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Mr Zdzislaw Kedzia
Chairperson
UN Committee on Economic, Social
and
Cultural Rights
Office of the High Commissioner for
Human Rights
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**AMNESTY
INTERNATIONAL**



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Dear Mr Kedzia,

Amnesty International submits this letter in advance of the 53rd meeting of the pre-sessional working group of the United Nations Committee on Economic, Social and Cultural Rights (the Committee) reviewing the third to fifth periodic reports of Romania. In this letter Amnesty International raises its concerns under articles 2.2 and 11.1 of the International Covenant on Economic, Social and Cultural Rights, in respect to a continuing, widespread and systematic pattern of forced evictions carried out by local authorities and affecting hundreds of Roma individuals and families.

This submission highlights key shortcomings in the national legislation in respect to the right to adequate housing; it describes two recent cases of forced evictions of Roma from informal settlements documented by our organization between August – December 2013; and reiterates a number of recommendations made to the Romanian government in the past years. Please find enclosed copies of our two latest reports, which provide a detailed analysis of the shortcomings of the national legislation in respect to the right to adequate housing and document forced evictions of Romani families and individuals from three locations:

- 1) *“Unsafe foundations. Secure the right to housing in Romania”* (AI Index: EUR 39/002/2012), 8 May 2012
- 2) *“Pushed to the margins. Five stories of Roma forced evictions in Romania”* (AI Index: EUR 39/003/2013), 18 June 2013

SHORTCOMINGS IN THE NATIONAL LEGISLATION IN RELATION TO THE RIGHT TO ADEQUATE HOUSING

- 1) 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.¹ However, the law fails to expressly link the “right to access to housing” to the authorities’ obligation to

¹ Housing Law 114/1996 revised in 2011, article 1.a.

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 conditions a landlord can legally evict them. However, people without formal tenure status – such as inhabitants of informal settlements – are not protected. Indeed, the Code of Civil Procedure explicitly excludes protection from evictions for people who “occupy abusively, de facto, without any title, a house.”²

Additionally, the Romanian Construction Law³ allows the destruction of buildings 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 actively discriminates against and leaves people living in informal settlements, mostly Roma, in a vulnerable position.

2) Lack of safeguards against forced evictions

The requirement of genuine consultation prior to any eviction, although enshrined in the international human rights standards, is not provided for under Romanian law. In addition, 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 a proposed eviction a few days before it is due to take place. This deficiency in due process is also compounded by the fact that victims frequently lack the resources to take legal action.⁴ Legal aid, although guaranteed by law to those lacking necessary funds, is generally not accessible in civil cases.⁵ 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.⁶

3) Failure to ensure habitability, inappropriate relocation and segregation

The only habitability criterion specified in the Housing Law is the minimum usable space per person. Other criteria, such as the minimum distances of housing from waste management or agricultural facilities are set out in a ministerial order issued by 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 their lives and health. The relocation sites have included areas close to landfills, waste water treatment plants, former industrial areas and former chicken farms.⁷ Despite these clear breaches of Romania’s own law, as well as international standards, no action has been taken by the authorities to either hold those responsible to account or provide effective remedies to those affected.

² Code of Civil Procedure reviewed in 2012, article 578, Section 3, Chapter VI (previously article 885 (2) in the Code of Civil Procedure adopted in 2010).

³ Law on Construction nr. 50/1991 amended in 2014.

⁴ European Union Agency for Fundamental Rights, Country thematic reports on access to justice, report on Romania, available at <http://fra.europa.eu/en/country-report/2012/country-thematic-studies-access-justice> .

⁵ European Union Agency for Fundamental Rights, Country thematic reports on access to justice, report on Romania, available at <http://fra.europa.eu/en/country-report/2012/country-thematic-studies-access-justice>.

⁶ The community from Coastei Street in Cluj Napoca was forcibly evicted on 17 December 2011 at temperatures of -20 degrees outside. The community from Eforie Sud was forcibly evicted in September 2013 when Romania was under code orange for massive rain and bad weather.

⁷ See Amnesty International, *Romania: The Roma who were evicted to live by a landfill site*, 17 December 2012, <http://www.amnesty.org/en/news/romania-roma-who-were-evicted-live-landfill-site-2012-12-17>. Amnesty International, *Romania: Authorities of Baia Mare should not relocate Roma in inadequate housing* (Index: EUR 39/009/2012). <http://www.amnesty.org/en/library/info/EUR39/009/2012/en>. See also the enclosed report Amnesty International, “*Pushed to the margins. Five stories of Roma forced evictions in Romania*” (Index: EUR 39/003/2013).

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.

Although the Anti-Discrimination Law prohibits discrimination in access to housing, it fails to prohibit racial segregation— as a form of discrimination – in housing.⁸ 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 has allowed local authorities to implement projects that effectively create segregated “social housing for the vulnerable”.⁹

RECENT CASES OF FORCED EVICTIONS OF ROMA FROM INFORMAL SETTLEMENTS

Amnesty International’s research indicates that a number of Romani communities in Romania continue to suffer violations of their right to adequate housing, including forced evictions. The cases of forced evictions of Romani families in the towns of Baia Mare and Eforie Sud described below are merely two of the most recent examples of the forced evictions documented by our organization since 2009 (see enclosed reports).

1) Forced eviction of 10 – 15 Romani families in Craica settlement, Baia Mare

In August 2013, approximately 10-15 Roma families were forcibly evicted in the Craica settlement in the town of Baia Mare. The forced eviction followed the events in the spring and summer of 2012 when local authorities of Baia Mare forcibly evicted about half of the residents of the informal settlement and relocated them in the buildings of a former chemical factory which wholly fail to meet the criteria of adequate housing.¹⁰

On 1 August 2013, the Department of Constructions, which is part of the Directorate of the local police, issued demolitions orders for 21 households in Craica in connection to a project for the extension and rehabilitation of the waste water and water infrastructure co-funded by the Romanian Ministry of Environment, the European Union and the European Bank for Reconstruction and Development. The demolitions orders stated that the houses concerned lacked required authorizations and ordered the residents to demolish their houses by the morning of 5 August. The orders also stated that, if the deadline was not complied with, the municipality of Baia Mare would then proceed with the demolitions.

On 5 August 2013, between 10-15 Romani households were forcibly evicted from their homes and between 10-12 homes were demolished. While most of the demolition orders had been served by local police to the affected families on 2 August, at least one household received the demolition order after their house had already been demolished.

According to information made available to Amnesty International, the delivery of the demolition orders was not followed by any other communication from local authorities. In addition, local authorities did not follow the safeguards required by international law, which include engaging in genuine consultation with the affected people to explore all feasible alternatives to evictions.

Acting under the threat that a failure to comply with the demolition orders would result in the loss of their properties, at least three families demolished their houses. The other 10-12 homes were demolished by bulldozers in the presence of local police and municipality officials. The local police

⁸ See enclosed report Amnesty International, “*Unsafe foundations. Secure the right to housing in Romania*” (Index: EUR 39/002/2012), p. 14.

⁹ See enclosed report Amnesty International, “*Unsafe foundations. Secure the right to housing in Romania*” (Index: EUR 39/002/2012), p. 14 – see “Henri Coandă Campus” in Constanța municipality.

¹⁰ See enclosed report Amnesty International, “*Pushed to the margins. Five stories of Roma forced evictions in Romania*” (Index: EUR 39/003/2013), p. 28 – 29.

had promised to the residents that they would be allowed to rebuild their houses in another part of the Craica settlement. Contrary to this commitment, the affected families were initially prevented from doing so. The prohibition was lifted only after the intervention of a local NGO.

To date, none of the forcibly evicted families have been provided with adequate alternative housing, compensation for the losses incurred during the demolitions, or with financial or material support to re-build their homes. Local sources told Amnesty International that, following the demolitions, the affected families slept in the open for between two weeks to one month until they were able to gather the necessary materials and finances to rebuild their homes.

During the visit to the area in December 2013, Amnesty International observed that the new makeshift homes built by the families did not provide them with adequate protection from the cold and adverse weather conditions. The quality of the new housing is lower than that of their previous homes; for example, the quality of the building material is poor, there is less insulation and living space is smaller. The affected families also lack security of tenure, as they have no documentation for the houses or the land they live on.

2) Forced eviction of approximately 100 Roma in Eforie Sud

Between September – October 2013, more than 20 families were forcibly evicted from their homes in Agricola Street in Eforie Sud municipality, in south-east Romania, and were left homeless.

On 27 September, after being served a 7-day notice, over 100 Roma living in Agricola Street, were forcibly evicted from the houses that they have been living in for more than 20 years. On 25 September, the families had initiated legal proceedings challenging the eviction order. However, local authorities, instead of halting the evictions pending the outcome of the judicial process, completely disregarded it and, on 27 September, police, gendarmes and local officials entered and started to demolish the houses of the Romani families. More than 20 houses were demolished in less than an hour and the residents lost most of their possessions. Residents included many children, pregnant women and people with medical conditions. Most of them did not have enough time to gather their belongings, and the little they did manage to save was left in the rain and got destroyed as no alternative housing was provided to the families.

The houses did not have construction authorisation, however local authorities had partially recognised that the families had some form of tenure. Some of the residents were registered and had identity documents stating their address as Agricola Street and they were connected to water and electricity. The eviction was not preceded by any consultation with the families to explore alternatives to evictions as required by international law and standards. Several families have lost many of their possessions during the demolition; yet, to date they have received no compensation both for the losses and the harm they have suffered so far.

On 30 September, several of the evicted families were told to move temporarily into a dilapidated school building nearby. Amnesty International visited the building on 17 October and observed that it did not comply with adequate housing requirements. Over 20 people shared one toilet and the only source of drinking water was a tap outside the building. The building had no heating, and no washing facilities and people were cooking on stoves they improvised themselves. Electricity was provided only between 7pm and 6am. The ceiling in all the rooms was leaking and in two of the rooms it was falling apart. The residents told Amnesty International that at night they were staying awake to prevent their children from being bitten by rats. According to information collected by Amnesty International, in March 2014 the situation remains unchanged with the only exception that the ceiling has been to some extent repaired. People remain in an uncertain tenure situation as no

papers were provided to them, and their access to basic services such as water, sanitation and heating remains highly inadequate.

Seven other families that did not want at that time to move into the dilapidated school building because of the dire conditions were in October 2013 squatting in an abandoned boarding school that is also inadequate. The ceiling and walls were leaking at the time of Amnesty International's visit, and just one water source was available to the families. No security of tenure was provided in these alternative locations and families were afraid that they might be evicted again in the spring of 2014.

Those who remained on Agricola Street suffered a second forced eviction on 11 October when local authorities and the police demolished the shelters the residents had improvised after the first forced eviction. Four of these families continued in March 2014 to remain at the location in shacks constructed from the leftover material, without heating, electricity or water. The municipal authorities did not offer any alternative housing to them.

Amnesty International is deeply concerned by recent media reports¹¹ published in February 2014 that the mayor of Eforie Sud has stated that the families will be evicted from their existing locations with no housing alternatives being offered.

RECOMMENDATIONS TO THE ROMANIAN AUTHORITIES

As recently as 15 October 2013, in a meeting with Amnesty International, the representatives of the Ministry of Labour, the Ministry of Regional Development and the Ministry of EU Funds admitted that forced evictions are indeed a problem in Romania. However, such acknowledgement has not been followed to date by the commitment to (a) legally prohibit forced evictions in all circumstances and (b) develop binding guidelines for local authorities that would oblige them to adopt safeguards against forced evictions in line with international human rights standards. The current Romanian legal framework continues to fall short of key requirements in relation to the right to adequate housing under the international law.

Amnesty International recommends that the Romanian authorities should:

- Guarantee in law that everyone has at least a minimum degree of security of tenure, which provides them with protection against forced evictions, harassment and other threats;
- Amend the Romanian housing legislation so that it expressly prohibits forced evictions and establish safeguards in line with international human rights standards which must be complied with before an eviction is carried out;
- Adopt national eviction guidelines which set out the process that must be followed for all evictions, which should include in particular requirements on genuine consultation, adequate notice and resettlement, in line with international human rights standards:

¹¹ "In pictures: No place for Roma", Al-Jazeera, published on 19 February and available at http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=OCCsQFjAA&url=http%3A%2F%2Fwww.aljazeera.com%2Findepth%2Finpictures%2F2014%2F02%2Fpictures-no-place-roma-201421895628758382.html&ei=1s8pU4aQNYKThQf55YGoDA&usg=AFQjCNH9Zol__9vxIBBCLVDXWID60Z00Rg&bvm=bv.62922401,d.bGQ

- Introduce mechanisms to monitor national and local authorities and ensure that they operate in accordance with Romania's Housing Law;
- Provide for effective remedies and reparations for anyone whose right to adequate housing has been violated, including through recourse to the courts where necessary;
- Ensure equal treatment for all in access to housing by amending the Housing Law to expressly prohibit segregation on the basis of race or any other form of discrimination;
- Design and adopt a national housing strategy that integrates the right to adequate housing and other related rights and ensures that vulnerable groups are sufficiently protected.

Amnesty International hopes that the enclosed reports and information will be of interest to the Committee, therefore, as it reviews the periodic reports of Romania. Please do not hesitate to be in contact should you have any queries about the documents and information enclosed.

Yours sincerely,

Tania Baldwin-Pask

Adviser, International Organizations