

Romania does not effectively respect, protect and fulfil the right to adequate housing for all its citizens, either in law or practice. Marginalized communities, such as the Roma, frequently suffer systematic abuses of their right to housing.

People who lack formal tenure status are not protected under the current law in Romania. Those most affected are people living in informal settlements, or social housing tenants whose lease has not been renewed. Under international law, governments are required to ensure that no matter what people's tenure status is – whether they rent, own or irregularly occupy their home or the land they are living on – they must be provided with a minimum degree of security of tenure. That is, they have legal protection against forced evictions, harassment or other threats.

FORCED EVICTIONS

A forced eviction is an eviction which is undertaken without legal protections such as genuine consultation with affected communities to identify all feasible alternatives to evictions, provision of adequate notice and legal remedies, compensation and adequate alternative housing for those who cannot provide for themselves.

However, gaps in the housing law in Romania have meant that many people, particularly from marginalized communities, lack protection against forced evictions.

Romania is a party to many international and regional treaties that protect the right to adequate housing for all. Under the Constitution, these treaties are part of domestic law, and central government and local authorities are obliged to respect and implement them.

This briefing outlines some of the key requirements under international law that governments must comply with to safeguard the right to housing. It shows how Romanian legislation often falls short of these requirements.

#### **CHANGE IS NEEDED**

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There are some major shortcomings in the current legal framework.

■ There is no minimum degree of security of tenure for all and many people who lack formal tenure status,

such as the inhabitants of informal settlements, do not have protection against forced evictions.

- Forced evictions are not expressly prohibited and the law does not set out safeguards that must be complied with prior to any eviction being undertaken.
- Housing relocations to areas which are unsafe and/or polluted, and which pose a risk to lives and health, are not prohibited.
- The authorities are not obliged to ensure that public housing is constructed in locations which allow access to employment, health care services, schools, child-care facilities and other services.



- The authorities are not obliged to guarantee minimum standards in relation to provision of services and infrastructure for all, whatever their tenure type.
- Racial segregation in housing is not expressly prohibited, there is no adequate protection against this form of discrimination.

Amnesty International has documented numerous cases of Roma communities being forcibly evicted and relocated to homes which do not meet international standards on adequacy of housing. They often lack access to services, schools, jobs, are overcrowded, and in locations where there are environmental or health risks. The forced eviction of the

community from Coastei Street in Cluj Napoca, and the lives people live now, illustrate many of these violations.

#### **HUMAN RIGHTS STANDARDS**

Treaties that bind Romania to respect, protect and fulfil the right to adequate housing and related guarantees include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention on Human Rights.

Above: A view of Craica, the largest informal settlement in the town of Baia Mare, Romania 2011, where Roma have been living since the 1990s. This settlement now houses more than 1,000 people. However, since 2010, the local authorities have repeatedly announced plans to evict people living in the informal settlements across the town and demolish their homes.

Cover: Children getting ready for school in the New Pata Rât area of Cluj-Napoca, Romania, September 2011. They were evicted to the margins of the city in December 2010.

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### **COASTEI STREET, CLUJ-NAPOCA**

"When I first saw the new house it was like hell on earth. It almost couldn't get any worse. And this is where we live now, nine people in a 16 m² room. Every morning when I get up, I look through the window and what do I see — the garbage dump."

Claudia, (pictured right), one of the people forcibly evicted to New Pata Rât, Cluj-Napoca, October 2011





Coastei Street in the centre of the city of Cluj-Napoca was home to 356 people, mostly Roma. Some rented their homes from the municipality, others lived in houses that had been built without formal authorization. Some of them had been in the neighbourhood for up to 20 years and were part of city life.

Coastei Street was convenient: there was access to work, especially for young mothers who could hold full- or part-time jobs in the city centre a ten-minute walk away. Schools and a kindergarten were also within a walking distance. Children took part in activities outside school and could use the nearby library. Houses had internet access, and people felt safe there. Claudia told Amnesty International on 8 December 2010: "Here, I know who I live with. I do not need to be afraid to leave the house on my own."

#### FORCIBLY EVICTED AND SEGREGATED

On the morning of 17 December 2010, the people of Coastei Street were forcibly evicted from their homes. They did not have adequate notice and consultation, and they were not given access to legal remedies and

adequate alternative housing. The only official warning they received was a written notice delivered by the municipality less than two days before. The police, ambulance and fire brigades arrived at 7am and the eviction commenced immediately. Elena, one of the women affected, recalled it was freezing -20°C. Her neighbour Crima said "Everybody was getting ready for winter holidays and, in the middle of the preparations, we were just taken to... [the edge of the city] like some objects." The people and their belongings were taken by truck to new housing units in the Pata Rât area on the outskirts of Cluj. Dana told Amnesty International: "Nothing was explained to us. They did not tell us where we would be taken. The only things we got were the keys and we were given them only once we had signed the contracts." Dana now lives with her two children and husband in one room, packed with furniture from their previous flat.

The new housing units are located on a hill close to a landfill site and a chemical waste dump. On warm days, the smell of chemicals fills the air. Families who were allocated homes were provided with one room of up to 18m². Four rooms share a communal

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bathroom with only cold water. At the bottom of the hill is the city's biggest Romani settlement of approximately 1,500 people. To distinguish it from this settlement, the locals call the new housing units "New Pata Rât".

About 30 of the 76 evicted families were not offered any alternative accommodation at all. Some of them moved in with their relatives in New Pata Rât, resulting in severe overcrowding. In one of the homes that Amnesty International visited, over 10 people were sharing one room. Others built improvised houses next to the existing units, and others moved in with relatives or friends in the city. The inhabitants of the improvised houses have no access to electricity, water, or sanitation. Because their houses do not have official permission, they fear that they might be forcibly evicted again and lose their homes.

Representatives from the local authorities acknowledged that the housing in New Pata Rât falls short of the criteria required by national law, but still tried to justify it on the basis that it was "temporary". The Cluj-Napoca Vice-Mayor claimed in December 2010: "The temporary houses allow us legally to put aside those criteria for access to



housing which are compulsory for other type of housing." However, the criteria under the Housing Law apply even in these circumstances, and there is no exception for "temporary" housing. As the inhabitants of New Pata Rât are still living there 17 months later in May 2012, the label "temporary" is also misleading.

#### ACCESS TO THE CITY

Being forcibly moved to poor quality housing on the outskirts of a city, with limited access to services and little or no income, means that established daily routines are completely disrupted. For example, Elena takes the school bus into the city centre with her children at 7.15 every morning. She has to get up at 5am as she shares a bathroom with 40 other people. Her children are at school until 12.30pm, and Elena spends this time in the city centre looking for a job or helping her friend who sells flowers. She is still hopeful of finding a job, but after the eviction it has become increasingly difficult.

Pata Rât is 9km away from the city centre, it is not a residential area and transport is

infrequent and expensive. Inhabitants of New Pata Rât identified the lack of affordable public transport as one of the key problems they face. Other issues include lack of easy access to schools and pre-school education and to health services. The closest bus stop is 2.5km away, the closest school 9km, and shopping centre 10km.

People living in New Pata Rât have not only suffered the trauma of forced eviction but their daily lives are severely affected by inadequate housing and a range of related violations. The residents of New Pata Rât must be provided with effective remedies for their loss, which includes provision of adequate alternative housing and adequate compensation.

The forced eviction of Coastei Street is only one of the cases documented by Amnesty International in the past years, it should be a wake-up call for the Romanian government to acknowledge its responsibilities, such as: to strengthen its housing legislation, policies and procedures; to put the necessary protections and safeguards required by international law in place to prevent a repetition of similar cases in the future.

New Pata Rât, an area of housing units provided by the municipality and improvised constructions, October 2011. In December 2010, 76 families, the majority Roma, were evicted from Coastei Street in Cluj-Napoca and moved to this "temporary" accommodation.



# "We do not want palaces or castles, we just want decent housing for all people"

Elena, (above) a Romani woman evicted from Coastei Street, taking part in the World Habitat Day public action in Cluj-Napoca. October 2011.













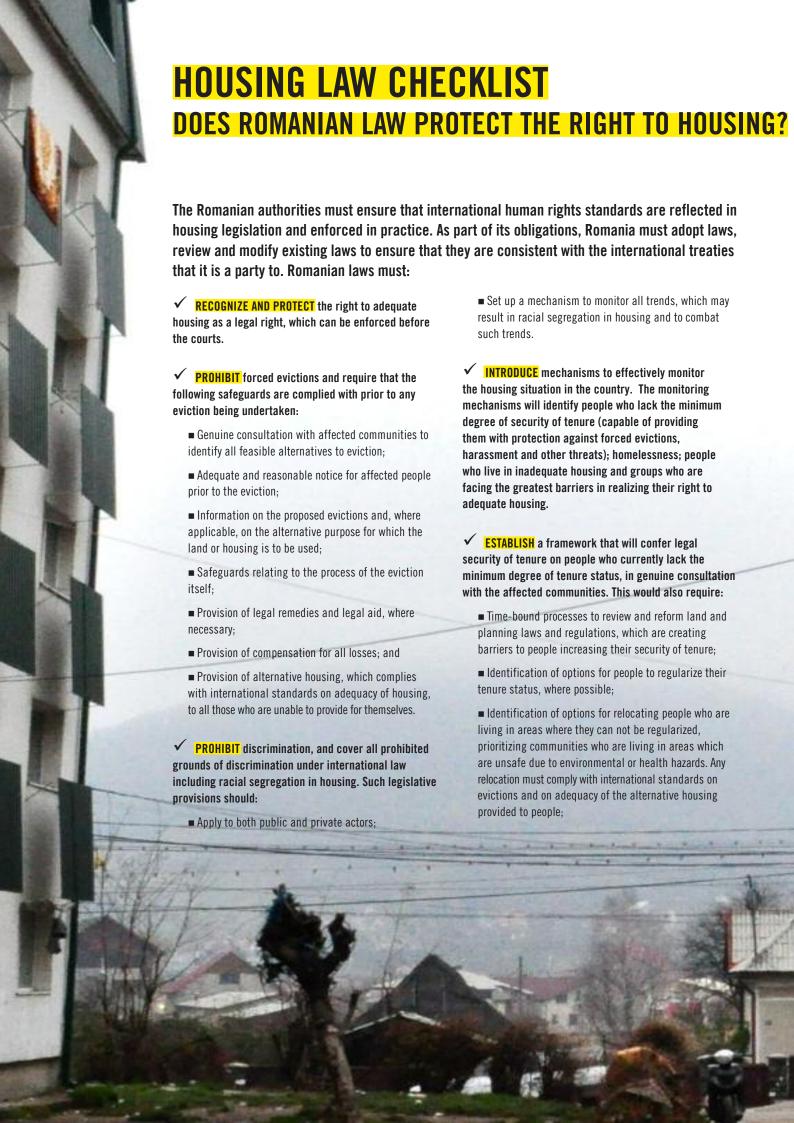


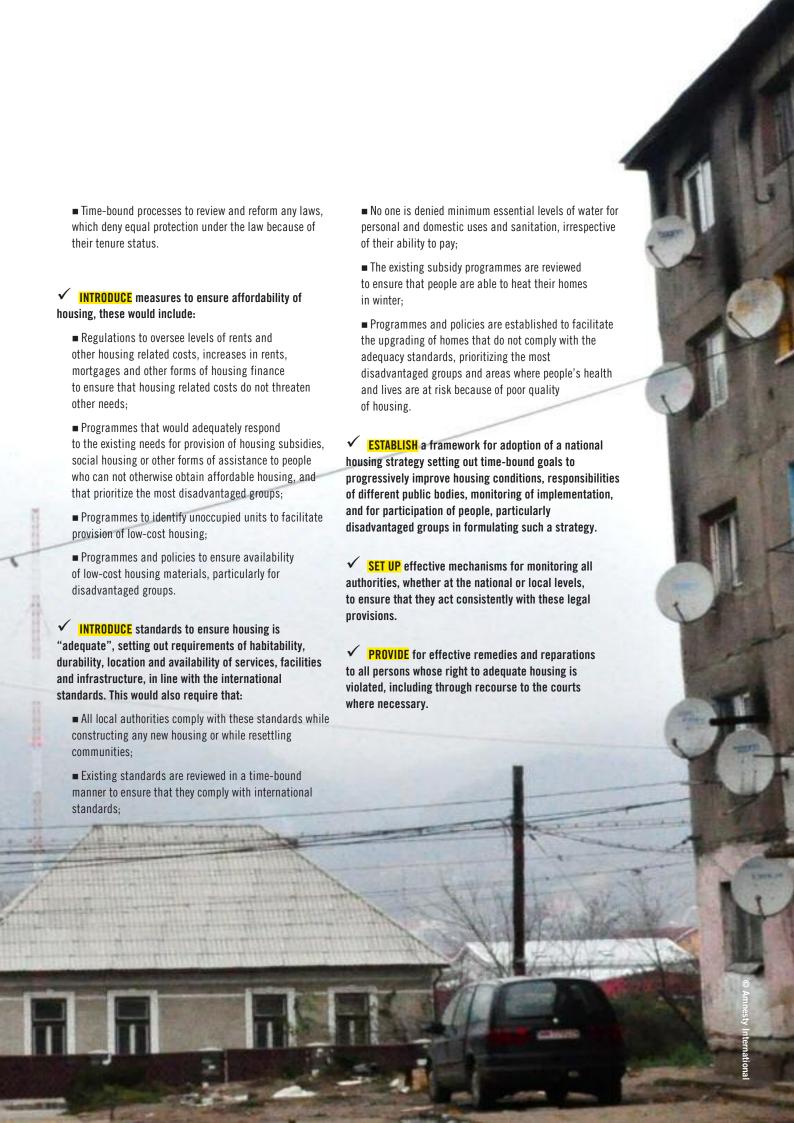


Some of the informal settlements in Romania, like the ones in Baia Mare, date back to the early 1990s. They were tolerated by the authorities, and Roma were even encouraged to build in the area. Yet the same authorities are now planning forced evictions, with a view to removing the Roma from their cities. The threat of eviction hangs over many Romani communities.

- 1. A Roma home in Craica, an informal settlement in Baia Mare, Romania, September 2011.
- 2. A Romani family in Pirita, an informal settlement in Baia Mare September 2011.
- 3. Romani women in Ferneziu, an informal settlement in Baia Mare, September 2011.
- 4. Aladar and his partner outside their house in Baia Mare, September 2011.
- 5. Edita, who is blind, lives in the Craica settlement in Baia Mare. Edita and her husband have invested in and improved their home, but live under the threat of forced eviction.
- 6. Ramona, mother of two, shows her eviction notice, Baia Mare, September 2011.
- 7. Pata Rât, Cluj-Napoca, October 2011.

  Overleaf: Horea Street, Baia Mare, December 2010.











# THE REALITY OF HOUSING RIGHTS IN ROMANIA TODAY

# FAILURE TO PROVIDE A MINIMUM DEGREE OF SECURITY OF TENURE

Under the current Housing Law, free and unconfined access to housing is the right of every citizen. However, the law fails to expressly link the "right to access to housing" to the authorities' obligation to provide legal protections against forced evictions, harassment and other threats for everyone, irrespective of their tenure status. The law provides some protection to tenants and specifies under what

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conditions a landlord can legally evict them. The Code of Civil Procedure prohibits evictions between 8pm and 6am and between 1 December and 1 March.

Tenants can be evicted if they do not pay their rent, but such an eviction will require a final court ruling. However, people without formal tenure status – such as inhabitants of informal settlements – are not protected. Indeed, the Civil Code explicitly excludes protection from evictions for people who "occupy abusively, de facto, without any title, a house."



The Construction Law allows the destruction of buildings built without authorization. The law, however, fails to require the authorities to ensure the necessary safeguards prior to eviction of the inhabitants, such as adequate consultation and notice. This failure to ensure universal protection against forced evictions leaves people living in informal settlements, mostly Roma, in a very vulnerable position. They frequently lack the capacity to challenge eviction decisions, and in the absence of

safeguards, the risk of forced eviction is for many of them an everyday reality.

Many of these settlements were tolerated for long periods of time by the local municipalities. In certain cases communities were allowed to connect to electricity or other utilities as a result of temporary arrangements with the local authorities. However, as they lacked any kind of formal tenure status, the inhabitants found themselves under threat of forced eviction when the administration changed.

top left: Social housing for Romani families in Horea Street, Baia Mare, July 2011. This dilapidated building lacks access to water, electricity and sanitation facilities. bottom left: One of the oldest dwellings in the informal settlement of Craica, Baia Mare, Romania, September 2011. above: The interior of a Romani family home in the Craica informal settlement, Baia Mare,

September 2011.







# LACK OF SAFEGUARDS AGAINST FORCED EVICTIONS

Forced evictions of Romani communities from informal settlements form a pattern throughout Romania (See: *Mind the legal gap*, Index: EUR 39/004/2011). The requirement of genuine consultation prior to any eviction is enshrined in international human rights standards, but omitted in the Romanian law. As a result, the local authorities frequently ignore this obligation. They simply make decisions to evict people and demolish houses.

There are no provisions in the law requiring the authorities to serve adequate and reasonable notice prior to evictions of people living in informal settlements. An eviction can be delayed if the people affected challenge the decision. However, they often only learn about it a few days before the eviction, and they also lack the

resources to take legal action. Legal aid, although guaranteed by law to those lacking necessary funds, is generally not accessible in civil cases. When it comes to ensuring that evictions are not carried out in bad weather as required by international human rights law, the local authorities have repeatedly demonstrated that they do not consider themselves to be bound by these requirements in cases involving informal settlements.

#### UNAVAILABILITY OF SERVICES

The Housing Law guarantees access to electricity and drinkable water, sewage treatment and rubbish collection to all housing tenants. Despite this legal provision, local authorities in a number of cases have cut off entire housing blocks from water and electricity services due to arrears in payments. Such cut-offs amount

to a violation of Romania's international human rights obligations, as the authorities cannot deny any individual the minimum essential amount of water for personal and domestic purposes. Amnesty International is also concerned that local authorities failed to explore any alternatives to cutoffs, such as debt repayment calendars, or subsidies for those in need.

The situation in informal settlements is even worse. Inhabitants have no guaranteed access to water or electricity, which they need to heat their homes in winter. Amnesty International researched cases where people had to share a water pump with dozens – in one case with hundreds – of other families, or had no access to water at all. They walked long distances to look for available sources of water, such as cemeteries, pumps in old factories, or individual households who agree to assist them. The Romanian government was



criticized as early as 2002 by the UN Special Rapporteur on the right to housing for its failure to address the inequitable access to housing-related services, particularly in poor communities.

far left: Romani families filling containers with water, Labirintului, Tulcea, April 2011. The water supply to the entire block of flats has been completely cut off and they are forced to ask their neighbours for water, or to walk to the nearest public tap in a cemetery several kilometres away.

top left: Eviction of Roma from Coastei Street, Cluj-Napoca, December 2010.
bottom left: One of the houses in Pata Rât, Cluj-Napoca, Romania, October 2011.
above: A Romani girl on one of her four to five daily trips to collect water, Craica, Baia Mare, September 2011. There are only two water pumps to serve over 1,000 Roma inhabitants.

### FAILURE TO ENSURE AFFORDABILITY OF HOUSING

Rapid privatization of housing in Romania in the 1990s led to a sharp increase in home ownership, which reached 97 per cent in 2000. Yet, the new home owners were ill-prepared for the financial burden of the maintenance costs related to their ownership. Low-income households were particularly badly affected.

In theory, low-income individuals and families can apply for social housing. The rent in this type of housing is subsidized by the local authorities and should not exceed 10 per cent of the monthly income of a household. However, as a result of privatization, social housing stock is very limited and the number of people in need far exceeds the number of available units. Many Roma living in informal settlements throughout Romania

showed Amnesty International applications for social housing that they have been submitting unsuccessfully for many years.

#### FAILURE TO ENSURE HABITABILITY

The only habitability criterion specified in the Housing Law is the minimum usable space per person. Other criteria, such as the minimum distances from waste management or agricultural facilities are set by an order from the Ministry of Health, which has the force of law. However, local authorities have often failed to comply with these requirements, and have relocated people to unsafe or polluted sites threatening the lives and health of future occupants. The relocation sites included areas close to landfills, waste water treatment plants, former industrial areas, or former chicken farms.







above and above left:Computer graphics illustrating Constanţa municipality's "social housing neighbourhood" project. It proposes 2,376 containers to serve as housing units. However, there are concerns about adequacy of such housing, as well as about effective segregation of Roma as a result of the project. left: A former chicken farm on the outskirts of Piatra Neamţ, Romania, April 2011. The local authorities relocated approximately 100 Roma families there from the centre of town. The building was partitioned in one-room units, each inhabited by four to ten people.

### INAPPROPRIATE RELOCATION AND SEGREGATION

The Housing Law does not explicitly prohibit resettlement of people in inadequate locations, where jobs, schools, health care and other services are costly or difficult to reach. Romani communities have often been relocated by the authorities to segregated areas on the outskirts of cities or towns. To reach schools or employment opportunities from such places, Romani children and adults must either undertake long journeys on foot or use infrequent and costly public transport – an expense which is very difficult for them to meet on a regular basis.

Although the Anti-Discrimination Law prohibits discrimination in access to housing, it fails to prohibit racial segregation – as a form of discrimination – in housing. Construction of new housing units that

would result in racial segregation of a particular group fails to be prohibited also by the Housing Law. The lack of such a prohibition, in conjunction with the negative attitudes and perceptions towards the Roma openly expressed by public officials at all levels, has allowed local authorities to implement projects that effectively create segregated "social housing for the vulnerable".

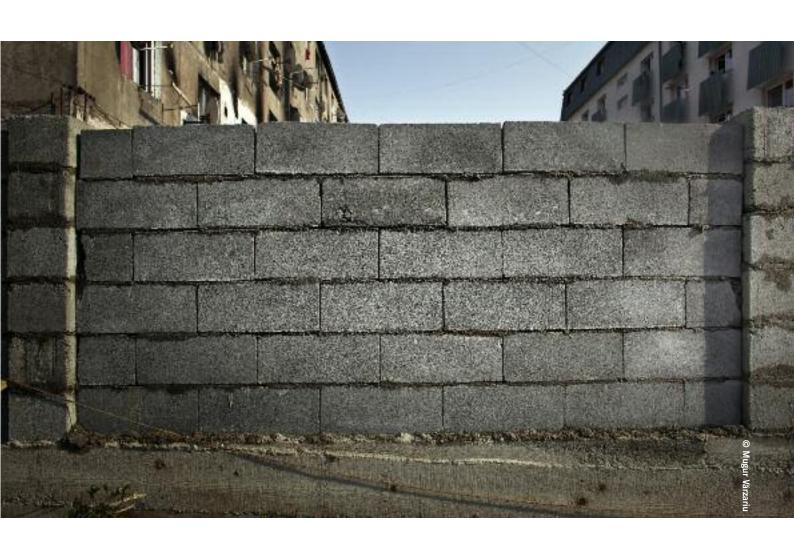
For example, in 2010 the local authority of Constanţa started the "Henri Coandă Campus" designed to address the housing needs of low-income households. The project aims to provide housing in the form of metal containers on a former military base. Although the units fail to meet the criteria for adequate housing, in February 2012 the municipality announced a plan to allocate 1,000 of these "container houses", based on a points system. The highest points are allocated to families with

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more than five children, with an income lower than 125 Romanian lei (€27) and families "in a special situation". As large families are considered to be a characteristic of low-income Romani families, such a points system raises concerns that it primarily targets Roma and thereby effectively creates a segregated social housing estate.

## LACK OF LOCAL AUTHORITY ACCOUNTABILITY

Increasing decentralization has seen responsibility for the delivery of housing policies in Romania transferred to local authorities, putting them in control of both management of the existing housing stock, and the construction of new housing. Under Romanian law, all public policies must be carried out in line with two basic principles: accountability and legality.



However, when it comes to the right to adequate housing, local authorities' knowledge and understanding of these provisions is very low. While implementing local development projects in a number of cases, Amnesty International and other organizations have documented human rights violations by local authorities often and most notably against the Roma. The government has failed to put monitoring mechanisms in place to hold local authorities accountable, ensuring that all levels of government act consistently with Romania's international obligations.

# MAKE HOUSING RIGHTS A REALITY

The right to adequate housing is not effectively protected under the Romanian legislation. Consequently, local authorities are able to frequently violate the right to housing with impunity and are rarely held

accountable for their actions. Victims are often some of the most disadvantaged people, such as the Roma.

Amnesty International's research has found that the municipalities of Miercurea Ciuc, Baia Mare, Cluj-Napoca, Piatra Neamţ and Tulcea have either carried out or plan to carry out forced evictions. In a number of cases, the people who were evicted (mostly Roma) were relocated to inadequate, overcrowded housing with poor facilities, exposing them to serious health risks, denying them access to a range of services and isolating them from the rest of the society.

It is the responsibility of the central government in Romania to ensure that everybody's human rights, including the right to adequate housing, are respected throughout the country. In this respect, the Romanian government needs to

reform its housing legislation to ensure that it protects, respects and fulfils the right to adequate housing of all people. Decentralization is no excuse. The government is responsible for implementing its international and regional human rights treaty obligations. It must act now.

above: Horea Street, Baia Mare, July 2011, when the local authorities built a 2m high wall separating the social housing occupied mainly by Roma from a non-Roma neighbourhood. In November 2011, the National Council for Combatting Discrimination (NCCD), the equality body in Romania, held that the building of the wall amounted to discrimination, fined the municipality 6,000 Romanian lei (approx €1400). It recommended that they demolish the wall and improve the housing conditions of the Roma living on Horea Street.



World Habitat Day public action in Cluj-Napoca, Romania, 3 October 2011. The event was organized jointly by Amnesty International, local NGOs Amare Prhala, Fundatia Desire, the Working Group of Civil Organizations and representatives of Romani communities affected by forced evictions.

#### **ACT NOW**

Amnesty International calls on the Romanian government, in particular the Ministry of Regional Development and Tourism, to adopt housing legislation in line with international human rights standards. The principles are summarized in the "Housing Law Checklist". In particular, Amnesty International calls on the Romanian government to ensure that:

- Everyone has at least a minimum degree of security of tenure, which provides them with protection against forced evictions, harassment and other threats;
- The Housing Law expressly prohibits forced evictions and sets down safeguards which must be complied with prior to any eviction being undertaken, in conformity with international human rights standards;
- The Housing Law sets out a framework to review planning and other regulations

which currently act as barriers to people increasing their security of tenure and regularizing their situation, where possible;

- The Housing Law sets out a framework to ensure affordability of housing, including through review of social housing programmes, rent regulations and pricing of materials for low-cost housing construction;
- The Housing Law expressly prohibits relocations to areas which are unsafe and/or polluted, and which pose a risk to lives and to health;
- The Housing Law expressly obliges the authorities to ensure that all relocation sites comply with international standards on adequacy of housing;
- The Housing Law provides that no person may be denied access to minimum

essential levels of water and sanitation, irrespective of their ability to pay.

- The Housing Law obliges state and local authorities to construct public housing in locations which allow equal access to employment, health-care services, schools, child-care facilities and other services;
- The Housing Law expressly prohibits segregation, thus ensuring equal treatment and protection from discrimination in access to housing;
- The Housing Law provides mechanisms for monitoring all authorities, whether at the national or local levels, to ensure that they act consistently with its provisions and provides effective remedies for victims of violations.

HOUSING IS A HUMAN RIGHT AMNESTY INTERNATIONAL

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