agreed to pay a part of her bills. When the Municipality failed to pay, Ms. K was flung into legal limbo. She was forced to go through a complicated process of complaint, and then, as she tried to withdraw from the agreement and to regain control over her own assets, the Municipality threatened her that they would withdraw all aid. Still owed money by the Municipality, Ms. K was unable to pay her October rent, and was evicted almost immediately. Now homeless, and swamped with legal fees, Ms. K tried to appeal to the Complaints Committee, but they ruled that everything the Municipality had done was legal and correct.

These cases illustrate how the rule of law is being twisted to produce rulings that are legal, but not fair. Romano reports that the Complaints Committee for Ethnic Equal Treatment (which oversees the race directive) is toothless, and unwilling to hear complaints from Roma. Referring to the Danish Complaints system, Romano states:

„They have adopted a rigorous written procedure, which is very difficult for us to meet, and they keep all the resources to themselves...the 'effective remedies' they offer (ECHR Art 13) are ineffective and take too long to produce results. The Committee MAY offer mediation with the offending municipalities, but they can't force them to do anything, and they can't fine them if they don't comply. The Committee MAY also offer free legal aid for a court case, but as they never find discrimination in their written procedure, we will never get the basis for a proper lawsuit, or for legal aid."

Under the assumption that everyone is being treated without discrimination, the Danish system finds ways to discriminate.

³² Reply by the Government of Denmark to the List of Issues (E/C.12/Q/DNM/1) to be taken up in Connection with the Fourth Periodic Report of Denmark, HR/CESCR/NONE/2004/6; available at: http://www.bayefsky.com/issuesresp/denmark_cescr_2004.pdf

Greece:

Greece is perhaps one of the cases that has received the most attention from international bodies. On June 8th, 2005, the European Court of Social Rights ruled that current Greek laws on the housing and accommodation of Roma are in violation of Article 16 of the European Social Charter, guaranteeing protection of family life and family housing for all Europeans³³. Organizations such as the European Network Against Racism, the UN Committee for Cultural and Political Rights and Amnesty International have all issued reports highlighting the terrible status of Roma housing in Greece³⁴, and the evictions of Roma surrounding the 2004 Athens Olympics were well-publicized in international media reports³⁵.

There are an estimated 250,000 Roma living in Greece, however, Roma do not have the status of an official national minority.³⁶ While the national government has enacted several measures intended to help improve the living standards of the Roma minority, most notably the Integrated Action Plan intended to help improve the situation of Roma housing, these measures have yet to have a concrete impact on the lives of the Greek Roma community. By far and large, Roma are still living in poor conditions throughout Greece, are faced with discrimination by the housing authorities, and have little recourse to legal action.

ECRI gives a comprehensive description of the evictions problem in Greece:³⁷

67. ECRI notes with concern that since the adoption of its second report on Greece, the situation of the Roma in Greece has remained fundamentally unchanged and that overall they face the same difficulties – including discrimination – in respect of housing, employment, education and access to public services. As concerns housing in particular, there still remain numerous Roma camps removed from all infrastructure in which the Roma live under unacceptable conditions. This is true, for example, of the Aspropyrgos camp near Athens. At the end of 2002 the Greek authorities informed the Commissioner for Human Rights of the Council of Europe that “all necessary measures have been taken in order that the Roma/Gypsy settlement of Aspropyrgos is provided with all public facilities”. Having visited the spot, it can nevertheless be ascertained that in October 2003 the people living in this camp had not been re-housed and the authorities had still not provided them with access to running water or electricity. Moreover, they are under constant threat of expulsion without any alternative accommodation being offered to them. The Spata camp near Athens is clearly situated on a giant waste site covered only

³³ See: *European Roma Rights Center v. Greece*; European Committee on Social Rights: Complaint 15/2003. “Decision on the Merits” June 8, 2005; available at:

http://www.coe.int/T/E/Human_Rights/Esc/4_Collective_complaints/List_of_collective_complaints/IRC15_merits.pdf

³⁴ See: ECRI, *Second Report on Greece*, adopted on 10 December 1999, made public on 27 June 2000, CRI(2000)32, available at http://www.coe.int/T/E/human_rights/Ecri/5-Archives/1-ECRI's_work/5-CBC_Second_reports/Greece/Greece_CBC_2.asp#TopOfPage; ECRI, *Third Report on Greece*, adopted on 5 December 2003, made public on 8 June 2004, -here thereafter referred to as ECRI/2004-, paragraph 105. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Greece/Greece_CBC_3.asp#TopOfPage;

“Greece: Albanian Roma Targeted for Evictions and Attacks” Amnesty International: Press Release, July 7th, 2005. Available at: http://www.dzeno.cz/?c_id=7989

³⁵ See: “Amnesty Criticizes Greece’s Treatment ahead of the Olympics” Associated Press, July 31, 2004; Helene Colliopoulou, “Gypsies big losers of Olympic Games” Agence French Presse-English, August 26, 2004; Beth Duff-Brown, “Athens’ Gypsies live in squalor not far from Olympic venues” Associated Press Worldstream, August 23, 2004.

³⁶ Initial Report: Greece (State Party Report), 15/04/2004 (CCPR/C/GRC/2004/1) paragraph 895. Available at: [http://193.194.138.190/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/315001b355002949c1256f0f004d47cd/\\$FILE/G0440947.doc](http://193.194.138.190/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/315001b355002949c1256f0f004d47cd/$FILE/G0440947.doc)

³⁷ ECRI/2004

by a layer of earth a few centimetres high. Roma that were expelled from their camps were resettled in prefabricated houses at Spata by the authorities. This camp is still not connected to electricity or running water, three years after the relocation. This situation poses inter alia serious health problems, particularly for the children who live in the camp.

68. ECRI is concerned over allegations that forcible collective evictions of Roma families have taken place without any resettlement alternative being proposed. ECRI finds especially alarming reports to the effect that some of these evictions are unlawful and/or are followed by immediate destruction of the camps by bulldozer, despite the fact that all the personal possessions of the families remain there. (...)

70. ECRI nonetheless considers that considerable efforts have yet to be made by the authorities if the living conditions of Roma are to improve substantially in Greece. While noting the political will openly displayed by the government to take appropriate action, ECRI stresses that it is necessary to implement this national policy at the local level. In this connection, ECRI deplors the many cases of local authorities refusing to act in the interests of Roma when they are harassed by members of the local population. It is also common for the local authorities to refuse to grant them the rights that the law guarantees to members of the Roma community to the same extent as to any other Greek citizen. It is highly revealing to read in the press of the racist statements against Roma made by local elected representatives, apparently with complete impunity.

As mentioned above, the most notorious incidents of evictions in Greece were in connection with the 2004 Olympics. The fact that these evictions accompanied an international event designed to increase „mutual understanding with a spirit of friendship, solidarity and fair play³⁸” seems particularly sad. The following case studies provide information on two cases connected to these events, and describes the current situation of the victims of these evictions, which is still not resolved.

Patras:

Since August of 2001, several incidents of forced evictions and home destruction have taken place in and around the Patras area³⁹. Called ‚cleaning operations’ by the municipal government, these incidents most often take place when the Roma residents of the houses are out of town seeking seasonal agricultural employment. The government has often specifically targeted the homes of Albanian Roma, and has failed in most cases to provide any recourse to legal or other remedies.

In August 2001, 35 families, mainly Albanian Roma, were living in a settlement in Glykada-Riganokampos, on the outskirts of Patras. Most of the families had legal papers to live and work in Greece. The first eviction attempt, or ‚cleaning operation’ resulted in the destruction of 2 houses, but the settlement was left intact.

In August 2004, however, the municipality again tried to clear the settlement, this time while the residents were away from home searching for employment. 35 homes

³⁸ Goal of the International Olympic Movement, IOM Website, http://www.olympic.org/uk/organisation/index_uk.asp

³⁹ Unless otherwise noted, all information in this section is drawn from the Greek Helsinki Monitor. See: *Parallel Summary Report on Greece’s Compliance With the International Covenant on Civil and Political Rights*, Greek Helsinki Monitor, February 2005, submitted to the United Nations’ Human Rights Committee (HRC) as a contribution to the consideration of the Initial Report of Greece (CCPR/C/GRC/2004/1) during the HRC’s 83rd Session (14 March – 1 April 2005). It addresses mainly HRC’s List of Issues on Greece (CCPR/C/83/L/GRC/Rev. 1); *Note to the UN Human Rights Committee (HRC) on Marousi Roma*, March 23, 2005; “Press Release, Topic: Total condemnation by PASOK of violations of rights of Roma in Patras” Greek Helsinki Monitor, July 11, 2005.

were levelled, and all the personal belongings of the Roma were destroyed. The municipality maintains that they thought that the Roma had abandoned the homes, and that they were simply trying to clean the area.

Following this destruction, eight Roma families who were victims of this eviction attempted to set up tents in two neighboring settlements, causing an uproar among the ethnic Greeks. In October 2004, the municipality intervened once more without warning; forcing the families to leave using an 'excavating machine' and destroying their new homes.

Following extensive media coverage of these incidents, the Albanian Roma were finally allowed to settle in the two settlements in the Makrgianni area of Patras. A total of 15 Albanian Roma families moved to the site.

In February 2005 the city struck again. Six Greek Roma families in the area were served with notices of eviction. The Roma filed for a temporary injunction, which was granted, although the city responded with a counter-injunction to prevent the Roma from further developments on the site. A statement by Minority Rights Group International sums up the situation. The complicated legal system, they said, is "making it difficult to secure effective remedies and laying an onerous burden on people who do not have access to legal aid."⁴⁰

In June 2005, while the legal situation was not yet resolved, 11 more Roma homes were demolished while the owners were away looking for work. This destruction was allegedly part of another city 'cleaning operation' to address a problem with rats and mice. No relocation assistance or compensation was offered to the Roma for the destruction of their homes, however.

These repeated incidents of eviction were followed by repeated arson attempts on the community in 2005, none of which were officially investigated.

These repeated abuses of Roma by the municipality are clearly the result of a failure on the part of the Greek state to develop regulations and policies towards Roma housing, and to live up to their international obligations.

Marousi:

For over 30 years, forty Roma families had been living in 3 small settlements in Marousi, near Athens. When it became apparent that this land would be needed for the construction of infrastructure for the 2004 Athens Olympics, the city of Marousi attempted to find a way to get the Roma families to leave. On August 1, 2002, the Mayor of Marousi, Panagiotis Tzanikos, signed an agreement with Stelios Kalamiotis, representative of the 40 Roma families. Under the terms of the agreement, the Roma would vacate their homes; in return, the municipality of Marousi would provide them with temporary rent subsidies to pay for alternative housing, and would eventually help them to relocate to a more permanent site in heavy-duty pre-fabricated housing.

⁴⁰ "Open letter to Greek Prime Minister on forced evictions of Roma communities in Patras," Minority Rights Group International, Center for Housing Rights and Evictions, Greek Helsinki Monitor, European Roma Information Office, June 21, 2005. Available at: http://www.omct.org/pdf/urgentappeals/2005/greece_210605_joint_letter_to_pm.pdf

The municipal authorities also agreed to provide special assistance to the Roma families in clothing and food, as well as to elaborate a special plan for the Roma's integration in the local society. The agreement was supposed to benefit 137 individuals, with a guaranteed monthly payment given to each family, the amount varying with the size of the family. However, consistent with the Greek government's tendency to create programs only for ethnic Greek Roma, and not immigrants, even if they are legal, this agreement applied only to the families of ethnic Greek Roma origin, not to Albanian Roma.

Although the Roma families promptly complied with the agreement; some moving to alternate housing and some moving in with families and friends. The municipality at first provided regular subsidies as per the agreement, but after a few months, they began to default on the payments. As many of the Roma families were relying heavily on these payments to pay for their new rents, this placed them into enormous economic difficulty. Several were threatened with eviction, and some tried to return to their former homes.

The municipality then started to threaten the Roma with the total termination of the subsidies, unless the Roma accepted them as loans from the city. The profit from these loans would then be put toward finding them new housing: housing which was already guaranteed under the terms of the first agreement. Although the terms of the loans were generous, and no applications were required, no thought was put into how the Roma, generally poor and underemployed, were supposed to pay them back.

As of January 2005, the municipality owed an average of eight-months of subsidy payments to each family. The last known payment was in June 2004, when the government paid each family a substantial sum (including back-payments) immediately before the start of the Olympic Games as a result of bad publicity in the international press.

Families that managed to find housing remain under constant threat of eviction, and other families remain totally homeless, living in the houses of family or friends. The government has failed to follow through on its promises, as admitted by Athens Mayor Dora Bakoyanni in an 24 August 2004 letter to the Simon Wiesenthal Center:

"The relocation project for the Roma in the wider area of Maroussi started in 2003 as an initiative of the City of Marousi, in cooperation with the Minister of Interior at that time. The City Council and the Mayor initiated a two-phased relocation plan for the Roma living in the camp site next to the Olympic Stadium. Phase one of the program provided for rent subsidies. The project was monitored by non-governmental organizations (Doctors of the World, Greek Helsinki Monitor) and supervised by the Greek Ombudsman's Office. Indeed, the flow of money for the rent subsidies faced some problems, causing insecurity and interrupting the bonds of trust established by that time among the three parties: civil society, the Roma and the City of Maroussi. Phase two of the program seems to have gone behind schedule. This is indeed a matter of concern for the City of Marousi and the Ministry of the Interior so as to secure decent housing solutions for all the Roma who stayed in the region."

Italy:

Despite the fact that Roma have lived in Italy for at least 500 years, Italy still officially considers Roma as inherently non-Italian, or ,foreigners.' Official figures estimate that

there are presently 120,000 Roma in Italy, two-thirds of these with Italian citizenship. Non-official estimates place the figure slightly higher, but agree that only one third of the Roma in Italy are actually foreign⁴¹.

Problematically, the Italian government has institutionalized the notion of Roma as foreigners, or nomads, and has assumed that Roma are inherently incapable of living in the same place or in the same manner as ethnic Italians. In its second report on Italy, the ECRI states:

60. About one third of the total Roma/Gypsy population of Italy -- including both Italian citizens (predominantly Sinti) and non-Italian citizens -- currently lives in authorised or unauthorised camps separated from mainstream Italian society. Over and beyond the question of the living conditions in these camps, which will be addressed below, ECRI is concerned that this situation of practical segregation of Roma/Gypsies in Italy appears to reflect a general approach of the Italian authorities which tend to consider Roma/Gypsies as nomads and wanting to live in camps. The representation of Roma/Gypsies as nomads also appears to be closely related to the general perception of the members of the Roma/Gypsy communities of Italy as 'foreigners', even if, in fact, only a part of the Roma/Gypsy population still living in camps is non-Italian. This perception is exemplified by the attribution of competence for issues related to Roma/Gypsies to administrative offices 'for nomads' or for 'nomads and foreigners'⁴².

This has resulted in segregation between Roma and non-Roma, and, as mentioned above, in the creation of extremely poor housing conditions for almost the entire Roma population of Italy. Typically, nomad camps occupied by Roma in Italy are in miserable locations, with little infrastructure or facilities, and limited access to education, health services or even emergency services. Roma living in these camps are also constantly under threat of eviction. They rarely own the land they are living on, and have little resort to legal aid when they are forced to move. A Shadow Report released by the European Network Against Racism reveals the constant pressure of eviction and violence faced every day by Roma in these camps.

The most evident expression of this condition of isolation is the practice of relegating the Roma population to camps, which makes Italy the only country in Europe that has institutionalised a real system of ghettos. These are in most cases spaces located outside large cities and close to the motorways or railways, where they are forced to live in caravans or huts. Living conditions in these camps are extremely precarious, where deadly accidents and fires frequently occur, affecting mainly children as victims. Police raids are also very frequent: some are motivated by the conviction that most of the thieves in the city come from the camps ; other are clearly aimed at intimidating the inhabitants; still others are carried out in unauthorised camps to drive away the inhabitants and to control their stay permits. The behaviour of Police forces during these raids often breaches both national and international laws. The ERRC reports that many of these actions take place without the agents involved showing valid authorisations from judicial authorities or explaining the reasons for the interventions. It also denounces the bad behaviour of

⁴¹ Sara Cerretelli, "Italy" Shadow Report of ENAR. (2003) Available at: http://www.enar-eu.org/en/national/italy2003_en.pdf

⁴² ECRI, Second Report on Italy; CRI (2002) 4. Adopted on 22 June 2001 and made public on 23 April 2002. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Italy/CBC2-Italy.asp#P277_48465

the Police, which varies from insults to physical violence, and up to the use of firearms⁴³.

Roma in Italy have little to no housing rights, and are constantly under threat of eviction. This situation only seems to be getting worse. According to information provided by the Cooperativa Sociale GEA: Progetto Minori Sinti e Citta⁴⁴, most Roma in Italy want to be settled, but are unable to acquire the social assistance or public housing that would enable them to have a permanent home. Describing the situation outside of Venice, the Cooperativa Sociale GEA states:

The Italian Roma people are living in a precarious situation without hope for their future. There is a project to build some new houses in the area. However, the owners of the new houses that have already been built are writing petitions for the eviction of the camp. The paradox is that the Roma people living in the camp joined these petitions for eviction because they want to leave the insane conditions of the camp.

The following case illustrates the difficulties of Roma housing in Italy: eviction, followed by mass confusion on the part of the authorities, followed by resettlement into another isolated camp.

Milan:

On June 29th, 2005, 76 Romanian Roma living legally in Italy were evicted from the Capo Rizzuto street camp in a suburb outside of Milan. The eviction was the city's response to the public outcry over a recent rape case; a 19 year old Italian girl was raped on the night of June 17-18, by 3 men, who were suspected to be Roma, although no positive identification was ever provided. As one of the accused men lived in the Capo Rizzuto street camp, that was all the evidence the city government needed to evict the entire Roma population and to close the camp.

The evicted Romanies included 36 children, and two pregnant women, one in her 8th month of a twin pregnancy. The Roma were allowed to sleep in public accommodations for 10 nights, and to receive assistance from the Catholic charity Casa della Carita during the day. After this period was over, however, the Roma were thrown out on the street with no official assistance to find alternate accommodations.

Throughout the whole situation the city government of Milan and the government of the surrounding county agreed that some solution must be provided for the evicted Roma people. However, they could not agree on any of the details of such a solution, making it impossible for either party to provide the Roma with any sort of relief. The City government maintained that it would be impossible for the Roma to be resettled anywhere inside the city borders, while the county wanted to relocate the Roma into another camp in a suburb even farther out of the city than the original.

An outside entrepreneur, Marco Cabassi, has offered to donate land in the suburb of Trezzano, far south of Milan, to house the Roma for six months. However, the city government of Trezzano objects to this plan, not wanting to play host to a Roma camp in any form.

⁴³ "Italy" ENAR Shadow Report 2003

⁴⁴ Unless otherwise noted, all information in this section was provided to Dzeno by the Cooperativa Sociale GEA: Progetto Minori Sinti e Citta

The Roma, in the meantime, have left the care of Caritas, where they were sleeping in the auditorium of the local community center in emergency cots, for temporary accommodations in flats provided by the city near the central Milan train station. No permanent solution has yet been found.

Romania:

As a state still aspiring to membership of the EU, Romania has ratified all of the major human rights treaties⁴⁵; committing it to protecting Roma against discrimination, and to assuring all Romanian citizens of adequate housing. In addition, the Romanian Constitution of 1991 assures a decent standard of living for all Romanian citizens through measures of economic development and social protection⁴⁶. A "decent standard of living" is interpreted to mean a right to "reasonable living conditions" and their continuous improvement, and the right to "satisfactory housing"⁴⁷.

As Romania has the largest population of Roma citizens in the world, fulfilling these obligations is not a small commitment. Official estimates place the Roma population at 550,000, almost 2.5% of the entire population. However, a 2004 European Commission report on health policy and the European Union estimated that the Romani population was between 1.8 and 2.5 million, or somewhere around 10% of the country's population⁴⁸.

While Romania lacks an official policy regulating the situation of Romany housing, they do have an Ordinance on Preventing and Punishing all Forms of Discrimination which provides that the exercise of the right to housing is based on the principle of equality among citizens without privilege or discrimination. This means that such actions as refusing to sell or rent a plot of land, to grant a loan, on the basis of race or ethnicity are illegal throughout Romania. It is unclear, however, how well this Ordinance is being enforced.

The deplorable situation of housing among Romanian Roma, however, is very clear. Most Roma in Romania live in 'mahalas', ghettolike areas with a high concentration of Roma. These mahalas are usually poorly maintained, with little to no infrastructure. Many Roma also live in slums outside of cities, however, composed of shacks and hovels; often built without authorization or property ownerships. Such slums usually lack adequate water, and have little access to utilities.

After the fall of the communist government in 1989, many Roma were forced to move to such slums or illegal housing due to the privatization of land that was state-owned

⁴⁵ ICCPR, ratified by Romania on 9 December 1974; ICESCR, ratified by Romania on 9 December 1974; CRC, ratified by Romania on 28 September 1990; CEDAW, ratified by Romania on 7 January 1982; CERD, ratified by Romania on 15 September 1970; European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), ratified by Romania, 20 June 1994; Romania ratified the Revised European Social Charter on 7 May 1999. Romania affirmatively bound itself to art. 1, 2 (1-2, 4-7), 3 (1-3), 4-9, 11, 12, 13 (1-3), 15 (1-2), 16, 17, 18 (3-4), 19 (7-8), 20, 21, 24, 26, 28, 27(2) and 29; The Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1998, was ratified by Romania on 11 May 1995.

⁴⁶ Romanian Constitution (1991), art 43, par 1., available at: <http://domino.kappa.ro/guvern/constitutia-e.html#a2222>

⁴⁷ Constantinescu M., Deleanu I., Iorgovan A., Muraru I., Vasilescu F., Vida I., "Constitution of Romania—Commented and Annotated," *Official Monitor* (Bucharest 1992): 107.

⁴⁸ "Romania" US State Department Human Rights Report, 2004. available at: <http://www.state.gov/g/drl/rls/hrrpt/2004/41703.htm>

during the communist era. As very few Roma owned land prior to the communist regime, many were unable to claim land, even the land that they were living on. Discrimination also played a role, preventing Roma from taking advantage of a clause in the Land Law which might have allowed them to gain property⁴⁹.

In addition, many Romanians lack documentation of identity, and of property ownership. A 2001 report by the Open Society Institute describes the problem in depth:

Illegally built structures and the illegal occupation of land and buildings occur all over Romania in Romani and non-Romani neighborhoods alike. A large number of Romani families do not own the land on which their houses are built and do not have building authorizations or proper property contracts for their houses. The lack of legal status makes them particularly vulnerable to forced evictions and demolitions. Many others do not have the right to live in the buildings in which they dwell. They may not have a formal lease, they may have overstayed a lease, or they may have moved in as squatters. The continuous impoverishment and forced eviction of Romani families result in further ghettoization of the Romani population⁵⁰.

The ECRI's second report also speaks of the problem:

A particularly vulnerable group within the Roma/Gypsy community is comprised of those persons who do not possess any identity cards or other documentation such as birth certificates. These persons are unable to access benefits in the field of housing and social and health provision, and are excluded from other fields such as employment since all these areas are dependent upon the possession of an identity card. They are also particularly vulnerable in their relations with the police and with local authorities. In this respect, ECRI deplors the recent declaration by the mayor of Bucharest that all persons without proper residence permits are to be expelled from the city⁵¹.

With the double burden of poverty and lack of documentation on their backs, Roma in Romania are greatly vulnerable to forced evictions. According to the Roma NGO Pro-Europa League⁵², Roma communities are often evicted by the local authorities to peripheral areas of the cities and put in housing without basic necessary facilities such as electricity, heat, or water. They are not given access to normal social housing, or means to legally protest their eviction. The following case illustrates a typical eviction in Romania.

Miercurea Ciuc:

In June 2004, a Roma community of about 80 people, 40 of which were children, were evicted from a building in the center of Miercurea Ciuc, to a slum on the outskirts of town. The location of the replacement housing is a contaminated area, next to a

⁴⁹ Ina Zoon, with Mark Norman Templeton, "On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia" Open Society Institute (2001) p 123 available at: http://www.romanothan.ro/engleza/reports/docs/osi_otm.pdf

⁵⁰ Ibid. p 121-2

⁵¹ ECRI "Second Report on Romania" Adopted on 22 June 2001 and made public on 23 April 2002 CRI (2002) 5. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Romania/CBC2-Romania.asp#P222_41114

⁵² Unless otherwise noted, all information in this section was provided to Dzeno by the Pro Europa League

sewage treatment plant. The neighborhood is fenced by a high wire fence, which is ringed with signs saying: warning, infection, and danger.

According to the Major of the city, Kovacs Imre, the reason that the Roma families had been evicted was the dilapidated state of the building where they were originally living. He claimed that the Roma had been given several notices prior to the actual eviction, but that they had chosen not to leave.

Although the original housing was indeed bad, the replacement housing chosen by the authorities was much worse. The entire community was moved into 8 huts in the contaminated area of the city: that translates into 10 people living in each hut originally intended to house only 4 people. The huts lack proper insulation, indoor plumbing and electricity. There is only one water tap for the entire community, and garbage is only taken away once a month.

This housing situation would have been unacceptable even for one night. The municipality claimed that this replacement housing situation is temporary until the city hall can buy land on which to build additional social housing. However, the Roma community is still living in these deplorable conditions, with no signs that the situation will change anytime soon.

Spain:

Article 47 of the Spanish Constitution guarantees all Spanish citizens the right to enjoy 'decent and adequate housing' and states the responsibility of the public authorities to 'promote the conditions necessary and establish the pertinent norms to make this right effective.'⁵³ While the Constitution also contains a non-discrimination clause (Art 14), it does not formally recognize any national minorities. Because of Spain's structure as a federal conglomerate of autonomous regions, each region has its own policies regarding Roma. Nonetheless, Spain is one of the few Western European nations that has a national development program for Roma (The Roma Development Program) that coordinates and funds development projects for the Roma community.

Government figures report that there are around 600,000 persons of Roma ethnic origin living in Spain, however, many non-governmental organizations put the figure at closer to 800,000. Unlike in many other Western European countries, the Spanish Roma population is largely sedentary, however, Roma in Spain have preserved a strong sense of ethnic identity, culture and many still speak Romany dialects. According to official reports, Spanish Roma are often subject to marginalisation and exclusion in Spanish society and face disadvantages and discrimination in many sectors, including housing.

The following excerpts from the European Commission Against Racism's 2nd Report on Spain demonstrate the situation of Roma in Spain as concerns housing.

31. There have been reports that advertisements concerning rental of private property sometimes exclude certain categories of persons, such as Roma/Gypsies or foreigners, from applying. It has also been reported that, when property is actually rented to these categories of persons, discriminatory conditions, notably higher rent, are in many cases applied to them. There are also reports of

⁵³ Spanish Constitution of 1978, available (in English translation) at: http://www.mtas.es/insht/en/legislation/constitucion_en.htm#capitulo_002

discriminatory refusal of access to public places as regards North Africans, other immigrants and, more generally, people of immigrant background, sometimes degenerating into violence. ECRI urges the Spanish authorities to address this problem, including through properly-implemented legislative measures.

46. Although the housing situation of the members of the Roma/Gypsy population varies widely, a significant part of this population lives in sub-standard housing and the vast majority of the inhabitants of shanty-towns are in fact Roma/Gypsies. Many of these areas are located around or within big cities and are affected by problems related to extremely unhealthy conditions, drugs and violence. The Spanish authorities have taken initiatives to eliminate shanty towns -- housing represents one of the most important areas of the Roma Development Programme. Such initiatives have included transitional housing schemes, whereby tenants were offered temporary shelter until proper housing could be supplied. However, the effectiveness of many of these measures has been challenged, including in specific cases by the Ombudsman, and the concern has been expressed that, in some cases, these measures have perpetuated or even worsened situations of marginalisation. ECRI stresses the need to conceive and implement housing policies in close consultation with the members of the communities concerned. ECRI furthermore notes that, although the number of complaints filed with the Ombudsman concerning Roma/Gypsies' access to housing has decreased, the Ombudsman has, in the past, intervened in cases of forced evictions of Roma/Gypsy families from the places of their residence. ECRI strongly urges the Spanish authorities to devote attention to this problem. ECRI furthermore emphasizes the role played by discrimination in excluding Roma/Gypsies in practice from the private housing sector and urges the Spanish authorities to address this problem, including through properly-implemented legislative measures⁵⁴.

In addition, the 2004 United States Human Rights report stated that the majority of Spain's substandard housing units were occupied by Roma⁵⁵. These housing problems seem mostly to stem from wide-spread anti-Roma sentiment, as demonstrated in the following case.

Valencia:

Early in the morning of January 17, 2005, local police arrived at a publically owned building in Valencia occupied by 10 Roma families (including 15 children and an adult with Down's Syndrome). They arrived with no warning, and were accompanied by rented bulldozers. The police forced the Roma to leave their homes and demolished the building where the families had been illegally living for up to 4 years. No municipal official supervised the evictions, and the public administration failed to offer any alternative accommodations for the families. Trying to avoid being thrown out on the streets with their children, the families appealed to the local Social Services department and the City Hall. They were offered 3 days accommodation in a hotel, and an advance of 2 months rent; however, the hotels the families tried to turn to were mysteriously full, and landlords refused to rent apartments to ethnic Roma.

The Roma families had not been given any advance notice of the eviction, although local newspaper reports indicated that the municipality had been planning the eviction

⁵⁴ ECRI, Second report on Spain, adopted on 13 December 2002 and made public on 8 July 2003. Available at: http://www.coe.int/T/E/human_rights/Ecri/1-ECRI/2-Country-by-country_approach/Spain/Spain_CBC_2en.asp#P244_48865

⁵⁵ "Spain" US Human Rights Report 2004, released February 2005. Available at: <http://www.state.gov/g/drl/rls/hrrpt/2004/41709.htm>

and demolition since December. The eviction was a part of a city plan to widen the Avenida de los Naranjos. According to the plan, it would be necessary to demolish a 5 story palace, and 15 houses: all occupied by Roma. In addition to the 10 families already evicted, 40 more Roma families (including almost 90 children) were to be evicted from the homes they had lived in for up to 15 years. No alternative housing for the family was planned.

The city hall issued several statements with racist undertones stating that only 5 of the 50 families was even eligible for public housing, as all the rest were either involved with the drug trade, or had police records.

After the January eviction, the city shut off all the water, electricity and gas to the area, with devastating consequences for the residents. Protests from local organizations gained the families extra time for the children to finish school, but the eviction of all 50 families and the demolition of the buildings was completed in July 2005.

United Kingdom:

The United Kingdom provides a vivid example of the effects of poor planning laws on the Roma population. There are an estimated 200,000 to 300,000 Roma and Travellers living in the United Kingdom⁵⁶. While the vast majority of this population is settled, around 50,000 still maintain a nomadic lifestyle: this translates to around 15,000 caravans on the road needing a place to legally park. Unfortunately, there are only 450 caravan parks throughout the country, leaving an estimated shortage of around 4,000 spots. This accommodation shortage has led to a growing problem of evictions in the United Kingdom; travellers are daily harassed to move on by the police, and are regularly subject to evictions. As a result of this poor planning situation, approximately 5,000 Roma have been made homeless since the beginning of 2004⁵⁷.

The current problems in the United Kingdom date from the Caravan Sites and Control of Development Act in 1960. Intended to improve the standards for caravan sites, the act required that all caravan sites have planning permission for that use, and a caravan site license. The law also put the power to create sites into the hands of the local authorities, but failed to create a duty to do so. The effect of this legislation, although not specifically directed against Roma, was to reduce the availability of legitimate caravan sites, as local municipalities were reluctant to give planning permission or licenses, or to create new sites.

An attempt to correct the defects of the 1960 law was put into place with the Caravan Sites Act of 1968. The 1968 law, which entered into force in 1970, imposed a duty on municipal authorities to provide adequate housing for the Gypsy population. This resulted in a slow increase in the number of sites available to Travellers, however, most of the new sites were intended for permanent residency, and not for transient use, and the site shortage continued to be a problem.

⁵⁶ "Gypsies and Travelers: the Facts" Commission on Racial Equality (2005)

http://www.cre.gov.uk/gdpract/g_and_t_facts.html

⁵⁷ Unless otherwise stated, all information in this section has been provided by the Trans European Roma Federation of the United Kingdom.

In 1994, the Criminal Justice and Public Order Act, called the Bulldozer Act by the Roma community, repealed the duty of municipal authorities to provide sites for Travellers, and made it easier for localities to evict illegally camped Roma communities⁵⁸. Roma are still required to obtain planning permission for caravan sites, but face overwhelming odds when trying to legally obtain land. Official British statistics state that 90% of planning permission applications are initially rejected. As a result, many Roma don't even bother to apply, rendering themselves vulnerable to eviction⁵⁹. Many Roma activists in Britain attribute the current explosion of evictions to this law.

The ECRI Third Report on the United Kingdom describes the current situation of Roma housing:

122. There is general agreement that the housing situation of Roma/Gypsies and Travellers is one of the areas that need to be addressed as a matter of priority, notably in view of the role that the current poor and precarious housing situation plays in the disadvantage experienced by Roma/Gypsies and Travellers in all other areas of life, including education, health and societal prejudice. In its second report, ECRI recommended that the authorities of the United Kingdom ensure that local authorities make adequate provision of public sites for Roma/Gypsies and Travellers throughout the country. Although some local authorities have taken commendable steps in this direction, ECRI notes that there is no obligation for local authorities to provide such sites – an obligation in this sense was removed in 1994 – and no national quality standards. In this connection, ECRI notes that Roma/Gypsies and Travellers who prefer to live in mobile homes are still faced with a serious shortage of suitable sites. Furthermore, ECRI notes that security of tenure for Roma/Gypsies and Travellers on public sites also represents a problem, since inhabitants of these sites are licensees and not tenants and therefore live under constant threat of eviction. Although the number of Roma/Gypsies and Travellers who live on private sites has increased in the last years, reports indicate that Roma/Gypsies and Travellers who acquire sites of their own find it very difficult to obtain planning permission. As a result of the difficulties encountered in accessing housing that meets their needs, today a considerable part of the non-settled Roma/Gypsy and Traveller population lives on unauthorised camps, often situated in unsuitable locations, where there is no access to basic services and facilities, and becomes as a result particularly vulnerable to hostility from the local population. Whether because of these difficulties or for other reasons, today the majority of the Roma/Gypsy and Traveller population of the United Kingdom live in settled housing. However, there are reports that their specific needs are generally not taken into account in the allocation of social housing. There are also widespread reports of harassment and intimidation of Roma/Gypsies and Travellers by other social housing tenants....⁶⁰

The following incident illustrates the crisis of evictions in the United Kingdom.

"*The battle of Meadowlands*" Looking around in 2001 for a new place to live, a community of Travellers purchased a field on the edge of the village of Little Waltham, in the Essex region of the United Kingdom. The community installed services, concrete

⁵⁸ Niner, Pat, "Local Authority: Gypsy Traveller Sites in England" Office of the Deputy Prime Minister; London (2003) http://www.odpm.gov.uk/stellent/groups/odpm_housing/documents/page/odpm_house_023012.pdf

⁵⁹ "Gypsies and Travelers: The Facts" *supra*. note. 14

⁶⁰ "Third Report on the United Kingdom," ECRI: Adopted on 17 December 2004 and made public on 14 June 2005; CRI (2005) 27; Available at: http://www.coe.int/t/E/human_rights/ecri/1-ECRI/2-Country-by-country_approach/United_Kingdom/United_Kingdom_CBC_3.asp#P572_92260

foundations, and drives for their caravans, but failed to obtain the legally required planning permit. Their four applications had been rejected.

After three years, and an extended court battle, the Chelmsford Borough Council (the local authorities) hired a private company, Constant and Co., that specializes in Traveller evictions to force the 28 families then living on the Meadowlands site to leave. Their legal justification: to protect a former greenbelt area from development. On the morning of January 26th, 2004, 100 police officers and Constant & Co. contractors, some in riot gear, came to enforce the court order obtained by the Council to force the travellers to leave. They used a bulldozer to break into the camp, and started to plow the development under. The Travellers attempted to resist, throwing stones and arguing with the police. Several arrests were made, and three caravans were burnt. Inevitably, the police succeeded. Ton weight concrete blocks, backed by a mud bank and a court order were put in place to insure that the Travellers could not return, even to collect their belongings.

With no place to go, the evicted Travellers were forced to move in with family, or to look for another illegal site on which to live. They were ordered to pay 40,000 € each to cover the cost of their belongings. In addition, all of the effort, time and money they had put into the Meadowlands site was lost, along with all of their personal belongings.

Conclusions and Recommendations:

Roma organizations are clearly aware of the growing problems forced evictions pose for the European Roma population. Of all the organizations that Dzeno contacted to request information for this report, not one replied that evictions were not a problem in their country; on the contrary, all of them were able to provide Dzeno with information demonstrating the severity and scope of the problem. However, no major international Roma organization has yet addressed the problem of evictions in a systematic or international way. Nor are any of them equipped to do so.

The problem of Roma evictions crosses many borders, making it an inherently international problem. Roma are a large, non-territorial minority, which means that they don't have the option of returning to a homeland; their homeland is the entire continent of Europe. Therefore, any solution to the problem of Roma evictions must be an international solution.

Although the European Union seems like the most appropriate international body to address this issue, the EU has clearly shown that it both lacks the interest and the capacity to effectively work with Roma. Despite several regional documents that guaranteeing human rights and the right to housing to all European citizens⁶¹, evictions continue to be a problem in almost every European country, Roma continue to be discriminated against in the field of housing, and governments continue to attempt to force the problem onto someone else. Even in the states that acknowledge the problem on paper, little is being done to address the problem of evictions among Roma in real life.

⁶¹ See: **European Convention on Human Rights and Fundamental Freedoms**, Rome, 4.XI.1950: Article 8(1), Article 1 of Protocol No. 1, Article 2(1) of Protocol No. 4; **European Social Charter**, Turin, 18.X.1961: Articles 31, 16, 19, 23, 30 and Article 4 of the Additional Protocol; and the **European Union Community Charter of Fundamental Social Rights**, 1989: Article 29.

When it comes to housing Roma, European countries are not meeting even the minimum human rights standards spelled out in either regional or international documents. **In each of the countries dealt with in this report, governments failed to protect Roma from being forcibly evicted from their homes, and in some cases, the government was even the main perpetrator of the eviction.** Legislation and laws against discrimination are inadequate; in almost every case mentioned the evictions were legally justified. Real action is needed, and governments must follow through by ensuring that human rights legislation and anti-discrimination laws are actually implemented and enforced, using both the spirit and the letter of the law. Perhaps the problem is that European states are too close to the problem, and that discrimination is too prevalent, even among policy makers. There seems to be little political will on any level to address the problem of evictions among Roma.

The United Nations is the only body that is large enough and influential enough to address this problem systematically, and in all the affected nations. The United Nations has the ability to shame the European Union into action, and can bring international awareness to the problems Roma face in Europe. The appointment of a new UN independent expert on minority issues provides a clear opportunity for the problem of Roma evictions to be addressed. The independent expert will have the power to conduct a thorough investigation into the problem of evictions among Roma in Europe, and to annually report those findings back to the UN Human Rights Commission and to European governments. Such reports cannot be satisfied with legal documents; the independent expert must focus attention on the implementation of policies and laws against evictions, and report the actual steps being taken to help the Roma victims who are suffering from the violation of their fundamental human rights. The UN can also use the expert on minority issues to call attention to the problems of Roma housing in Europe, and to encourage European countries to monitor the situation of evictions in their own countries.

A solution must be found to the problem of evictions among the Roma in Europe, and it must be found quickly. It is clear that international attention and pressure will be a necessary part of finding this solution; however, national states must also be committed to ending the human rights abuses within their states.

At all levels of European government:

International recognition of the problems Roma face in Europe, especially the problem of forced evictions, as expressed by:

- Increased efforts by governments at all levels to include Roma in the decision making process, and in the planning stages of all programs concerning Roma issues.
- The immediate establishment of a European Roma Ombudsman under the auspices of the European Commission on Human Rights, to provide regular reports on the actual implementation of programs meant to help the Roma, and to act as a central contact point for all Roma issues

At the United Nations Human Rights Commission:

- The adoption of a resolution by the Commission condemning the forced evictions of Roma in every country

- Commissioning of a detailed and comprehensive report on forced evictions of Roma throughout Europe to be performed by the new independent expert on minority issues, Gay McDougall, to be presented at the 63rd session of the Human Rights Commission in Spring 2007