



Summary Report

# **The State of Roma and Traveller Housing in the European Union**

## **Steps towards Equality**

March 2010

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# The State of Roma and Traveller Housing in the European Union

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## Introduction

In October 2009 the European Union Agency for Fundamental Rights (FRA) published<sup>1</sup> a comprehensive comparative report covering 24 Member States on the housing<sup>2</sup> conditions of Roma and Travellers in the EU and six case studies relating to housing projects in the Czech Republic, Ireland, Spain, Hungary, Slovakia, and the UK.

The research findings were presented at a roundtable<sup>3</sup> on Roma and Traveller housing organised by the FRA in Brussels with the participation of key stakeholders, such as the European Commission, the Committee of the Regions, the Council of Europe's Roma and Travellers Division, national level policy makers, equality bodies, local authorities, human rights organisations, architects and housing developers, as well as and the OSCE's ODIHR Contact Point on Roma and Sinti, the World Bank and the International Organization for Migration.

The aim of this report is to provide a summary overview of the current situation of Roma and Traveller housing in the EU, bringing together some findings from the FRA's published report on Roma and Traveller housing and data from EU-MIDIS.<sup>4</sup> During the Brussels Roundtable, where this research was publicly launched stakeholders pointed out that while many Member States have recognised the need to adopt Roma-specific initiatives for improving housing conditions, including the residential inclusion of Roma, action is lacking behind. In this context the present report also presents some of the proposals<sup>5</sup> made by stakeholders on further steps that could be taken in this respect.

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<sup>1</sup> The 'Housing Conditions of Roma and Travellers in the European Union: Comparative Report' and Case Studies on the Czech Republic, Hungary, Ireland, Slovakia, Spain, and the UK can be found on the website of the FRA available at: [http://www.fra.europa.eu/fraWebsite/products/publications\\_reports/pub-cr-roma-housing\\_en.htm](http://www.fra.europa.eu/fraWebsite/products/publications_reports/pub-cr-roma-housing_en.htm) (04.03.2010).

<sup>2</sup> In the context of this report, the term 'housing' is used to refer to all types of formal and informal accommodation, including houses, apartments, caravans, encampments, group housing, and informal types of housing. 'Roma' and 'Travellers' are used as umbrella terms, inclusive of the variety of groups such as Roma, Sinti, Gypsies, Jenische, and Travellers and their subdivisions without prejudice to the manner in which any of these groups present themselves.

<sup>3</sup> See <http://fra.europa.eu/fraWebsite/attachments/Roma-Housing-Draft-Agenda-201009.pdf> (04.03.2010).

<sup>4</sup> EU-MIDIS Data in Focus, Roma available at: [http://fra.europa.eu/fraWebsite/eu-midis/index\\_en.htm](http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm) (04.03.2010).

<sup>5</sup> The FRA's opinions can be found on p. 96 of the Comparative Report, available at: [http://fra.europa.eu/fraWebsite/attachments/Roma\\_Housing\\_Comparative-final\\_en.pdf](http://fra.europa.eu/fraWebsite/attachments/Roma_Housing_Comparative-final_en.pdf) (04.03.2010).

# 1. Understanding 'housing'

The right to housing is reflected in international human rights instruments since 1948, when this right was proclaimed in the Universal Declaration of Human Rights.<sup>6</sup> This right has since been reaffirmed in a number of international instruments. For example, the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>7</sup> calls upon States Parties to take all necessary steps to ensure the realisation of the right to adequate housing. Furthermore, the UN Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 4 on the right to adequate housing, elaborated on the elements of the right to housing. The Committee noted that this right does not refer simply to the existence of a 'roof over one's head', but that it "should be seen as the right to live somewhere in security, peace and dignity."<sup>8</sup>

In order for housing to be considered 'adequate' it must be of a particular quality and nature. Structurally, the shelter in question must be safe and of good quality so as to protect its inhabitants from the elements. The overall design, structure and location of accommodation should also cater for the cultural particularities of its inhabitants. Accordingly, where culture so provides, housing can consist in vehicles, such as caravans, or encampments. Housing must be appropriately connected to urban infrastructure, main roads, garbage collection public utilities and equipped to ensure proper sanitation, and of a suitable size relative to the number of occupants. It must be located away from sources of pollution or environmental hazards, and give proper access to public utilities such as water and electricity. It must also be located with sufficient access to public services such as schools, hospitals and places of work.

Since housing is intertwined with the general quality of life, it is necessary to appreciate that combating housing discrimination involves much more than merely providing shelter. Rather, it requires a holistic approach that facilitates access to education, health care, the labour market and social integration more broadly, while at the same time also addressing prejudice against Roma and Travellers.

Recognising the importance of the right to adequate housing, the Member States have accepted legally binding obligations at the level of the United Nations and

<sup>6</sup> According to Article 25.1, '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 [...]' UN General Assembly (1948), available at: <http://www.un.org/en/documents/udhr/> (04.03.2010).

<sup>7</sup> UN General Assembly (1966), Article 11(1), available at: <http://www2.ohchr.org/english/law/cescr.htm> (04.03.2010).

<sup>8</sup> CESCR (1990) General Comment 4, The right to adequate housing, available at: [http://www.unhchr.ch/tbs/doc.nsf/099b725fe87555ec8025670c004fc803/469f4d91a9378221c12563ed0053547e?OpenDocument#\\*%20Contained%20i](http://www.unhchr.ch/tbs/doc.nsf/099b725fe87555ec8025670c004fc803/469f4d91a9378221c12563ed0053547e?OpenDocument#*%20Contained%20i) (04.03.2010).

the Council of Europe to guarantee its implementation. Since the Member States have committed themselves to observing these standards they are taken as the starting point in commenting on the condition of Roma and Traveller housing. While EU law itself does not create an obligation on Member States to guarantee a right to adequate housing, it does through the Racial Equality Directive prohibit discrimination in access to and enjoyment of housing.

Where Roma and Travellers inhabit housing that is conspicuously ‘inadequate’ by comparison to that enjoyed by the majority population, this indicates a failure to observe the Racial Equality Directive as well as general human rights standards.

## 2. The State of Roma and Traveller housing

There is ample evidence that the quality and location of Roma and Traveller housing frequently fails to conform to these requirements. The inadequacy of housing is often linked to the problem of segregation. The existence of prejudicial attitudes on the part of public authorities and/or the general public, leads to the allocation of housing for Roma in areas separate from the majority population. Often these are low value sites, such as polluted land or adjacent to waste dumps or motorways, which creates health hazards. Segregation of Roma communities is not in the long term interest of public authorities that wish to develop their cities and neighbourhoods, particularly as segregated, underdeveloped city areas can lead to a decline in property values. Segregated Roma communities can also become easily identifiable targets for criminal violent attacks, as has been reported in Hungary, Italy,<sup>9</sup> Northern Ireland and Romania.

### Segregation

According to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD – Article 3) “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction” requiring States to guarantee the right to housing without distinction as to, for example, ethnic

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<sup>9</sup> FRA 2008, Incident report: Violent attacks against Roma in the Ponticelli district of Naples, Italy, available at: [http://fra.europa.eu/fraWebsite/products/publications\\_reports/incident\\_report\\_en.htm](http://fra.europa.eu/fraWebsite/products/publications_reports/incident_report_en.htm) (04.03.2010).

origin (Article 5 (e) (iii)). In addition the Committee on the Elimination of Racial Discrimination noted in its General Comment No 19 that "... a condition of partial segregation may also arise as an unintended by-product of the actions of private persons [...] without any initiative or direct involvement by the public authorities."<sup>10</sup>

The research found that Roma and Travellers live in segregated areas in several EU Member States, such as Bulgaria, the Czech Republic, Greece, Spain, France, Cyprus, Hungary, Italy, Lithuania, Poland, Portugal, Romania, Slovenia and Slovakia. In other Member States Roma often live with other minority groups, particularly immigrants, in socially deprived areas of low quality housing, such as Belgium, Denmark, Portugal and Sweden.

Localities (e.g. a collection of streets) or settlements (e.g. village or encampment) that are inhabited exclusively or to a large extent by Roma or Travellers can be described as 'segregated' areas.

There is no evidence to suggest that examples of segregation across the EU result from specific laws requiring racial separation. Rather segregation tends to occur through administrative practices, namely that local authorities allocate housing to Roma and Travellers in specific areas. In some situations, this appears to be benevolently intended as a means of respecting the communal aspect of Roma and Traveller culture.

The attitude of the public has an important impact on housing policy, since even those public administrations or private housing development businesses that wish to implement non-discriminatory measures often face public opposition. There are frequent accounts of non-Roma residents pressuring local authorities to prevent the settlement of Roma or Traveller communities in close proximity, or integration of Roma into majority areas. Segregation also seems to have resulted as a consequence of the attitudes of private landlords who refuse accommodation to Roma and Travellers either because of their own prejudice or in order to avoid attracting the hostility of non-Roma/Traveller neighbours and tenants. Nevertheless there are indications that public attitudes may be changing, for instance in Bulgaria.

Positive initiatives have occurred in some Member States. For instance, in Hungary the authorities for all major towns and cities are obliged to develop desegregation plans, and this has become a conditionality of granting funds for urban planning. Examples of housing integration projects can also be found in the Czech Republic, Spain and Slovakia. In this way Roma and Travellers

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<sup>10</sup> Article 3 is elaborated upon by CERD (1995) General Recommendation No. 19, Racial Segregation and Apartheid, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/18c91e92601301fbc12563ee004c45b6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/18c91e92601301fbc12563ee004c45b6?Opendocument) (04.03.2010).

benefit both from improved quality housing, but also the gradual elimination of segregation, which in turn benefits the entire economy of a city.

## Steps towards equality proposed by stakeholders:

*Stakeholders attending the FRA Roundtable on Roma and Housing suggested that Roma and Traveller settlements and localities should enjoy access to public utilities and an adequate residential infrastructure on equal footing with the rest of the population. In addition, they said, authorities could consider integrating Roma into majority population communities as an alternative to improving segregated areas.*

*They also argued that funds disbursed at the European, national and regional level for housing activities should be conditioned on the existence of equality and non-discrimination driven integration strategies and implementations of housing projects with a strong desegregation component.*

*Following positive examples in several Member States, stakeholders said that measures to improve housing should be taken in conjunction with initiatives to promote the integration of Roma and Travellers through desegregation, education, vocational training and employment opportunities, which will lead to greater self-sufficiency. Projects to improve the situation of Roma and Travellers should be designed and implemented with their active participation.*

*Finally, stakeholders argued that there is a clear need to challenge prejudicial attitudes given the public pressure on housing planning decisions. In this context they suggested that local authorities could be more active in addressing racism and in particular violent racist incidents against Roma.*

## Quality of housing

Housing occupied by Roma does not tend to be regularly maintained by public or private landlords, and informal or unauthorised settlements are often constructed from recovered waste materials such as cardboard or plastic. Overcrowding is also common. This creates a higher risk of health problems, which are sometimes fatal. It is possible, though, to point to renovation projects in several Member States, such as Germany, Spain, Hungary and Slovakia.

Roma settlements often have limited access to public utilities, such as clean drinking water, waste disposal, connection to sewage pipes, electricity or gas supplies. Unauthorised settlements are likely to have no or little connection to utilities at all. While Roma living in urban areas are more likely to benefit from

the infrastructure that is available to the general public, those living in more separate settlements do not appear to have received investment in their own right. In some Member States, for example in Romania, this is particularly acute, where around three quarters of Roma settlements are without access to gas, sewage disposal or a water source in the home. These shortages lead to lower levels of health and are especially hazardous in the case of disease outbreaks.

Roma settlements or suburbs are often significantly less served by public transport or adequate roads or pavements than majority areas. This means that they are often not sufficiently connected to public services for health and education, or to job opportunities. This in turn creates difficulties in escaping marginalisation and poverty. For instance, in Slovakia it has been found that among segregated communities up to 44 per cent of children failed to complete primary education, compared with 24 per cent in mixed settlements. In the UK it has been noted that 68 per cent of Traveller sites are located over one kilometre away from primary schools. Similarly, in Hungary it was found that around 200 villages mainly populated by Roma had no workplaces and no public transport to facilitate commuting to work. There is also evidence to suggest that in some Member States it is common for job applications with addresses in Roma areas to be rejected outright.

Accommodation and sites provided by public authorities often fail to take cultural requirements into account, even where projects are well intentioned. For instance, public housing designed specifically for Travellers has sometimes not reflected the traditional requirement that toilets not be located adjacent to kitchens, or has sometimes been based on romanticised and inaccurate notions of the requirements of modern Traveller life, such as wooden houses with unusually-shaped interiors. Furthermore, the shortage of sites for nomadic Roma and Travellers together with the difficulties associated with unauthorised sites has forced some to forfeit their itinerant way of life and move to more conventional settled accommodation. This in turn has led to disconnection from family and social isolation.

The conditions referred to tend to be worse for Roma and Travellers who are either from outside the EU or from other Member States, since often only nationals are entitled to public assistance. As a consequence non-nationals are far more likely to reside in unauthorised and informal encampments or abandoned buildings with the attendant consequences of not being able to access public services and utilities and vulnerability to eviction.

## Steps towards equality proposed by stakeholders:

*According to stakeholders, where authorities provide sites for settlement they should ensure that these are safe and habitable. An adequate number of authorised sites, with safe and habitable shelter, should be made available in order to limit recourse to informal encampments, which are frequently of dangerously poor quality.*

*They also proposed that authorities should use existing UN and Council of Europe standards in the design of housing policies and urban development projects.*

## Protection against eviction

Landlords and landowners have the right to decide who can inhabit their property. However, this must be balanced against the rights of individuals who live in accommodation or on land that they do not own. The instability and uncertainty associated with losing one's home can interfere with all other aspects of life, for instance interrupting schooling and employment. For this reason European and international human rights standards guarantee protection against eviction obliging States to guarantee "security of tenure" as part of the right to adequate housing.

*Security of tenure* refers to the protection available to someone inhabiting housing that they do not own. It provides safeguards for those who either rent property or have settled on another's land without proper permission.

Security of tenure does not mean that evictions are illegal. It simply obliges the State to make sure that certain procedures are followed. This means that a landlord is perfectly entitled to remove tenants where they break their agreement in some way, such as damaging the property or failing to pay rent or where the rental agreement comes to an end. However, it also means that tenants must receive prior notice of, and must have the opportunity to oppose, an eviction or claim compensation through the courts if it is unlawful in some way. Where evictions are planned by public authorities these are under an additional obligation to consult inhabitants in advance and provide alternative accommodation, if the residents cannot afford to fund replacement housing themselves. Eviction orders should not be enforced during inclement weather or during the night. It should also be noted that where evictions are carried out in a discriminatory manner – for instance if a private landlord or local authority

selectively ends the tenancies of Roma occupants – then even if the correct procedures are followed, this eviction will also be considered unlawful.

Eviction of Roma and Travellers is a frequent occurrence in the EU. This is reported to occur through selective non-renewal of tenancy agreements, removing access to property (e.g. changing locks or taking away keys), threatened or actual physically forceful or violent removal of people from their accommodation. At times forceful removal occurs in large numbers where inhabitants of entire settlements are evicted and property is taken or destroyed.

Because many Roma and Travellers have a low income they often rent property from public and private landlords. This makes them particularly vulnerable to and frequent victims of, evictions.

Frequently rental agreements with Roma consist of short-term contracts or informal agreements leaving tenants with little long term certainty or stability. A related problem is that rental property may become unaffordable. For instance, landlords in some areas are reported to capitalise on the reluctance of other owners to rent to Roma and Travellers by charging disproportionately high rents. This in turn makes it harder to cover rental costs and means eviction is more likely. It was found that in some Member States private and public landlords were content to allow large arrears on rental payments to accumulate. This made those who had difficulties in organising their finances vulnerable to eviction.

The easiest means of preventing eviction is to purchase property. The fact that many Roma and Travellers do not have ready access to the labour market and rely on social security payments makes this particularly difficult. However, authorities in parts of some Member States have introduced initiatives facilitating home ownership. For instance:

- a. **Hungary.** Here a number of ‘nest-houses’ were rented to young Roma families by public authorities. Alongside rent they made an additional payment towards accumulating savings to purchase a new home in the future. Once the family purchased another home a new Roma family would move into the ‘nest-house’ and the process would begin again.
- b. **Spain.** In a scheme available to families living in slums or substandard housing, the public authorities fund up to 45 per cent of the cost of purchasing a new property while the tenants undertake to repay the remaining mortgage.

Some Roma and Traveller groups are itinerant, changing their location every few years. In order to ensure that accommodation is culturally adequate, public authorities should provide a sufficient number of authorised and adequately equipped halting sites. The principal problem is that an insufficient number of such public sites exist. More importantly, it means that Roma and Traveller

groups are left with little choice but to settle elsewhere without permission, which makes them vulnerable to eviction and sometimes to criminal prosecution.

The lack of authorised sites makes it inevitable that Roma and Travellers are more vulnerable to eviction on grounds of trespass. In some Member States unauthorised settlements are demolished without warning and accompanied by incidences of violence and intimidation. In other Member States inhabitants are open to criminal prosecution.

In some Member States there is an opportunity to contest a planned eviction since the private or public landlord is obliged to seek a judicial order. However in some Member States, and where a public authority owns the land, these may issue eviction orders themselves. This means that it may not be possible to contest the order until after it has been executed. Although public authorities in Member States where insufficient sites exist cite the lack of resources or suitable plots as the chief reason for the shortfall, in practice this is more likely to be due to opposition from the local non-Traveller population.

## Steps towards equality proposed by stakeholders:

*At the Roundtable on Roma Housing, Stakeholders noting that failure to pay rent is a common reason for evictions proposed that authorities should adopt measures to ensure the affordability of accommodation, including home ownership schemes, rent control, or receiver schemes, such as the payment of rent and utility bills direct to the landlord or other third party entrusted by public authorities. They also suggested that tenants should also be given an opportunity to contest evictions before a binding court decision reminding that in case of evictions public authorities must provide alternative accommodation.*

*Stakeholders also argued that authorities could introduce a generalised 'moratorium' on evictions from unauthorised sites pending a review to determine whether there is sufficient national provision: where a shortage of authorised sites is found authorities could consider legalising unauthorised sites; where primary responsibility for housing and planning rests with local authorities, national authorities should use all available means to ensure that these make sufficient sites available. Finally, they proposed that a specialised expert task force could be formed to monitor eviction practices across the EU.*

## Lessons from housing projects

The six Case Studies commissioned by the FRA on projects in the Czech Republic, Ireland, Spain, Hungary, Slovakia and the UK show that authorities in parts of these Member States have recognised the need for a holistic approach, which includes promoting desegregation and social integration. Desegregation is important in order to allow Roma and Travellers the opportunity to access public services and employment. Authorities can also assist in social integration by providing support for children to join the mainstream education system and adults to undertake vocational training, as well as assisting adults in finding employment. This can facilitate self-sufficiency and alter public attitudes over time. Viewing the Case Studies together, it is possible to pick out those elements that are particularly important to the success of a holistic housing strategy.

## Steps towards equality proposed by stakeholders:

*Stakeholders stressed at the FRA Roundtable that the involvement of Roma/Traveller beneficiaries is essential from the stage of conception and design of projects, continuing through to implementation. This ensures that their needs are met and creates a sense of ownership. Therefore, adequate support should be made available to facilitate consultation with Roma/Traveller beneficiaries, either through the mediation of an NGO or the appointment and training of members of the communities themselves.*

*Furthermore, assessment of the needs of beneficiaries should go beyond the question of housing and include educational, health and employment needs. These considerations should be taken into account when locating and implementing housing projects. Provision should therefore be made to facilitate integration of beneficiaries into the mainstream education system, to offer educational and training opportunities to adults and assistance in finding suitable employment. This could include employing beneficiaries during the consultation and construction phases of the projects.*

*Stakeholders also noted that dialogue between the Roma/Traveller beneficiaries and the local community should be facilitated in order to dispel prejudices and reduce potential tensions. In particular efforts should be made to provide the media with adequate information and to encourage balanced reporting.*

*Clear, common, EU-wide indicators, targets and benchmarks should be established with the means to monitor and assess the implementation of Roma and Traveller housing policies and action plans in order to ensure the proper allocation of resources would improve use of resources.*

*Additionally, stakeholders suggested that national authorities could consider providing incentives for local authorities, including facilitating shared funding of housing integration projects with NGOs and housing associations.*

*Finally, stakeholders proposed that authorities could consider developing housing projects aimed simultaneously at members of the majority population as well as Roma and Travellers in order to facilitate integration.*

### 3. Multiple discrimination

Human beings are defined by the collection of various characteristics whether these are physical or psychological. Sometimes a person may possess more than one characteristic that places them at a disadvantage relative to the majority population such as their age, ethnic origin, race, sex, sexual orientation, or disability. This has two consequences: to aggravate the vulnerability of that individual; and to complicate the possible solutions that may redress the difficulties encountered.

In this way Roma and Travellers, who are already subject to discrimination on grounds of their ethnic origin, may be further disadvantaged by other characteristics. In particular it was found that those Roma and Travellers experiencing reduced mobility, through old age and physical disability, suffered even greater disadvantage than other members of the group. Two of the characteristics of Roma and Traveller accommodation, low quality and lack of infrastructure, have a disproportionate impact on those facing these challenges. In an immediate sense this has a significant effect on their ability to move around accommodation. At a very basic level it appears that authorities are not geared towards taking this into account, for instance allocating housing without ramps or lift access to disabled Roma. However it also accentuates problems stemming from poor infrastructure such as access to schools for disabled children, or access to support services for the disabled and elderly. Next to affecting the quality of life of these individuals this can also interfere with the ability of family members to pursue employment since they themselves have to adopt the role of carers where their relatives are unable to access State help.

Furthermore, both the elderly and women face difficulty in obtaining housing. In some Member States banks are reluctant to offer mortgages to applicants over the working age and Roma women, who often do not enjoy equal pay to non-Roma women or men, find themselves unable to accumulate sufficient resources to purchase or rent property. The existence of multiple discrimination shows that the goal of changing public attitudes towards Roma and Travellers cannot be pursued in isolation from challenging prejudice towards other vulnerable groups in society.

At the same time, some interviewees reported that where there was no issue of racial or ethnic discrimination, elderly Roma and Travellers and those with disabilities were attractive to landlords when they were in receipt of state benefits since this represented a secure and stable income. This does not of itself resolve the difficulties that these individuals may face in terms of mobility and accessibility.

## Steps towards equality proposed by stakeholders:

*Stakeholders attending the FRA Roundtable on Roma housing found that more and better quality data disaggregated by ethnicity, gender, age, and disability is required in order to understand the extent and nature of multiple discrimination.*

*They suggested that public authorities involved in the planning and regulation of housing provision should ensure that both social housing and privately owned accommodation caters for, or is capable of being adapted to, the needs of those with reduced mobility. This includes both a suitable internal design and an appropriate geographic location that ensures the accessibility of amenities and services.*

*Stakeholders proposed that in order to guarantee full equality, discrimination on grounds of ethnic origin should be addressed in conjunction with other grounds ensuring that vulnerable elements of the Roma and Traveller communities could benefit equally from improvements in access to and enjoyment of housing.*

*Finally, stakeholders asked that NGOs working in this area be supported to develop capacity to address other grounds of discrimination experienced by vulnerable groups within Roma and Traveller communities. In this context, they said, authorities should consider adopting integrated strategies to equality where sight is not lost of all other grounds of discrimination even when one ground forms the focus for action.*

## 4. Implementing equality legislation

Introducing equality legislation cannot, by itself, combat discrimination. In order to be effective potential victims must be aware of its existence and how to access protection mechanisms. Discrimination against Roma and Travellers is well documented, and evidence suggests it to be widespread, but the exact scale is not clear. Between 2000 and 2009 approximately 550 housing-related complaints were filed with national equality bodies or Ombudsperson offices across the EU. It is not plausible to interpret this low figure to suggest that discrimination against Roma and Travellers in the context of housing is negligible. Firstly, this interpretation would run counter to consistent reports of European and other international monitoring bodies indicating widespread discrimination. Secondly, 376 of the 550 complaints were accounted for by only two Member States namely Ireland and Finland.

These low numbers, coupled with uneven distribution would suggest that the lack of complaints across the EU is related to a lack of rights awareness. That is, those experiencing discrimination are not actually going on to report it because they do not realise it is unlawful, they do not know how to report it, or they do not believe that reporting it will make a difference. This interpretation is supported by the findings of the FRA's EU-MIDIS reports, where Roma were interviewed across seven Member States (Bulgaria, Czech Republic, Greece, Hungary, Poland, Romania and Slovakia). This survey showed that only 11.5 per cent of those Roma experiencing discrimination over the preceding 12-month period actually chose to report it. There appear to be at least three reasons for under-reporting:

- a. **Doubts over effectiveness.** The majority of those who did not report these incidences stated that this was in part because they believed that nothing would be achieved by doing so. A quarter of respondents were also concerned that reporting would result in making the situation worse. Sixteen per cent feared that they might be subject to reprisals.
- b. **Lack of awareness.** There appears to be generalised ignorance of existing legal protection. Only around one quarter of interviewees said that they were aware of legislation prohibiting racial and ethnic discrimination. Around half of respondents did not even know of the existence of such legislation, and the remaining quarter was unsure if such legislation existed. The research findings show that vulnerable groups who are most in need of protection are themselves unlikely to be aware of its existence or to actually make use of it.
- c. **Delays and limited implementation.** The Racial Equality Directive required the establishment of bodies responsible for the promoting racial equality by the end of 2003. Although all Member States have now established these bodies, and many of them have also been given the authority to settle individual complaints, some have only become

operational very recently, and even then the equality legislation of some Member States has not been amended to prohibit discrimination in the context of housing. This has slowed potential awareness-raising activities by equality bodies and limited the scope of protection that they can offer.

## Steps towards equality proposed by stakeholders:

*The stakeholders attending the FRA Roundtable on Roma housing suggested that national and local authorities should ensure that Roma and Travellers are more aware of their right to equality under national and European law, and how to exercise this.*

*In order to achieve this, they said, national and local authorities should ensure that the basic tenets of equality legislation are integrated into national policies. Where local authorities are primarily responsible for the implementation of housing policy relevant staff should receive adequate training and guidance. Furthermore, they noted that national and local authorities should ensure that private landlords also abide with equality legislation.*

*Equality bodies in at least ten Member States appear to be actively engaged in some way with the Roma and Traveller communities, ranging from including Roma members on their boards, conducting research and awareness-raising on Roma issues or assigning dedicated staff to deal with Roma issues. This, stakeholders suggested, should be encouraged among all equality bodies in Member States with significant Roma and Traveller populations, and sufficient resources should be allocated to equality bodies to enable them to perform such tasks.*

*In this context, stakeholders proposed that authorities should consider granting all equality bodies the ability to issue binding decisions in cases of racial or ethnic discrimination brought before them.*

*Finally, they suggested that authorities should assess the impact of the economic crisis on the effective implementation of equality and social inclusion policies and consider innovative and inter-state cooperation and EU support as well participation in forums for the exchange of positive experiences on Roma integration programmes.*

## 5. Creating an evidence base for policy making

The range and nature of the problems faced by Roma and Travellers in the context of housing is clear. However, the scale of these difficulties is less apparent. This is owed in great part to the absence of data collection by Member States. Where data relating to access to and enjoyment of housing is collected it is not disaggregated according to ethnicity or other grounds among the Member States surveyed. It is consequently not possible to pinpoint the extent to which particular issues face Roma and Travellers as opposed to other social groups.

The lack of disaggregated data also creates difficulties in tracking the challenges faced by vulnerable elements within Roma and Traveller society, such as the elderly, disabled persons or women. While there is evidence suggesting that these ‘minorities within a minority’ suffer cumulative disadvantages, again the scale of the problem is unknown. To determine this, data should be collected and not only disaggregated along lines of ethnicity, but also along lines of age, religion, disability and sex.

One of the barriers to the collection of information relating to sensitive personal characteristics such as ethnic origin, religion, age, disability or sex is a mistaken understanding that this is prohibited by data protection rules. However, it should be noted that this is not the case, provided that sufficient safeguards are in place in order to ensure that an individual’s privacy is respected. Data protection law is important to protect individual privacy, but should not be interpreted in such a way as to create a barrier to protecting other rights. Indeed, it is only with this depth of information that policy-makers can acquire a thorough appreciation of the difficulties facing Roma and Travellers. Acquiring this data would place Member States, the EU and civil society organisations in a position to fully understand the extent of resources and coordination required to redress the situation, as well as allowing policies to be tailored with greater precision.

### Steps towards equality proposed by stakeholders:

*The stakeholders attending the FRA Roundtable on Roma Housing suggested that authorities should adequately resource data collection mechanisms in the field of housing and include disaggregated data while ensuring adequate safeguards with respect for data protection legislation. This, they said, should be supported by national authorities and the European Commission through the*

*collection and exchange of disaggregated data while fully respecting data protection legislation. The European Commission could also facilitate exchange of data and good practice and consider establishing common indicators in order to facilitate comparison between Member States.*

*Stakeholders also suggested that the Fundamental Rights Agency conducts further research and engages in more data collection, stakeholder consultation and awareness raising activities, in order to allow for a regular update on steps to equality for Roma and Travellers in the field of housing in the EU.*

## 6. Conclusions

The FRA research provided evidence of widespread discrimination against Roma and Travellers in access to and enjoyment of housing across the EU. This is incompatible with the Member States' obligations under the Racial Equality Directive, as well as other European and international human rights standards.

As the FRA's EU-MIDIS survey data indicates, Roma and Travellers appear to be largely unaware of the laws protecting their rights and of the recourse available to them in countering discrimination. Indeed, many of them indicated that regardless of the existence of remedies, they did not believe that these could ever be effective. The limited number of complaints the national equality bodies have received is a testament to this. Therefore, a proactive approach to raising awareness in this area is clearly required.

Roma and Traveller communities tend to enjoy relatively low standards of housing. This includes housing that is located in unsafe areas, made with materials of substandard quality, that are often overcrowded, with inadequate connection to public utilities, and with inadequate access to services and employment. Communities are frequently separated from the majority population. This situation can perpetuate social marginalisation and poverty.

Segregation, regardless of the type of settlement is evident in many Member States, sometimes as a result of government policy and sometimes as the result of economic pressure, local government or private action or the hostility of non-Roma populations. Racial segregation severely limits the enjoyment of equal access to education, employment for many Roma and Travellers.

Roma and Travellers are vulnerable to, and frequent victims of, evictions. Firstly, an inadequate number of authorised sites exist for nomadic Roma and Travellers, obliging them to settle on unauthorised land. Secondly, the relatively low income among Roma and Travellers means that they tend to rent

accommodation, often under short term or informal agreements. Such arrangements make them vulnerable to eviction with little or no notice.

In most Member States the decision-making power on housing issues lies with the local authorities. They therefore have a responsibility to ensure that the principles of equality and non-discrimination are taken into account in determining access to social housing, in the implementation of national housing programmes and in drafting of city plans and zoning restrictions. National authorities frequently bestow the primary role in implementing Roma and Traveller housing programmes upon local authorities. While a sound choice in principle, this approach ignores the harsh reality that the local authorities themselves are often the reason for the programmes' ineffectiveness as they are reluctant to embrace and implement available programming, treating Roma and Travellers as 'unwelcome guests', a reaction prompted by the prevailing prejudice of sections of local communities.

In addition to racial or ethnic discrimination, Roma and Travellers with other vulnerabilities, such as the elderly, women or the disabled, experience further discrimination on these grounds. However, it is possible to draw only cursory conclusions regarding the relationship between multiple discrimination and the housing situation of Roma/Travellers due to a lack of data disaggregated by ethnicity and other characteristics such as gender, age or disability.

While the nature of the challenges facing the Roma and Travellers is clear, inadequate data especially disaggregated data exists to judge the extent of this.

European Commission

European Union Agency for Fundamental Rights

**The State of Roma and Traveller Housing in the European Union  
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**Summary Report**

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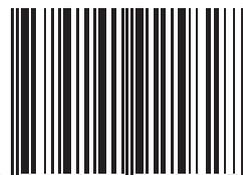
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