

URGENT ACTION

ROMA FAMILIES FACE FORCED EVICTION IN POLAND

Over 60 Roma people living in an informal settlement in Wroclaw, western Poland, face imminent forced eviction after notices were delivered by the municipality on 26 March.

On 26 March, the residents of the settlement received eviction notices from the municipality giving them 14 days to vacate the area. The local authority has not consulted any of the residents on alternative housing solutions, despite their poverty and social vulnerability. The families have no means to access adequate alternative housing and the eviction is likely to leave 60 people homeless, including around 35 children.

The community in Kamienskigo Street are Romanian Roma who arrived in Wroclaw in the late 1990s. They constructed improvised houses in the current location three years ago following an eviction from the area they had previously occupied. The land on which the settlement was constructed belongs to the municipality and because the community lacks security of tenure they are at constant threat of forced evictions and other legal action.

Amnesty International reminds the Polish authorities that under international human rights law which the country is bound by, any eviction can be carried out only as a last resort. Even then all evictions must be preceded by genuine consultation with the affected communities; all affected individuals should be provided with adequate notice, have the ability to challenge the eviction process and obtain effective legal remedies, including compensation for any harm and loss suffered. The authorities are also obliged to ensure that nobody is left homeless as a result of an eviction by providing adequate alternative housing for those who cannot provide for themselves.

Unless these conditions are met, an eviction will violate the rights of affected individuals and amount to a breach of Poland's international human rights commitments.

Please write immediately in English, Polish or your own language urging the city authorities to:

- Immediately halt evictions in Kamienskigo Street until they are in full compliance with international human rights standards;
- Ensure that any evictions of the communities currently living in Kamienskigo Street. are carried out only as a last resort and according to international human rights standards, following identification and serious consideration of all feasible alternatives based on genuine consultation with all those affected ;
- Ensure that no one is left homeless and vulnerable to other violations of their human rights as a result of actions undertaken by the authorities.

PLEASE SEND APPEALS BEFORE 16 MAY 2013 TO:

Mayor of Wroclaw

Rafał Dutkiewicz
ul. Sukiennice 9
50-107 Wroclaw
Poland
Fax: +48 71 777 72 77
Email: bpr@um.wroc.pl
Salutation: Dear Mayor

Minister of Labour and Social Policy

Władysław Kosiniak-Kamysz
Ministerstwo Pracy i Polityki Społecznej
ul. Nowogrodzka 1/3/5
00-513 Warszawa, Poland
Fax: +48 22 661-13-36
Email: info@mpips.gov.pl
Salutation: Dear Minister

Wroclaw Municipality

Facebook:
<https://www.facebook.com/wroclaw.wrocl>
ove?fref=ts
Twitter: @wroclaw_info (Suggested message: It doesn't bother me that Roma live nearby - @wroclaw_info Stop the Kamienskigo Street eviction! Roma Rights in #Wroclaw)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Under international human rights law, binding on Poland, the authorities must not carry out forced evictions and must protect all people from them; whilst ensuring people facing forced evictions are able to access an effective remedy for any violations of their right to adequate housing and other rights. Any eviction must only be a last resort after all feasible alternatives have been explored with those affected.

Forced evictions are evictions carried out without genuine consultation or adequate notice with those affected, without sufficient legal safeguards and without the provision of adequate alternative housing for those who need it.

Lacking security of tenure the group of around 60 Romanian Roma living in an informal settlement in Kamienskigo Street in the city of Wroclaw were evicted from their previous place of residence and constructed improvised houses in Kamienskigo Street three years ago. The municipality has never engaged in any consultations with the community about their situation. The only assistance they are receiving comes from a local NGO "Nomada" that organizes activities for children such as workshops and lessons of writing and reading.

On 26 March 2013 they received two letters from the municipality stating that if they did not leave the land in 14 days, they would face prosecution for the illegal occupation of the land.

If carried out without consultation with the community and without ensuring that nobody will be left homeless, an eviction of the Roma community from Kamienskigo Street in Wroclaw would be illegal as it would amount to a violation of international human rights law binding on Poland. The country is a party to a range of international and regional human rights treaties, which, as part of the guarantee of the right to adequate housing, strictly require it to prohibit, refrain from and prevent forced evictions. These treaties include the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination.

The UN Committee on Economic, Social and Cultural Rights has emphasized in its General Comment 7 that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored. Even when an eviction is considered to be justified, it can only be carried out when the appropriate procedural protections are in place and if compensation for all losses and adequate alternative housing is provided to all people affected. According to international standards, evictions should not be carried out in particular bad weather or at night, and independent observers should be granted access during the course of an eviction. Under international law, forced evictions and housing demolitions must not be used as a punitive measure against people who lack residency or other status. As a state party to International Covenant on Civil and Political Rights, Poland is obliged to ensure to everyone lawfully residing within its territory has the right to move freely and to choose their own place of residence.

In a landmark decision concerning a case of a threatened eviction, (*Yordanova v Bulgaria*) the European Court of Human Rights held in April 2012 that state authorities have an obligation to show that the eviction is 'proportionate' to the aim being pursued. The authorities also have to consider the risk of people being rendered homeless as a result of the eviction. The judgment should act as a clear guide for all countries that have ratified the European Convention on Human Rights, including Poland, as to how they should treat the issue of Roma housing rights regardless of their tenure status.

Name: Over 60 people living in Kamienskigo Street in the city of Wroclaw

Gender m/f: both

UA: 83/13 Index: EUR 37/001/2013 Issue Date: 4 April 2013