

'THEY WILL ONLY TAKE US AWAY FROM HERE WHEN WE ARE DEAD.'

Regina, resident of Primaverii Street, on the outskirts of Miercurea Ciuc, talking to Amnesty International in May 2009.

About 75 Roma people – including families with young children – have been living in metal cabins and shacks next to a sewage treatment plant since 2004. They were moved to the area, deemed unfit for human habitation, from a crumbling building in the centre of Miercurea Ciuc in Romania. They were told the move was temporary, and for their own safety. After more than five years, and various court cases, the continued violation of their right to adequate housing – among a host of other rights – is beginning to feel very permanent.

DISCRIMINATION DICTATING POLICY

There are almost 2.2 million Roma in Romania – making up about 10 per cent of the total population. Yet discrimination, both by public officials and society at large, remains widespread and entrenched, resulting in as many as 75 per cent of Roma living in poverty, as opposed to 24 per cent of Romanians in general and 20 per cent of ethnic Hungarians, the largest minority in Romania. Their levels of physical health and their living conditions are among the worst in the country. When they try to raise their voice concerning the discrimination affecting their own lives, they are often simply ignored.

Across the country, a pattern of forced evictions of Roma, and threatened forced evictions, perpetuates racial segregation. On the occasions when alternative housing is offered by the authorities, it is often built in very precarious conditions and lacks basic facilities such as water, heating or electricity. In recent years, Romani communities have been evicted and relocated next to garbage dumps, sewage treatment plants or industrial

areas on the outskirts of cities. When this happens, they don't just lose their homes, they lose also their possessions, their social networks and their access to work and state services. Other communities living near these areas rarely welcome their new neighbours and numerous instances of outright hostility and harassment towards the new arrivals have been reported.

When authorities evict Romani communities against their will, without adequate consultation, adequate notice or adequate alternative housing, they are violating the international and regional laws and standards, that the government of Romania has signed up to, such as the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights.

Although some Roma people live in permanent structures with legal tenancy, many other long-standing Romani dwellings are considered by the government as "temporary" and unofficial, and their inhabitants do not have any proof of tenancy, which exacerbates their vulnerability to eviction.

This is also contrary to the international and regional legal standards that require all people to have a minimum degree of security of tenure, guaranteeing them legal protection against forced eviction, harassment and other threats.

THE CASE OF THE RESIDENTS OF 27 PICTOR NAGY IMRE STREET

In 2004, more than 100 Roma were forcibly evicted by municipal authorities from a building located in the centre of Miercurea Ciuc – the capital city of Harghita County in central Romania. Most were resettled by the authorities on the outskirts of the town at the end of Primaverii Street, behind a sewage treatment plant. Some moved themselves to a garbage dump a couple of kilometres away, rather than move to the sewage plant.

Members of the community had been living at 27 Pictor Nagy Imre Street since the 1970s when one Romani family began to rent an apartment. By 2004, 12 Romani families had legal residence in the building, which was owned by the Miercurea Ciuc municipality. Over the years, other people



had moved into the building or built shacks in the yard without any form of legal tenancy. By 2004 more than 100 Roma were living either in the building or the yard with varying degrees of legal status. The authorities and the members of the community agree that the building was run down and no repairs had been carried out on the property for many years. Sandor, a Romani man who lived there for 30 years, told Amnesty International:

“Along the years the municipality did not make any maintenance work to the

house. We went to the municipality to ask them to intervene with structural repairs, but it was useless. The condition of the house started to deteriorate and many times we went to the municipality to inform them of the bad shape [of the house] but they said there was nothing they could do about it.”

The authorities began discussing the evacuation of the building in 2001 with the residents, saying they needed to move them for their own safety. But they did not carry out a full and informed

Eight metal cabins and 14 shacks next to the sewage treatment plant, still house 75 members of the Romani community in Miercurea Ciuc, after they were forcibly evicted from the centre of the city in July 2004.

consultation process with the community. The authorities bought eight mobile metal cabins elsewhere, and placed them next to the sewage plant, in readiness for their new inhabitants. In 2003, the municipal council approved the demolition of the

building. According to the families, the authorities assured them the cabins were a temporary solution and that proper housing would be made available in due course.

The eviction of people from Pictor Nagy Imre Street in June 2004 did not comply with international standards on safeguards to be followed in all cases of evictions, enshrined in the General Comment 7 of the UN Committee on Economic, Social and Cultural Rights. It was a forced eviction, which directly violates Romania's international and regional human rights obligations to prevent, refrain from and prohibit forced evictions.

WHAT IS A FORCED EVICTION

A forced eviction is the removal of people against their will from the homes or land they occupy, when that removal takes place without legal protection and other safeguards. Not every eviction that is carried out by force constitutes a forced eviction – if appropriate safeguards are followed, a lawful eviction that involves the use of force does not violate the prohibition on forced evictions.

In the intervening years between 2001 and 2004, the residents of Pictor Nagy Imre Street were given no opportunity to challenge the eviction decision. They were given no opportunity to engage with the decision-making process and influence their own future. The authorities also made no attempt to explore possible alternatives to the eviction. Even if after consultation the eviction was considered necessary due to the state of the building and the need to protect the occupants' safety, the affected community should have been given an opportunity to explore feasible alternative relocation sites. The authorities should have given them information on the proposed resettlement plans and consulted with them on such plans – in a meaningful manner, following proper consultation methods and protocols, to allow for genuine participation.

Amnesty International spoke to many of the Roma who had lived in the building. They said that they had not wanted to leave and that they had made it clear to the municipality representatives they met that they were not happy about the proposed transfer to metal mobile cabins next to the sewage treatment station. Most of those who finally accepted the move, did so on the understanding it was a temporary relocation until proper housing was built.

"The house at Pictor Nagy Imre was good. I had one room, a kitchen and a small storage room."

Gyongyi, January 2009

"When they came to inform us that we had to move they told us that we were going to be moved to Primaverii Street. [This] was the only option they offered. They said that if we didn't want to go to... Primaverii Street, then we would have to remain outside on the streets... because they wouldn't provide another house."

Sandor, January 2009

"It was just me and my family: seven children, me and my husband. I didn't like it, but it was better than staying in the streets."

Erzsébet, January 2009

According to the authorities, the information about the proposed relocation of the Roma next to the sewage treatment station had been communicated to them orally not long after the metal containers had been bought in 2001. Although the law requires written, detailed notification, including the date of the eviction, to be given to all the involved evictees sufficiently in advance, such measures have not been taken by the authorities.

According to the residents of Pictor Nagy Imre Street, only 24 hours' oral notice was given to the community before the eviction took place in June 2004. However, according to Romanian law, the evictees should receive an additional eight days to comply voluntarily with the notification. At the end of the eight days, they can be legally evicted by force. Therefore, the

Miercurea Ciuc authorities did not comply with either the standards of international law, or those of their own country.

"They came and said that we had to move the next day. Everyone gathered what they had and moved to the barracks. They gave us 24 hours to move. They said that if we don't come out they will come with the demolition machines and pull [the building] down anyway."

Sandor, January 2009

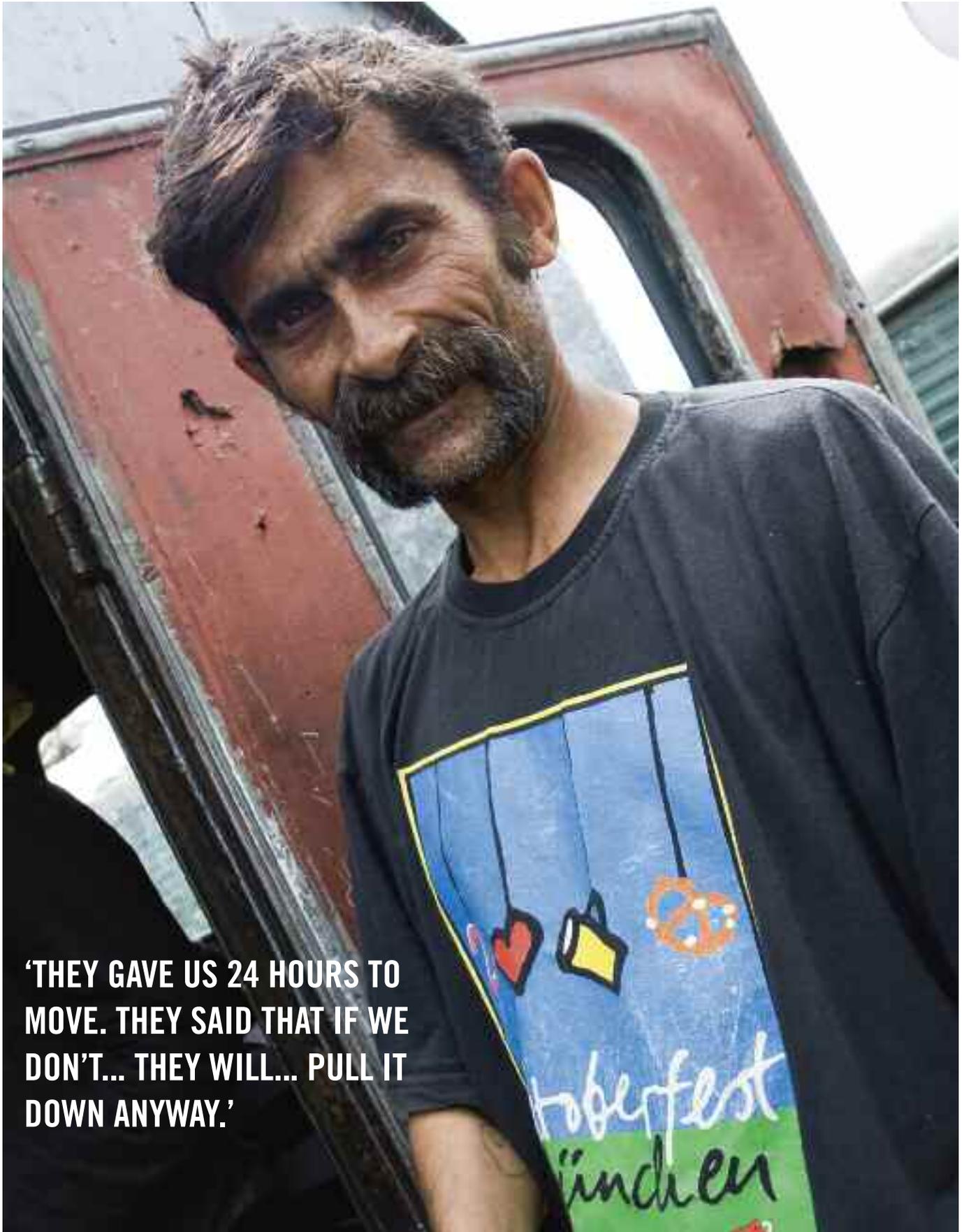
On the day of the eviction, representatives of the municipal authorities arrived at Pictor Nagy Imre Street. According to the authorities, most of the Roma at the building complied with the order and moved quietly to the location next to the sewage plant, assisted by the authorities. They reported that a few families did not want to leave the building, but did so when the local gendarmerie arrived.

The community's forced eviction not only caused them to move to an unfriendly and inadequate place but it also meant their eviction from the place they called home for numerous years and broke them away from their wider social networks.

"It was good. We had the possibility to buy on credit from a small store and we would pay when we had the money. The owner of the small shop gave me bread on credit for my children."

Erzsébet, January 2009

Sandor lives in one of the metal cabins next to the sewage treatment plant with his partner and three children.



**'THEY GAVE US 24 HOURS TO
MOVE. THEY SAID THAT IF WE
DON'T... THEY WILL... PULL IT
DOWN ANYWAY.'**



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FROM CITY DWELLERS TO SEWAGE PLANT OUTCASTS

Despite the fact that international and regional legal standards require that all people must have a minimum degree of security of tenure, guaranteeing them legal protection against forced eviction, harassment and other threats, those who had no legal residence rights in the building in the centre of town were not awarded any more security once they had been evicted.

Temporary contracts for the metal cabins were only assigned to those families that had been legally residing in the building on Pictor Nagy Imre Street. Others were provided no alternative accommodation but some chose to build shacks with material they collected themselves and live next to the metal cabins. Without any security of tenure, they are even more vulnerable to being moved on again with no consultation or redress. Authorities told Amnesty International that their stay there is tolerated despite a ban on construction next to the sewage plant because the shacks are “informal”.

Even for those with contracts, the relocation of the Romani families to Primaverii Street next to the sewage plant was supposed to be temporary. However, more than five years later, the evicted families continue

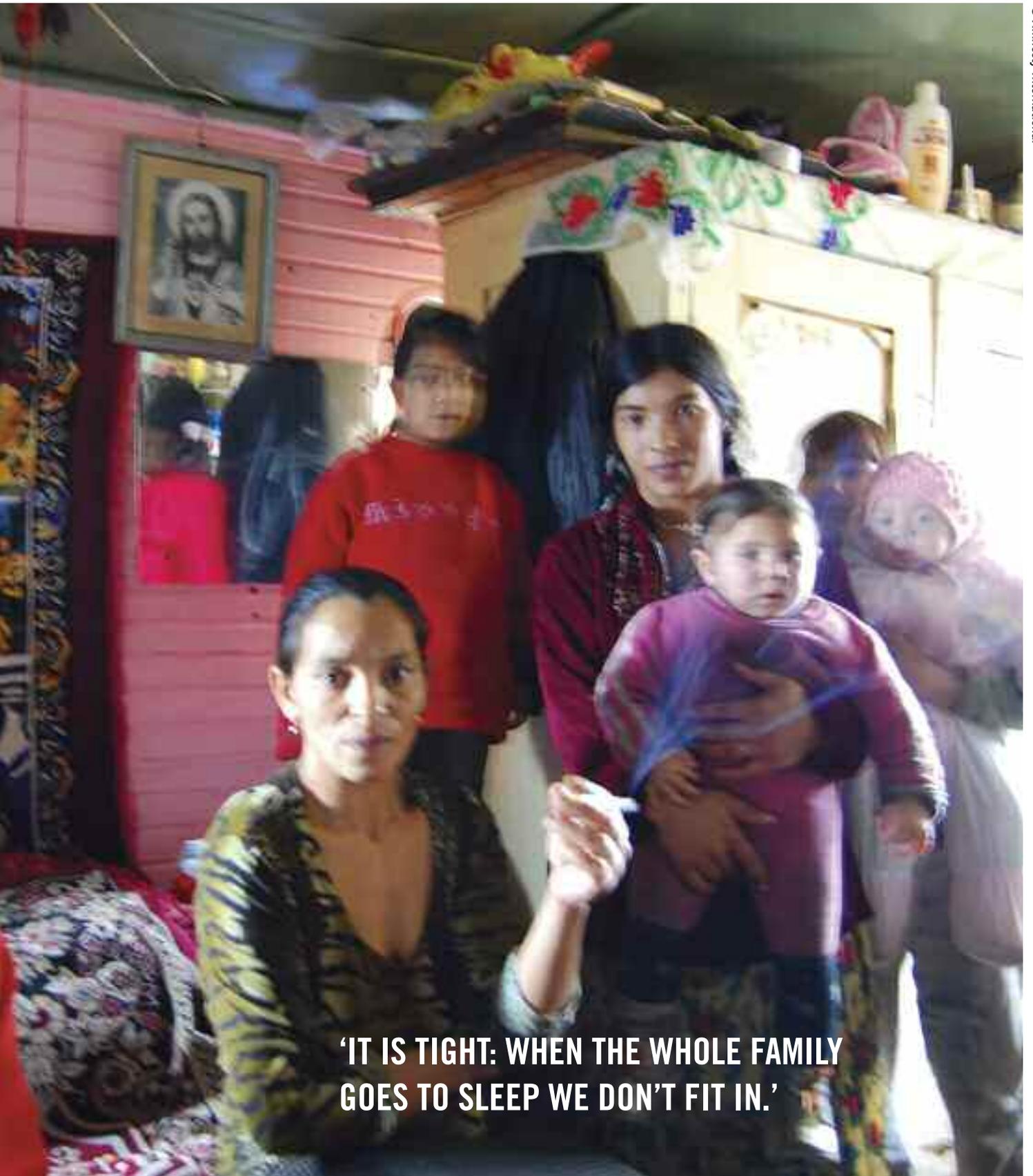
above: The metal cabins provided by the municipality for the evicted Roma are overcrowded and do not protect from rain or cold.

to live in extremely precarious conditions that do not fulfil the human right to adequate housing: legal security of tenure; availability of services, materials, facilities and infrastructure; location and habitability. They continue to be excluded, cast to the fringes of the city they call home.

The living conditions fuel discrimination against Roma and further exclude them from the rest of the society around them. It is hard enough for the Romani families to overcome racial discrimination against them in the country, but the situation for those who live by the sewage plant is exacerbated by the lack of facilities. The metal cabins are overcrowded and in many cases the number of people living in one cabin exceeds its six-person capacity, and the sanitation facilities are woefully inadequate, with only four toilet cubicles for the whole community, for example.

“It is tight: when the whole family goes to sleep we don’t fit in. We cannot take a bath; we cannot clean ourselves. It is too small. We don’t want the older girls to take a bath in front of their fathers.”

Erzsébet,, January 2009



**'IT IS TIGHT: WHEN THE WHOLE FAMILY
GOES TO SLEEP WE DON'T FIT IN.'**

Erszébet lives in a metal cabin next to the sewage treatment plant, with her partner and nine children.



Photography © Zsuzsanna Arde

"We need a house, where we can get up and wash ourselves. They don't let us anywhere, being this dirty; they say we stink. We want to be allowed in to places. In the winter we have to wash ourselves in cold water."

Tibor, May 2009

Members of the community say they have been complaining to the authorities repeatedly but that no one listens. The Mayor's office claims that efforts to relocate the community to new housing have failed as the city council did not approve a project to buy land and build new houses, following complaints by the neighbours who did not want to live next to the Roma.

above: Washing, playing and tending to animals all fight for space next to the sewage treatment plant.

THE RIGHT TO A HEALTHY ENVIRONMENT

"The houses fill up with that smell. At night also... the children cover their faces with the pillows. We don't want to eat when we [sense] the smell... I used to have another child, a boy, who died when he was four-months old... This is why I am frightened. I don't want to lose the rest of my children... I would like to move away from here; I don't need anything else."

Ilana, May 2009.

One of the main concerns over the location of the temporary metal cabins and shacks is how close they are to the sewage plant itself. They are within the 300-metre protection zone established by national law to separate human habitation from potential toxic hazards. A sign next to the cabins reads "Toxic Danger".

By national law, unless a study on the health impacts of the sewage plant is carried out, human habitation must be prohibited within 300 metres. The study can suggest expanding the protection zone, reduce it, or deem the area safe. This has not happened. The authorities have, therefore, directly placed the Romani community in an area that could be hazardous to their health and done nothing to investigate the potential danger. In doing so, they are violating the country's own law. In fact, in conversations with Amnesty International, the authorities claim it is their good will that allows Romani families to stay in an otherwise illegal area for habitation.

An unpleasant smell of human excreta – particularly unbearable in the summer – permeates the air around the metal cabins and shacks. Many Roma living there told Amnesty International about the direct



impact this smell had on their daily lives and their fears that it was hazardous to their and their families' health. They talked of a terrible fear that the smell indicated the presence of something extremely dangerous to their children.

"I would like to move away from here. People don't have appetite to eat here, especially small children."

Zita, May 2009.

"The smell, sometimes you can smell it over the city as well. That is why it says on that sign 'Infected area', but they don't care about it, they say, you are Roma, you die there."

Regina, May 2009

The cabins and shacks are connected to the electricity grid and there is one tap for drinking water. Garbage collection services are provided free by the municipality. Most

children from the community are bussed free of charge, to a segregated Roma-only school, where the authorities also provide meals. However, the conditions are still deeply inadequate for human habitation as neither the cabins nor the shacks provide enough space or protection from damp, heat, rain and wind. In winter, the temperature in Miercurea Ciuc can be below 15 °C. Although the municipality provides some wood for fire stoves, members of the community say it is not sufficient for an entire winter, so they resort to burning plastic bottles, and anything else they find, to generate heat. The metal containers suffer from lack of fresh air and do not offer protection from the cold.

Some of the roofs are inadequate against the rain and those that are more solid are still at risk from flooding. The Roma people Amnesty International spoke to said that

during the rainy season, the level of the stream passing behind the metal cabins rises and the water floods the cabins and shacks.

"It is a very bad situation. There is a stream there and when it rains, the level of the water rises and it even enters the barracks... the water comes to our knees. Last year... the water in one of the barracks was as high as my three year old daughter."

Sandor, January 2009.

"The river flooded out and came into the sheds. We took the water out from the house and we had to dig a gutter around it"

Csaba, May 2009.

above: Romani children play next to the sign on the fence of the plant which says "Toxic danger" in Romanian and Hungarian.



Photography © Zsuzsanna Ardo

The cabins and shacks are connected to the electricity grid. However, the conditions are still deeply inadequate for human habitation as neither the cabins nor the shacks provide enough space or protection from damp, heat, rain and wind.



GETTING ROMA VOICES HEARD

"I would like to live in better conditions, for me, for my family and for the whole community. Every child should get better conditions to live in. And people should understand us, [but] they treat us like animals, and they always close the doors when they see us."

Gabor, May 2009

Forced evictions are illegal and the residents therefore should have had the right to seek redress. The UN Committee on Economic, Social and Cultural Rights emphasizes the obligation of state authorities to provide legal remedies, and where possible, legal assistance to people who are in need of it to seek redress from the courts. To Amnesty International's knowledge, no one in the evicted community was provided with any state support to seek legal remedies against the municipal authorities' decision and actions.

On 23 August 2005, the National Council for Combating Discrimination, an independent body set up to monitor the implementation of the national anti-discrimination legislation, ruled that moving the Romani community next to the sewage plant was an act of discrimination, constituting a violation of both the right to private life and implicitly of the right to a healthy environment. The NCCD also ruled that the municipality of Miercurea Ciuc should be sanctioned with a fine, but for technical legal reasons this fine has not been applied. By the end of 2008, working with local NGOs, including Romani CRISS, the community of Pictor Nagy Imre Street had exhausted all national possibilities for redress.

So, in December 2008, the NGOs filed a complaint with the European Court of Human Rights, alleging violations of human rights enshrined in the European Convention on Human Rights.

A year later, the Romani community is still waiting for a decision on whether the complaint is admissible. Of the original 100 evicted from 27 Pictor Nagy Imre Street, none have been adequately rehoused. Those who took their chance with the garbage site still wait for their rights to be realized. Those 75 who took up the municipality's "temporary" metal cabins by the sewage plant, or built their own shacks, still wait. Many other Roma in Romania are also waiting for their legal rights to be enforced. Something needs to happen now. An example and a precedent must be set.

"We are gypsies and that is why they don't listen to us."

Monika, May 2009

above: Ilana lives in one of the shacks next to the sewage treatment plant with her partner and two children.

ACT NOW

FOR THE ROMANI COMMUNITY IN MIERCUREA CIUC:

Write to the Mayor of Miercurea Ciuc (Hungarian name Csíkszereda) and to the Vice-Mayor of Miercurea Ciuc, urging them to:

- Engage in a genuine consultation with members of the Romani community living in Primaverii Street – and those who moved next to the garbage dump – to identify a relocation site and alternative housing which comply with the requirements of international and regional human rights law and standards.
- Provide alternative and adequate housing for all Roma living on Primaverii Street, regardless of the nature of their tenancy, in a safe and healthy location.
- Devise a plan to facilitate the integration of the Roma within the broader community of Miercurea Ciuc.

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Photography © Zsuzsanna Ardo

Above: Romani girls with their drawings on “where would I like to live” following a workshop by Amnesty International in Miercurea Ciuc, Romania, May 2009.

RECOMMENDATIONS TO THE ROMANIAN AUTHORITIES

Amnesty International calls on the Government of Romania, in particular the Minister of Housing to:

- Ensure that all those who were forcibly evicted have access to effective remedies and the right to reparations, including restitution, rehabilitation, compensation, satisfaction and guarantee of non-repetition;
- Ensure that evictions are only carried out as a last resort after all other feasible alternatives to eviction have been explored and only when procedural protections required under international human rights law are in place;
- Put an end to all forced evictions;
- Revise the laws, policies and practices related to evictions to ensure that evictions that are carried out in conformity with procedural protections set out in international and regional law, and are not carried out in a discriminatory manner and that no individual or group, whether Roma or not Roma, suffers disproportionately from them;
- Reformulate and implement the housing legislation through the incorporation of international human rights standards into national laws, in particular General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights and the General Recommendation 27 on discrimination against Roma adopted by the UN Committee on the Elimination of Racial Discrimination, with particular attention to paragraphs 30 and 31 on housing.

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HUMAN RIGHT
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